



**HOUSE OF KEYS
OFFICIAL REPORT**

**RECORTYS OIKOIL
Y CHIARE AS FEED**

**PROCEEDINGS
DAALTYN
(HANSARD)**

Douglas, Tuesday, 26th April 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); 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 (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

	<i>Page</i>
Leave of absence granted.....□	467
1. Questions for Oral Answer	
1. Operation 'Centurion' – Progress report	467
2. Onchan Primary School 'pre-school' and improvements – Progress report	469
3. Onchan School nursery education – Plans for development.....	470
4. Public notices: 'Local Authorities – Why Change?' – Budget and further plans.....	471
5. Incinerator – Minimum capacity, medical waste and financial penalties.....	475
Standing Order 43(2) suspended to permit remaining Oral Questions to be answered.....	477
6. Public notices re local authority rating – Purpose, cost; DoLGE officers' salaries.....	477
7. Archallagan landfill Special Planning Inquiry – Rescheduling and exclusion of Marown from press notification.....□	479
8. Civil Service Pension Scheme – Responsibility and amendments	481
9. Disclosure Regulations – Duties to Pension Scheme members	482
10. Pension schemes – Presentations re 'uncertainties' to scheme members.....	483
11. Government Officers' Association – Statutory obligations of Civil Service Commission	485
12. Second pension schemes – Superannuation charge	486
Use of Questions to make statements – Statement by the Speaker.....	487
2. Questions for Written Answer	
1. Electricity Act 1996 – Amendment Bill to restore accountability of MEA Directors.....	487
2. Prospectuses for MEA bond issues – Publication and obtaining copies	488
3. Special Branch – Functions, responsibilities, duties and training.....	488
4. Special Branch Officers – Numbers deployed at Manx air and sea ports, past, present and future.....	488
5. Special Branch resources – Responsibility for deployment.....	489
6. Community Occupational Therapy Service – Waiting times and improvements	489
7. Civil Service pension schemes – Circulation of list to Members	489
8. 1999 Water Authority Bond prospectus – Publication and obtaining copies	489
Treasury concurrence for Private Members' Bills – Ruling by the Speaker.....	490
Orders of the Day	
3.1 A Bill to amend law relating to sexual offenders – Leave to introduce granted	491
4. Standing Orders Committee of the House – Mr Teare elected	493
5. Election to Select Committee on Voluntary Euthanasia – Motion made not to fill vacancy – Motion carried	494

The House adjourned at 12.46 p.m.

House of Keys

The House met at 10.00 a.m.

[MR SPEAKER *in the Chair*]

PRAYERS

The Chaplain of the House of Keys

LEAVE OF ABSENCE GRANTED

The Speaker: Hon. Members, I have granted leave of absence to the Hon. Member for Garff, Mr Rodan.

Questions for Oral Answer

HOME AFFAIRS

Operation 'Centurion' Progress report

1.1. The Hon. Member for Onchan (Mr Earnshaw) to ask the Minister for Home Affairs:

Will you provide a progress report on operation 'Centurion'?

The Speaker: Hon. Members, we go on to the first Item on our Order Paper, Questions for Oral Answer. We go to Question 1, and I call on the Hon. Member for Onchan, Mr Earnshaw.

Mr Earnshaw: Thank you, Mr Speaker. I beg to ask the Question standing in my name.

The Speaker: I call on the Hon. Member for Douglas East, Mr Braidwood, Minister for Home Affairs, to reply.

The Minister for Home Affairs (Mr Braidwood): Thank you, Mr Speaker.

Project Centurion has now been running for the best part of two and a half years and has produced some very impressive results. As Members will know, the Project aimed to reduce anti-social behaviour in a prescribed geographic area that largely focused on the promenade and North Quay regions within Douglas. The Project has been successful on two main fronts, the most obvious of which is the reduction in crime.

Mr Speaker, in 2002-03, there were 1,346 crimes recorded, from the Project Centurion area. In the year ending 31st March 2005, there were 884 crimes recorded. This represents a reduction of 34.3 per cent. This is very

positive, Mr Speaker.

I am pleased to give Hon. Members further insight into the reductions in crime, during this same period, by mentioning the reductions achieved in certain categories of crime.

For example, violence is reduced from 200 reported cases to 161, showing a fall of 19.5 per cent. Theft offences have reduced from 467 to 335, showing a fall of 28.2 per cent and, Mr Speaker, in terms of criminal damage, which has perhaps blighted the area hitherto, the number of offences has reduced from 301 to 142, showing a reduction of no less than 52.9 per cent.

The second arena in which considerable success has been achieved is not measured in data, but in relationships. The Project has brought together many people from different agencies and interests, and I believe it would be fair to suggest that they have blossomed whilst working together.

Certainly, the Chief Constable is delighted to have exceptionally good professional relations, that have become so much stronger during the Project, with such parties as Douglas Borough Council, the Department of Transport, the Department of Education, those in the licensing, hotel and night club industry and – of great importance – young people. Let us not forget that the newly-formed Douglas Youth Council is a direct result of Project Centurion.

Mr Speaker, projects such as this need to be managed, and part of the management process will be to determine the lifespan of the whole exercise. Exit strategies need to be devised, on projects of this nature, to ensure a seamless withdrawal, without incurring an increase in anti-social behaviour. It is fair to report that the major thrust of these reductions in crime was achieved in the first year, and that the latter year consolidated this success, albeit further, less dramatic reductions were, nevertheless, achieved.

I understand that talks will soon take place to discuss the future of Project Centurion and, at this time, it would be presumptuous to predict the outcome of these talks. Whatever the outcome, this Hon. House can be assured that the area covered by the Project will remain a priority policing area for the Chief Constable, and keeping levels of crime low will be the aim.

In conclusion, Mr Speaker, I take this opportunity to put on public record, as I have in the past, my thanks and congratulations to everyone associated with Project Centurion.

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

Mr Earnshaw: Thank you, Mr Speaker.

Despite the Minister's soothing words, will he accept from me that the public's perception is that they are not reassured, regarding the success of Operation Centurion? I think there is ample evidence of this in a page full of letters in this week's *Manx Independent*. (**Mr Houghton and another Member:** Hear, hear.)

Will he also accept that his vision of the future is not good enough, as far as the public are concerned – they have wanted and waited for action for a long time – and that, with a Force of well over 200, the public want to see the Police and the courts get on top of the problems of violence that we see in various areas around the Island, particularly on Friday and Saturday nights?

When, Minister, are we going to see the level of

behaviour at the degree you know and I know the public will regard as acceptable?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I said, in my initial Answer, that the figures speak for themselves, in showing the reduction.

There is always a perception of people that the violence or crime have not decreased. In any initiative, you cannot have 100 per cent success, and the points the Hon. Member for Onchan, Mr Earnshaw, has raised, with letters in the papers, yes, we do take consideration of those.

There were photographs shown... that attack, in actual fact, was over a year ago. So, the Police acknowledge that there are still problems, and that is why it is still a high policing area.

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

Mr Cretney: Given the importance of community safety, does the Minister share my concern, and that of a number of others, that it has been felt necessary by senior police officers to say to single females that they should not walk home alone?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I believe that was mentioned by a police officer. That gives me concern that single females walking along on the promenade could be at risk, and that is why we have to concentrate on the promenade area, which we have been doing for the two and a half years, so that we can make sure that any incident involving single females will not occur.

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

Mr Houghton: Thank you, Mr Speaker.

In view of the dramatic decrease in numbers of crimes recorded by an invisible Police Force on the promenade, how many of those does the Hon. Minister rate to the migration of building workers, back to the UK, during that period of time?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I think the Hon. Member for North Douglas has not been along the promenade at weekends.

Mr Houghton: You have not.

The Minister: You will see a large number of police officers along the promenades on the Friday and the Saturday. I have said, repeatedly, in this Hon. House, that particularly when, at the end of a month, the CID officers went back into uniform, with this new national intelligence model, where we have a more proactive... it is going to be a more proactive Force –

Mr Houghton: That only happened two weeks ago.

The Minister: – instead of reactive. We will get officers, more so, out on the streets.

In answer to the second part, with workers migrating back to the UK, or wherever, that is a hypothetical question, but I would probably assume that some reduction is because of this fact that building workers have gone back. (*Interjection by Mr Houghton*)

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

Mr Karran: Vainstyr Loayreyder, a supplementary.

Would the Shirveishagh son Cooishyn Sthie not agree that one of the implications... must take some responsibility, in this Hon. House, for the licensing laws that we have. (**Mr Bell:** Nonsense.) given in our society?

And would the Minister not, also, agree that that should be something that, maybe, we should be looking at, as all we have done is sent people out later and more drunk from other places to become more of a problem?

Is the Minister also aware that, on Saturday night at about one o'clock, there were at least two police vans and at least six police officers, walking along the prom? I was there.

The Speaker: Minister to reply.

The Minister: Mr Speaker, no, I would not agree with the Hon. Member for Onchan that the licensing laws have increased the number of instances related to alcohol.

In actual fact, in answer to a Question, just the other week, I said that the Police could not identify whether there has been an increase since the reduction in licensing hours or no licensing, since July 2001, and it has not increased.

But I do also thank the Hon. Member for Onchan in saying that, at one o'clock, there was a number of police officers on the promenade, which there always is at weekends.

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

Mrs Cannell: Thank you, Mr Speaker.

Can the Hon. Minister give us an idea of the amount of regular police officers that patrol the promenades on a Friday and Saturday night? Can he reassure us of the consistency of that?

Further, is he aware that when constituents phone through, who live on the promenade, with problems of violence, drunken behaviour and fighting and brawling, that invariably what happens is the police car will appear and do the length of the promenade, turn and then return to police headquarters, without stopping and investigating to see what happens?

Finally, as Minister, but also constituency MHK, along with me, for the Douglas Promenade, will he accept that the people down there currently, perception or otherwise, do not feel safe, and what does he propose to do about it?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I have not got the figure of the number of regular officers who are patrolling all the time. There are additional Special Constables who go out, as well.

I receive phone calls from constituents as well, along the promenade, who raise concerns of noise, but it is mainly a

congregation of young people, or whatever, and, normally, the Police will go down and involve themselves and sort the incident out.

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

Mr Earnshaw: Yes, I would like to ask the Minister, do the Police still have a dog patrol section, and are dogs used for patrols of this nature?

The Speaker: Minister to reply.

Mr Houghton: Rottweilers.

The Minister: Mr Speaker, they still, yes, do have a dog section, but, generally, if there was a major incident, then the dogs would be called out when the officers... generally, it is just the regular officers or Specials, who are on patrol, at that given time.

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

Mr Houghton: Thank you, Mr Speaker.

The Minister in his opening Answer mentioned that the project agencies – and he named them – and interests were blossoming, or, indeed, that they had blossomed. It is my information that there is a total lack of interest now in this. When was the Minister last at one of these Centurion Project meetings, to see for himself just how blossoming those meetings are?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I think Project Centurion has flowered. As I said in my initial Answer, in the initial year, it saw a large reduction in the crime figures and it has been a consolidation in this last 18 months.

No, sir, I have not been lately to a Project Centurion meeting. As far as I am concerned, it is operational, and that involves the Police and their agencies they work with.

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

Mr Houghton: Turn up unannounced.

Mr Earnshaw: Yes, I would like to pick up on something the Minister said, a moment ago, about dogs only being used for major incidents. On the basis – I think we would all agree with this – that prevention is better than cure, why are dog patrols not walking up and down the promenade? (**Mr Houghton:** Hear, hear.) Would the Minister not agree with me that dogs are a very effective means of controlling situations?

The Speaker: Minister to reply.

The Minister: Mr Speaker, yes, I would agree with the Hon. Member for Onchan, Mr Earnshaw. Dogs are very effective.

Mr Earnshaw: So, why don't we use them?

The Minister: They have their place. If the normal officers

are walking down the promenade and patrolling, they normally deal with any incident. If there was a major incident, then the dog section would be called out.

EDUCATION

Onchan Primary School 'pre-school' and improvements Progress report

1.2. The Hon. Member for Onchan (Mr Earnshaw) to ask the Minister for Education:

- (1) Will you provide a progress report regarding the provision of a 'pre-school' class facility at Onchan Primary School; and
- (2) what other financial plans do you have for improvements to upgrade the school?

The Speaker: Question 2. Hon. Member for Onchan, Mr Earnshaw.

Mr Earnshaw: Thank you, Mr Speaker. I beg to ask the Question standing in my name.

The Speaker: I call on the Hon. Member for Glenfaba, Mr Anderson, Minister for Education to reply.

The Minister for Education (Mr Anderson): Thank you, Mr Speaker, and I thank the Hon. Member for his timely Question.

A scheme incorporating a nursery mobile classroom originally obtained planning approval in August 2004, but this approval was overturned, at review, in October 2004, and the Department then decided not to proceed to appeal.

Since then, the Department has been reviewing scheme options with the school and the governors and has taken further consultation with the Department of Transport, including the requirement to undertake an independent traffic assessment. Also consulted were Onchan Commissioners and adjacent neighbours.

The Department has also been successful in securing further funding in the current budget, for an additional hard-play area at the school, as part of a scheme.

A revised scheme has been prepared, which is currently the subject of a final review, including the cost and also the value for money appraisal, prior to it being submitted for planning.

In relation to part (2) of the Question, the scheme also includes a new drop-off area, improved staff and visitors' car parking and the aforementioned additional hard-play area. The Department will also be refurbishing two junior classrooms during this financial year.

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

Mr Earnshaw: Thank you, Mr Speaker.

First of all, I would like to thank the Minister for his reply, and I would also like to take the opportunity to thank him for listening to objections raised, to his Department, regarding the planning application submitted last year.

My supplementary question, Minister: as almost a year

has passed since the planning application was dealt with, last year, could he tell us exactly when he anticipates having the pre-school facility in place, as there are many families in Onchan eager to see its completion?

The Speaker: Minister to reply.

The Minister: Yes, Mr Speaker.

It is very much subject to the planning system. Hopefully, we should have some options that come back to the Department, in the next couple of weeks, which will enable us to put a detailed planning application in, hopefully, within a month.

It will then be up to the other parties, to see if they think that solution is acceptable to them. If it is acceptable to them – and we have taken on board many of the concerns that were raised originally – I would envisage it, as long as it goes through planning, coming on stream, possibly, in the spring term of next year.

Onchan School nursery education Plans for development

1.3. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Education:

- (1) *What plans does your Department have to develop nursery education in Onchan School; and*
(2) *what timescale will there be, and what number will be catered for at any new unit?*

The Speaker: Question 3, Hon. Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I beg to ask the Question standing in my name.

The Speaker: I call on the Hon. Member for Glenfaba, Mr Anderson, Minister for Education, to reply.

The Minister for Education (Mr Anderson): Thank you, Mr Speaker.

The Department is committed to providing a nursery facility at Onchan School and a scheme is included in the current capital programme. With my Answer to the Hon. Member for Onchan, Mr Earnshaw, I provided an update of our progress in this scheme.

In relation to part (2) of the Question, the timescale, as I said, is subject to planning. The Department is hopeful that the new nursery will be in operation by April 2006. The nursery will have a physical capacity of 20, on the basis of a split a.m. / p.m. operation. The nursery, therefore, will have the capacity for a roll of 40 pre-school-age children.

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

Mr Karran: Vainstyr Loayreyder, can the Shirveishagh Ynsee assure this Hon. House that we will have a situation where facilities will be based on need, and not as a nation as a whole, and not on the basis of who is in the Department of Education, where the situation seems to be that we have... the prioritised list seems to go all over the show, as far as

that is concerned?

Can the Shirveishagh also assure us that the priority will be for providing the educational facility for the children, and not staff car parking, because they do not want to walk across the road from using the car park at the Youth and Community Centre.

And can the Shirveishagh explain, to this Hon. House, the situation of how Ashley Hill has had theirs, and how many they have had, as far as this provision is concerned, and what are the numbers, as far as Ashley Hill is concerned?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

The Hon. Member asks how we prioritise nursery provision in our schools. This is largely done on two different areas, one is social need, within social needs by the Department in certain areas, and the other is the opportunities when they arise, when a new building is planned.

Obviously, the Department is restricted in rolling out nursery provision. I think roughly half our schools now have nursery provision, but, of course, half our schools do not have nursery provision.

Obviously, we are rolling these out where we can, and I think, if we look back, we will see between one and two nurseries have been developed over the past five or six years, and, obviously, Onchan has priority, at the moment, and we are looking to roll that out next year.

Can I give the Hon. Member assurance that we do think nursery provision is very important, and he compares that to providing car parking. Quite clearly, children and cars do not mix, and we have to ensure, for safety reasons, that when we do provide parking, it enables the children to be safe. For that reason, we have an area within the Onchan School designated for car parking.

This is not the area that we had previously designated for car parking. However, we have to make sure that car parking is seen to be safe, and that children are kept away, as far as possible, from the car parking areas.

The Hon. Member also asks about Ashley Hill and their numbers. I do not have that information with me, but I will provide it, Mr Speaker.

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

Mr Cannan: I am pleased that the Minister recognises that nursery education should be provided to all schools on the Island, but can I draw his attention, or is he aware, that there is a priority to provide nursery education at Kirk Michael School... (*Laughter*) Yes, just as everywhere else, and can I draw his attention (*Interjections*) –

The Speaker: Hon. Members!

Mr Rimington: Bypass!

The Speaker: Mr Rimington.

Mr Cannan: Thank you, Mr Speaker.
Can I draw the Minister's attention –

The Speaker: In a question you can, Hon. Member.

Mr Cannan: I am asking the Minister a question, Mr

Speaker. Can I draw the Minister's attention to the fact that there is possibly room in the enlarged Kirk Michael School for the provision of a nursery school, and will he give that matter a priority?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

I am well aware of the Hon. Member for Michael's concerns about nursery provision for Kirk Michael. In fact, he wrote to me, very recently, about it, and I wrote back to him explaining exactly the criteria that we use for deciding which is a priority, as far as our schools are concerned.

I take his comment that there is provision for such a facility at Michael, but it will sit alongside all our other priorities, and will be assessed accordingly.

The Speaker: Hon. Member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

The Minister will recall the previous Question I had some time ago, about this particular matter. Could I ask him if he would consider a fairer system to provide pre-school facilities around the Island, acknowledging what he has already said, rather than to be in a situation where some areas, for example, Marown, are not in the lucky dip situation of having any facilities in the area?

Secondly, could there be a way in which his Department could equalise out the support that is provided effectively to all parents who require the facilities, rather than having some parents paying £8.50, or thereabouts, for a session for private facilities and some parents benefiting from the extremely cheap facilities provided by his Department?

Mr Cannan: Hear, hear.

The Speaker: Minister to reply.

The Minister: Mr Speaker, our long-term aim is to provide nursery education for all our schools, and I do not think we need distracting from that aim. (**A Member:** Hear, hear.) I think I have already highlighted to the Hon. Member that we give this provision, where we think it is important, as far as the social side is concerned, for social priorities, but also where we go to a new-build situation.

The Hon. Member asks, would his proposed system not be fairer? We are halfway through a programme of developing nursery education and I do not think we should be deflected from that.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh Ynsee agree that it is important that we originally purchased the land to extend the land at Onchan School, and that that land should be used for a play area for the facility of the school, not for car parking for the staff, and make sure that the money that is being spent on this facility goes directly to the kids, firstly, more than goes to the other issues?

Would the Shirveishagh also not agree that the fact is that, if he looks at the number of places within the Onchan area, being the second biggest township within the Island, we have a dismal amount of places, and we have just as many social problems as other areas have, particularly with the fact of the

high mortgages that people have to pay, and wives having to go out to work, instead of looking after their children?

The Speaker: Minister to reply.

The Minister: Yes, I thank the Hon. Member for his comment about the acquisition of the land by the Department, who were forward thinking, many years ago, in buying land alongside Onchan School, abutting Sandringham Drive, and I note his comments that he does not think this should be used for car parking.

However, Mr Speaker, we have to develop the school in a sensitive way, and we are looking at all the options. Until the information comes back, in the next couple of weeks, we are not sure which way we will move forward on this, but it might be possible to create some extra car parking on the existing hard area of the school, and leave that area of land for future development or expansion of the school. I think it lends itself to an extension in the future. (**Two Members:** Hear, hear.)

However, we will have to see what professional advice comes back on that, Mr Speaker.

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

Mrs Hannan: Yes, thank you, Vainstyr Loayreyder.

Could I ask the Minister, is it a fact that in areas where nursery is provided – and Onchan will be no different – all the families that want to use this facility will not be able to be given the opportunity? And could I ask the Minister what provision there is going to be, in the future, for extension of nursery provision, to allow all children to attend nursery prior to primary school?

The Speaker: Minister to reply.

The Minister: As I indicated before, Mr Speaker, we are looking forward to rolling out the facilities at all of our primary schools, in the long term. However, we are not in the position to supply more than about 50 per cent of that age group, at the moment.

However, there are opportunities in a few of the nursery provisions, which have some slack in them, at the moment, and if the Hon. Member has constituents who have concerns about this, and they are not able to get into a pre-school facility, if she contacts the Department, I am sure they will put her in contact with the areas where we do have vacancies.

Some of them are, obviously, a little bit more remote than her constituency, but in relation to Peel Clothworkers, I would say that the new scheme we are bringing forward will provide a permanent solution for a nursery at Peel Clothworkers, compared to the situation there, where they have a temporary facility.

LOCAL GOVERNMENT AND THE ENVIRONMENT

Public notices: 'Local Authorities – Why Change?' Budget and further plans

1.4. The Hon. Member for Ayre (Mr Teare) to ask the Minister for Local Government and the Environment:

- (1) What budget has your Department allocated for the series of public notices entitled 'Local Authorities – Why Change?';
 (2) as at the date of your response, how much has been spent; and
 (3) have you any plans for any further notices of a similar nature?

The Speaker: Question 4. Hon. Member for Ayre, Mr Teare.

Mr Teare: Thank you, Mr Speaker. I beg leave to ask the Question standing in my name, sir.

The Speaker: I call on the Hon. Member for Rushen, Mr Rimington, Minister for Local Government and the Environment to reply.

The Minister for Local Government and the Environment (Mr Rimington): Mr Speaker, with regard to part (1) of the Hon. Member's Question, my Department, as one of its objectives in its service delivery plans for 2004-05 and 2005-06, stated that it intended to look at the effectiveness and efficiency of local government.

More specifically, in this year's Department plan, it was stated that the Department, and I quote:

'would draft and introduce into the branches, following consultation, a new Local Government Bill by January 2006.'

Accordingly, the Department sought and was provided with funds, as part of the budget process, to progress this objective. The ratepayers of the Isle of Man need to be given the details of the consultation being undertaken and the reasons why the Department has concluded that reform is necessary.

The recent advertisements in the local newspapers, asking for comments, were considered to be the most suitable means of disseminating factual information to the ratepayers and encouraging them to participate in the consultation process.

Mr Speaker, if I may interject from my prepared Question, there was a mistake in one of the adverts that went out, and I would like to give my apologies to Ballaugh Commissioners, where it publicised that their rate was 96p, when it should have been 76p, and that was due to a printing error. The correct information had started off properly from my Department, but had not ended up in the eventual advert.

With regard to part (2) of the Hon. Member's Question, the amount of money spent, as of today's sitting of this Hon. House, is £6,153.30 plus VAT of £1,076.85.

With regard to part (3) of the Hon. Member's Question, the Department does not have any plans currently for further notices, as the present consultation will end on 29th April. However, I have given an undertaking to all local authorities to publish the responses received through the consultation process, by making a full copy of them available for inspection at the Department's public counter, in the Tynwald Library and, for the convenience of Hon. Members, a copy will also be placed in the Tynwald Members' Room.

The Speaker: Hon. Member for Ayre, Mr Teare.

Mr Teare: Well, thank you, Mr Speaker. Could I respectfully refer the Hon. Minister to the first

part of my Question, where I asked, 'What budget has your Department allocated?' He seems to have completely ignored that.

He does mention a figure, the cost so far, £6,153. Could I ask him to confirm that that cost includes all associated disbursements, including artwork, his staff's time, and all the other costs that go with it? We know how good the Department is with figures.

Also, could he advise whether this advertising campaign has been discussed with the Council of Ministers, and has he obtained clearance from the Council of Ministers?

Secondly, will the Minister allocate, or agree to allocate, a similar budget to the contrary argument, because there are two sides to this argument, and, also, will the Minister fulfil the promise that he gave to some Members of this Hon. House, on 15th April, when he promised to make available costings for the proposed reorganisation? We were told that they would be with us shortly, and we still await. Are we still waiting for the coin to come down on one side or the other?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

I probably will not get all those many questions, in the form of supplementaries, so the Hon. Member may wish to come back, and reinvigorate my memory on those.

First of all, the costs, as given, as £6,153: there are no additional costs, in terms of artwork et cetera, or any material costs in relation to that. That is the only direct and material cost.

If the Hon. Member wishes me to try and slice out Department officers' time in relation to preparing those adverts, that would be a request that I do not think would be very fruitful, but I might be prepared to do that, if he thinks it of such urgency or of such public interest.

Obviously, that same principle could be applied to all aspects of Government business – 'could you, please, say how much time did your Department's officers spend on answering this question, on producing this policy?' or whatever. I do not think it would be very fruitful.

The Hon. Member says there are two sides to this discussion, and there are two sides. In fact, there are many sides, and if I was to allocate money to one body – and I cannot think of a body to allocate such money to – there would be others who say, 'Well, why don't we have that, to put a different point of view?'

There are many points of view in relation to local government reform, and I do not think, in fact, we would have the vires to do that. It is quite legitimate for the Department to put out a paper or adverts, in terms of the policy it is wishing to pursue.

The matter was not discussed with the Council of Ministers. I do not regard the Council of Ministers as being there to micro-manage aspects of Departments' activities. It does occasionally get into those sort of areas, which is unfortunate, but the Council of Ministers there is looking at the bigger picture, and it would not be appropriate or necessary to take pursuing the Department's acknowledged policy, and the details of how we progress that to the Council of Ministers, in this instance.

In relation to the figures on costings, yes, I will remind my officers. They are, in fact, I am afraid, busy doing their budgets and the start of the parameter-setting process there, but I will ask that they provide the Hon. Member with those,

but that was done in a private meeting.

In fact, the costings have been provided. It is just that the Hon. Member had a disagreement about an aspect of those costings and he wanted an explanation on that. The Hon. Member, of course, could take the opportunity to make an appointment with the officer concerned, and discuss what those disagreements are, but if he wants it done in a different way, then, of course, we will try and oblige.

If the Hon. Member could refresh me of anything I have yet to answer?

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

Mr Gawne: Gura mie eu, Loayreyder.

Would the Minister, having now recognised that there are many sides to this particular policy issue, agree that, in fact, his Department, rather than being objective, has spent the money in this advertising campaign, in a very subjective way, dealing with one particular side of this argument? Does he feel that that was an appropriate use of taxpayers' funds? I am sure he will respond by telling me that he does.

Would he not also recognise that, in fact, this was a somewhat desperate measure, on behalf of his Department to rescue a floundering policy, which is more to do with rates equalisation, than it is to do with local government reform?

The Speaker: Minister to reply.

The Minister: First of all, Mr Speaker, the Hon. Member strays into Question 6, which is 'what was the purpose of placing the full-page advertisements?', and I will answer more substantially there, in relation to that.

In terms of subjectivity and objectivity, I do not think anybody has the mantle of objectivity in this area, neither a Government Department, a local authority or any Hon. Member. We are all subjects and full of subjectivity, and that is the very nature of politics, which is why we were elected – we are pursuing policies.

If I may apologise, Mr Speaker, the question that the Hon. Member, Mr Teare, asked, and I forgot to answer, was in terms of the budget allocation. We have a budget allocation of £25,000 in relation to local authority reform, but, obviously, in formulating that budget, it was not allocated, and that was many months ago – 'Oh, well, we will be spending x amount on a particular advertisement or y amount on some other matter,' but, obviously, there was a global figure of £25,000 put in, in relation to this area.

The Speaker: Hon. Member for Ayre, Mr Teare.

Mr Teare: Judging by the Hon. Minister's latest comments, he has got no idea how much he has allocated to this campaign. It sounds to me that it is 'how much is it going to cost?', but does the Minister not agree that he has a duty to give the costings for these changes to all the Members of this Hon. House, not just a selected band of Members, or, indeed, Member, of this House? This information should be given, and made publicly available.

Would he also not agree that a balanced debate should be encouraged and not a one-sided dialogue, or, in some instances, a one-sided diatribe from the Department?

Mr Cannan: Nice one, nice one!

The Speaker: Minister.

The Minister: The costings the Hon. Member refers to, were given to the local authorities, when we went round and had the meetings on four occasions, so they were, therefore, placed in what I considered to be the public arena, there.

They were, also, available to Members who came to the seminar by invitation, and we will make them available prior to the debate, when it comes back to Tynwald for discussion, then.

Those costings, if anybody wishes to have those costings, again, in full, because they have not availed themselves to date of that, then they are welcome and we will not try and hide those costings from them, because we are quite happy with those costings.

Obviously, they can be discussed, because they are estimates and we know that they will not be accurate, because that is the nature of an estimate, but we are quite happy for those to be, and those costings are reflected in the public advertisements, in the estimated rate in the four areas, if those four areas were to be the final decision of Tynwald, when it comes to them.

The Speaker: Hon. Member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

I just wonder if I may ask the Minister, if he is aware: in the United Kingdom, I understand, there is an obligation to provide a sense of balance, for example, when they are going to be able to promote the European Union Constitution, a yes vote or a no vote? I think there has to be a balance there of public moneys that are expended to effectively encourage people to vote yes; equally, there has to be some balance in the situation.

I wonder whether or not, with that in mind, is his Department able to consider that some moneys ought to be set aside to balance, perhaps, the propaganda that has been put forward by his own Department for a yes vote for local authority reform?

The Speaker: Minister to reply.

The Minister: Mr Speaker, absolute nonsense.

The Speaker: Hon. Member for Ayre, Mr Teare.

Mr Teare: Can I just take this opportunity of trying to refresh the Minister's memory about the meeting on 5th October? Certainly, there were figures issued to the Members there, and he may have forgotten, but I did challenge those figures, and I was told by the Hon. Minister that they would clarify those figures, and come back to this Hon. House, as soon as possible. When will he give a firm commitment to come back to us by a certain date? At the moment, we are shadow-boxing in the fog.

The Speaker: Minister to reply.

The Minister: Well, a nice cool, sea breeze might come along and lift that fog, shortly, for the Hon. Member, and we will give that clarification and we will give that clarification to the Members who attended the seminar, not the Hon. Court or this Hon. House, as we are in now, because they were costings that were given to Members who attended a

meeting outside of the formal business of the Court.

Therefore we are not duty-bound, at this point, to come back to the Court, as such. We will give the clarification to those Members who attended, and that clarification will be reflected in the eventual costings that will be given to all Hon. Members, prior to the debate in Tynwald on the matter.

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

Mr Gawne: Gura mie eu, Loayreyder.

I appreciate that, at this stage, at least, the Minister is unwilling to answer my supplementaries. However, taking a different tack, could the Minister, in terms of value for money, explain to us what the actual number of responses he actually has had, in relation to this advertising campaign and, perhaps, bearing in mind it is something like £6,000 that this cost, he could work out quickly – knowing how capable he is at mathematics – how much per response we have actually spent.

The Speaker: Minister to reply.

The Minister: I would be delighted to give that information to the Hon. Member, but certainly not until after the closing date for those responses, because such a response now would only be partial.

The Speaker: I would just say to the Minister any question asked here, if you are going to circulate information then it should, Hon. Member, be circulated to all Members.

Hon. Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, does the Shirveishagh not agree that it horrifies some of us, who have some sympathy for his cause, when he takes such an outrageously arrogant attitude, that he does not want to give information in this Hon. Court, but behind closed doors in meetings?

Would the Hon. Minister not agree, the Shirveishagh, that the priority should be that information should be in this Hon. Court? That is how modern democracies work. Parliament is actually supposed to run the executive, the executive is not supposed to run the parliament.

Mr Houghton: Yes, that's the way.

The Speaker: Minister to reply.

The Minister: Yes, the Hon. Member makes a crucial mistake. We are not in 'this Hon. Court'. We are in Question Time in the House of Keys, and that information will be given to Members of the Hon. Court, at the appropriate juncture, and that information that the Member so wants will be available to any Member who so requests it. But we are in a process (*Interjection by Mr Corkill*) and we will be giving that information out in that process.

If Members want that information in advance of that formal process, then they are welcome to have it, and I have already committed myself to the Hon. Member for Ayre to giving the clarification on that information which he already has.

The Hon. Member, Mr Karran, could have attended the seminar, but if he could not have attended the seminar, he could have asked for the information so presented at that seminar, and we would have been very much willing to

give it to him.

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

Mr Cannan: Cannot the Minister understand that tens of thousands of people in this Island, from north to south, east to west, are opposed to this form of reform, either four district councils plus Douglas, or four work boards plus one?

Would he not agree that these residents in the Island, who have no interest in this reform, would wish that he concentrated the affairs of the Department and the staff of the Department and the resources of the Department to improvements in the housing policy, better waste management and the other responsibilities that he had, instead of going down this path, that is creating division and hostility amongst thousands of people in this Island?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

I did not think the Hon. Member would be able to keep himself under control, until he got to his own Question on this matter, in Question 6.

The Hon. Member refers to tens and tens of thousands of people. Well, if there are tens and tens of thousands who are opposed – and this is an example of the Hon. Member's hyperbole – there are twenties and twenties of thousands who are probably for an equalisation of the rates and a more rational structure.

But I would, actually, say that we are looking at much smaller volumes of numbers than the Hon. Member in his exaggeration... Indeed, it is not distracting my Department from the many responsibilities that it has, and those are carrying on, regardless of this question about local government reform.

It is a matter that needs to be resolved and it will be resolved one way or the other, either positively or negatively, by a debate in Tynwald. Tynwald will decide what the outcome will be, and that will be the democratic decision of the people of the Isle of Man, through their elected representatives.

The Hon. Member has, actually, freely admitted to myself, outside of this Hon. House, how he has welcomed my proposals, because these proposals have given him the opportunity to hold various public meetings and be the leader of the opposition, and it has enhanced his own position in terms of being re-elected, which I appreciate is the prime consideration of my hon. friend.

The Speaker: A final supplementary for this Question, Hon. Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree that, with his response about the issues, he should remind himself that this is the elected House of the people of this nation, and that, if information should be given, information in this Hon. House should be just as much of a priority, as it should be in the Upper House, as far as the Court of Tynwald is concerned?

And would he, also, not agree that he does a disservice to the whole structure of what a parliament and an executive is supposed to be held account to, by trying to belittle the rights of the elected Members of this Hon. House, by making out that the executive is completely out of control?

The Speaker: Minister to reply.

The Minister: It is difficult to find a coherent reply to the Hon. Member. There is no desire to restrict information on this matter. If the Hon. Member is so concerned, I will overload Hon. Members with information. That can easily be done, but we are in a process, and I am following that process. I am not trying to restrict any information to anybody.

There is a clarification on costings, which the Hon. Member for Ayre requests and, quite rightly, should have, and it was a request at the meeting that he was at, that it should be circulated. It will be circulated to the Members at that meeting, because they have the body of information that is allied to that clarification.

If other Hon. Members wish to come in, part way through that process, then they are welcome to do so.

Incinerator Minimum capacity, medical waste and financial penalties

1.5 The Hon. Member for Michael (Mr Cannan) to ask the Minister for Local Government and the Environment:

- (1) *Is the incinerator working to the minimum capacity required to ensure viability;*
 (2) *is all medical waste being incinerated; and*
 (3) *is your Department incurring any financial penalty, or about to incur any financial penalty, in terms of the agreement with the operators of the incinerator?*

The Speaker: Question 5, Hon. Member for Michael, Mr Cannan.

Mr Cannan: I had a supplementary, Mr Speaker.

The Speaker: Question 5, Hon. Member. You will have the opportunity under Question 6.

Mr Cannan: I ask the Question standing in my name.

The Speaker: I call on the Hon. Member for Rushen, Mr Rimington, Minister for Local Government, to reply.

The Minister for Local Government and the Environment (Mr Rimington): Mr Speaker, with regard to part (1) of the Hon. Member's Question, my Department's contract with the operator, SITA (Isle of Man) Ltd, for the operation of the EfW Facility, has provision built in, to allow the operator to be paid an availability fee, regardless of the amount of waste being delivered.

So, in effect, there is no obligation on my Department to provide a minimum level of waste. The plant has to be available, under the contract, even if no waste is presented, and the contractor has a portion of the fees payable to him, linked directly to this availability.

It is true, therefore, that the levels of waste delivered will have an effect on the costs incurred by the operator in running his operation, but, again, the cost incurred for the delivery of the waste material is a fixed amount, calculated against the delivered tonnages, so there are no additional costs to my Department, or to the people using the plant, if

the waste levels delivered vary.

The contractor allowed for the variance in tonnages to be delivered when preparing his initial contract bid, and there is a strict price review mechanism with my Department, to ensure that agreed and allowable changes to the availability and gate-fee structure can only be agreed at predetermined review intervals, if appropriate.

In response to part (2) of the Hon. Member's Question, I can confirm that all declared medical waste is transported to the Energy from Waste Facility by the Department and is incinerated in the secondary line.

In response to part (3) of the Hon. Member's Question, the Department is not incurring any financial penalties at present in respect of the Energy from Waste contract. In fact, the contractor is currently incurring financial penalties in the Department's favour, with regard to the inability to complete the final month's commissioning trials of the secondary line, although this has not prevented such medical waste from being handled.

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

Mr Cannan: Starting with part (3) first, for how long do you think that the contractor will continue to suffer financial loss and operate the incinerator, and when do you have knowledge that the contract will be finally signed, and signed off to the Department?

As regards medical waste, are you saying, categorically, that all medical waste – repeat, all medical waste – is incinerated at the incinerator, and that no medical waste is sent to the old Noble's Hospital for incineration?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

Taking the last part first: the Hon. Member is asking me to state *categorically*. All I can say is the information that I have been given is that all medical waste is going to –

Mr Cannan: That is not the answer.

The Minister: Oh, sorry, Hon. Mr Speaker, I have been told by the Hon. Member that that is not the answer. I am sorry.

The Speaker: Proceed, Hon. Member.

The Minister: Oh, sorry for that interjection.

No, I have been informed that all medical waste, all clinical waste is going to the incinerator and it is being dealt with in the secondary line. I cannot state *categorically*, because I do not have that information to say, categorically, that is true, but that is what I have been told.

In terms of the contract the Hon. Member mentioned, being signed or signed off, the contract for the operation of the Energy from Waste Facility has been signed, and has been signed some time ago. Obviously, matters such as that will be subject to the review and consideration of the Select Committee which is looking into one particular aspect of that.

However, I think what the Hon. Member is referring to is the fact that the secondary line has not been signed off, is not fully commissioned, and that is the issue and it is a concern. It is a concern to all parties involved in the process,

and we hope, and touch wood, that it will shortly get through its last trials on that matter.

In relation to the first question that the Hon. Member raised, the contractor, as far as I am aware, is not necessarily suffering and is not in any... there is no issue about the contractor walking out. I am not sure what the Hon. Member is getting at.

There is a contract, it is being operated under that contract and, as with any of these matters, there will be constant negotiations between the contractor and the Department on the manner in which that contract is taking place, but there is no cause for alarm, in any respect.

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

Mr Duggan: Thank you, Mr Speaker.

Could I ask the Minister: what action is the Department taking regarding certain skip firms burning the rubbish, instead of sending it to the incinerator? So, we are getting burnt, which is completely against the... Well, we do not have a 'Clean Air Act'.

The Speaker: Minister to reply.

The Minister: Well, obviously, that is not in my brief, in terms of answering this particular Question, but, yes, the Department is aware of issues in that area. Steps have been taken in relation to the illegal burning, and there may be further steps to come.

Mr Duggan: Thank you.

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

Mr Earnshaw: Thank you, Mr Speaker.

Would the Minister agree with me that there are good-news stories about the Energy from Waste Plant? And I wonder if he could tell us, in percentage terms, how much electricity is being generated, free of charge, for the public of the Isle of Man, and what financial benefits his Department are deriving from this?

The Speaker: Minister to reply.

The Minister: Hon. Members, I appreciate the supportive questions from the Hon. Member, but I am afraid I do not have that information to hand. I have not come supplied with a wide brief, on all the details on the operation of the Energy from Waste Plant, and our waste management policies.

We are receiving a certain amount from the sale of electricity from the plant, which is beneficial and helps to offset the quite considerable costs of running the plant, and does give us another, what has turned out to be quite a reasonably reliable, capacity on the Island, in terms of our electricity supply.

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

Mr Cretney: Yes, could I ask the Minister: would he inquire into the suggestion which has been made by the Hon. Member for Michael, because those of us who represent

the central Douglas constituency of South Douglas were assured, at the time that the new incinerator was going to be put in place, that the old incinerator at Noble's Hospital, the inefficient one, was going to be decommissioned. Can he, please, ensure that is the case?

The Speaker: Minister to reply.

The Minister: Yes, I will inquire. I am aware that there was a time, not that long ago, where it came quite close, in fact, to requiring that to be operated, because of the problems with the secondary line, but in fact it was not. They were able to make sure everything was taken down to the secondary line on the incinerator and dealt with there.

The old incinerator at Noble's Hospital, which no-one wants to see being started up again, is, in fact, not decommissioned, at this point, i.e. taken away. It is purely mothballed, and I do, sincerely, hope that we get to that point where we have that security in the operation of the secondary line and the Energy from Waste Plant, where we can say, let us dispose of that incinerator, once and for all.

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

Mr Cannan: Will the Minister explain, in detail, what the secondary line incineration is, and will he explain, in detail, or confirm, that clinical waste, as well as medical waste, is also disposed of at the incinerator, at the present time?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I had used the terms clinical waste and medical waste as interchangeable, if that is any help to the Hon. Member, in relation to that.

The secondary line is for clinical/medical waste. It is for animal waste – but there are issues to be discussed, in relation to that, going forward – and confidential waste, and certain other waste that needs to be incinerated at a particularly high temperature, much higher than the temperature in the main stream. That is its purpose.

If the Hon. Member wishes to have more details, I am sure, with enquiries and discussions with the Department, we can give those to him, but I do not have the full details of the operation of the plant with me today.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh make sure that he does investigate the issue of whether the incinerator is being used at the old hospital site, and make sure that people are aware of that, in this Hon. House?

Would the Shirveishagh also give an assurance, after its 2.7 or 2.9 blip per annum, over the life of the incinerator, as far as extra charges are concerned, that there are not going to be further charges, because we have not read another contract right? And can he assure us that that will be the case, that we are not going to end up in a situation of where we are going to have another liability that someone is going to have to pick up?

Would the Shirveishagh take on board that his Department should be congratulated, as far as whatever energy is being generated by the incinerator for electricity, but is it not a little bit of a shame that we have ended up with £½ billion being given to the MEA, to do this process, so it somewhat undermines the principle?

The Speaker: Minister to reply.

The Minister: I will not comment on the last point, though I understand what the Member is saying.

I think I am fairly certain in my mind that the incinerator at Noble's Hospital has not been used to date, since everything has been taken to the secondary line, and I do not believe there is anything to investigate, in respect of 'has it been used?'. There are no plans to use it, and it is our utmost desire that it should not be used, but, obviously, there is still an outstanding issue with the secondary line, and we look forward to that being resolved.

I can assure the Hon. Member that there are no further nasty surprises, I hope, in relation to the contract for the Energy from Waste Plant. It is worth pointing out, as I said in my original Answer to the Question, that, as we go forward, there are price reviews through the period, so there will be fluctuations in the charges made, but that is in relation to the operation of the contract, not in terms of the original financing of the plant.

The Speaker: Members, that concludes the time permitted under our Standing Orders (*Laughter*) for Questions for Oral Answer.

Standing Order 43(2) suspended to permit remaining Oral Questions to be answered

The Speaker: Hon. Member, Mr Quayle, sir.

Mr Quayle: Yes, thank you, Mr Speaker.

Under Standing Order 43(2), may I move that Question Time be extended to permit the remaining Questions to be answered, sir?

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

Mr Houghton: I beg to second.

The Speaker: Hon. Members, the motion before the House is that Standing Order 43(2) be suspended to permit the remaining Questions for Oral Answer to be taken. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Public notices re local authority rating Purpose, cost; DoLGE officers' salaries

1.6. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Local Government and the Environment:

(1) *What was the purpose of placing full page advertisements in the Examiner, Courier and Manx Independent detailing local authority rating valuation and charges;*

(2) *what was the cost of these advertisements;*

(3) *why was it necessary to publicise the salaries of all clerks to local authorities;*

(4) *will you now state the salaries as at 1st April 2005 of*

the following officials in your Department –

(a) Chief Executive;

(b) Director of Corporate Services;

(c) Director of Environment, Safety and Health;

(d) Chief Health and Safety Inspector;

(e) Director of Planning and Building Control;

and

(f) Waste Operations Manager?

The Speaker: Now, Hon. Members, we move, therefore, on to Question 6. Hon. Member for Michael, Mr Cannan.

Mr Cannan: I ask the Question standing in my name, sir.

The Speaker: I call on the Hon. Member for Rushen, Mr Rimington, Minister for Local Government and the Environment to reply.

The Minister for Local Government and the Environment (Mr Rimington) Mr Speaker, with regard to part (1) of the Hon. Member's Question, my Department recently published a second consultation paper outlining a further proposal to the structure of local government on the Island. This was in addition to the four-plus-one area proposals, published in the Department's October 2004 Report on the effectiveness of the present structure.

An undertaking was given to seek the views, not only of the local authorities, who had been asked to comment on the earlier Report, but also of other interested parties.

It is the Department's opinion that all the people in the Isle of Man are interested parties. The majority of them are ratepayers, and pay, through their rates, for local authority services. A series of open public meetings and meetings with local authority members have been held, and the Department considered a further effective way to ensure that the majority of residents on the Island were made aware of the facts and encouraged to participate in the debate was through a series of public notices in the Island's newspapers.

Week after week, the press has dutifully been reporting the diverse views of the local authorities on this subject. A wide variety of nonsense has also been reported. Our advertisements have concentrated on the key reasons for reform, by way of balance.

First, the current system is inequitable, with the majority of households paying high rates, whilst providing facilities for all to enjoy, and a significant minority of households paying lower rates, whilst providing few facilities, and often avoiding their responsibilities to the wider community.

Second, there is the unnecessary duplication of administration and bureaucracy. The provision of key services, such as waste collection and housing, is fragmented and inefficient.

Third, there are huge imbalances of wealth between different authorities, ranging from Bride, which is sitting on the proverbial gold mine, Braddan and Malew, with extensive commercial rates, to Peel, Castletown, Laxey and Port St Mary that are poor authorities, yet represent some of our finest heritage and traditional communities. Finally, there is the anomaly in Glenfaba, where German is a wealthy authority, alongside neighbouring Patrick, which is the poorest authority on the Island –

Mr Houghton: Minister for Education to answer that one.

The Minister: Mr Speaker, I am not prepared to walk away from these anomalies and such inequity. I believe that illustrating these issues to the Manx people is the responsible course of action.

Some would say that the adverts are biased, and they are absolutely correct! They are biased towards a fair and rational provision of rate-borne services. However, those who view them as biased only do so, because they find the true facts unpalatable.

Some would say the adverts are divisive, but, if they were, it is only because they bring out, into the open, the division that is already there. An inequitable system is divisive and I, unashamedly, wish to see it reformed. (**A Member:** Hear, hear.)

With regard to part (2) of the Hon. Member's Question, the cost of advertising was £6,153.30 plus VAT of £1,076.85.

With regard to part (3) of the Hon. Member's Question, my Department recently reviewed the Answer that my predecessor gave to a Question by the Hon. Member for Malew and Santon, Capt. A C Douglas, at the January 2004 sitting of Tynwald, when he requested details of the salaries of local authority clerks. During that review, it became apparent that there was some inconsistency in the way that different local authorities had interpreted and answered the Question.

As such, the Answer, previously circulated, was inaccurate. Therefore, I felt that it would be helpful to clarify this uncertainty with local authorities and to recirculate an accurate answer to Hon. Members.

My Department also decided that, in the interests of openness and transparency, the Answer should be circulated to the local media, because they would have reported the details of the original Answer when it was given in Tynwald Court.

With regard to part (4) of the Hon. Member's Question, details of the salaries requested as at 1st April 2005 are as follows: Chief Executive, £77,842; Director of Corporate Services, £65,666; Director of Environmental Safety and Health, £58,376; Chief Health and Safety Inspector, £53,973; Director of Planning and Building Control, £58,376; Waste Operations Manager, £48,919.

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

Mr Cannan: The Minister says it is his determined policy to bring local government reform. Will he agree with me, it is not hyperbole that his proposals for area work boards were opposed by the four urban authorities, Douglas, Castletown, Peel and Ramsey, and all local authorities? Will he confirm that his proposal for district councils has been opposed by all local authorities?

Will he admit, therefore, that if all those people are, first of all, opposed to the area work boards, and if all the representatives who oppose the introduction of district councils, they must represent a very, very significant number of the people of the Isle of Man, and why is he determined to go down this road of reform, without full public support?

The Speaker: Minister to reply.

The Minister: Mr Speaker, there is a slight divergence there about what is considered to be full public support, that the Commissioners or councillors in a particular area do not necessarily represent full public support. They are voted in or, in many cases, not voted in, to perform certain functions as local authority members.

The determination of public support is, rightly, from the elected members, and the elected Members sitting in Tynwald Court, and that is where decisions for the Government of the Isle of Man are made, by the public representatives of the people, so elected. That is where the responsibility for decisions lies, not with the views, necessarily, one way or the other, from the local authorities.

The Hon. Member is correct. The proposal for works boards has very little support and I openly acknowledge that. We put those proposals forward as an alternative and we thought that alternative might well be acceptable to some, as it would allow for a slower process of evolution to take place.

While we do not have all the responses in, yet, on that matter, as it appears to date, then there would not be overwhelming support in that direction. I concur with the Hon. Member's analysis on that, but, obviously, we will wait until the final closing date, to find out exactly who has said what, and the Hon. Member will have sight of all those responses, when they are put in the Tynwald Members' room and made public.

In relation to the previous proposals on the four area authorities, as the Hon. Member calls them – he calls them district councils – then I think the Hon. Member is actually deceiving himself, in terms of what support we have or do not have. There are certain authorities which did support that proposal and, indeed, sir, I was only meeting with one of those authorities last week, who were very adamant in their support of the original proposals.

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

Mr Gawne: Gura mie eu, Loayreyder.

A number of possible supplementaries. First supplementary: the Minister seems to be very shy of using the words 'rate equalisation'. Can he confirm that, in fact, one of the primary drivers to what he is trying to do is a policy of rate equalisation?

Would the Minister also agree that he is not alone in recognising that the current local authority structure is not the most fair and not the most equitable? Would he agree that, in his Answer, he seemed to imply that he was the only person who did recognise that this was a problem, and that he seemed to be the only one who had any solutions to the problem?

Bearing in mind the Minister's Answer, in which he seemed to very strongly imply that he was the only one who had the answers, what role does he see for the remaining 23 Members of the House of Keys? (*Laughter*)

Mr Cannan: Ah, yes, quite. Nice one!

The Speaker: Minister to reply.

The Minister: I will give the Hon. Member a printed copy of my Question and he can be responsible for the statement that he has made, which is saying that I have, through my Answer, implied that I was standing alone, and saying that I was the only one who had the correct views on this matter. That is absolute nonsense, and is an exaggeration, completely and totally, on behalf of the Hon. Member. I am surprised that he has actually sunk that low, in determining his lengthy supplementary question on that matter.

But, Mr Speaker, all through my Answers, whether to the previous Answer, but certainly to this Question, I have used the word 'inequitable' and 'inequitable' stems from

equity, and that is precisely what it is about. I am not shy of the issue at all, but it is not rates equalisation in the sense of there being one rate for all people in all places, because that would not be the result of any reform.

If we were to have that and have an all-Island rate, which some have argued quite legitimately for, then there would be no local authority structure on the Island, but we are seeing an equalisation of rates, within particular areas. That was made quite clear in the proposals in a document that we published, last October, and it said, quite clearly, there, that that is one of the reasons – it is not the prime reason – it is one of many good reasons for reform, to see a fairer balance, by the community, for paying for facilities which everybody enjoys.

**Archallagan landfill Special Planning Inquiry
Rescheduling and exclusion of Marown
from press notification**

1.7. The Hon. Member for Middle (Mr Quayle) to ask the Minister for Local Government and the Environment:

- (1) *Will you explain the reasons why the Special Planning Inquiry in connection with the proposed landfill facility at Archallagan has had to be rescheduled; and*
(2) *why was the Parish of Marown excluded from the recent notification in the press when the Parishes of Patrick and German were separately included?*

The Speaker: Question 7, the Hon. Member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker. I beg leave to ask the Question standing in my name.

The Speaker: I call on the Hon. Member for Rushen, Mr Rimington, the Minister for Local Government and the Environment, for the last time, to reply.

The Minister for Local Government and the Environment (Mr Rimington): Thank you, Mr Speaker.

With regard to the first part of the Hon. Member's Question, at the pre-inquiry meeting held on 30th March 2005, those opposed to the planning application, including the Hon. Member asking this Question, felt that the timescales for gathering the information required to support their case and submitting it to the independent planning inspector were too tight. Appreciating the concerns raised, and the sensitivity of the condition my Department was seeking to change, it was decided to move the Inquiry date to June 2005, in order to allow all parties more time to prepare their evidence.

In response to the second part of the Hon. Member's Question, as the noise condition relates to the operational area of the site outlined on the plan, attached with the application, which is situated in the German and Patrick parishes, the application only needed to be advertised under those two parishes.

I can assure Hon. Members that there was no other reason for not including the advertisement under Marown, but it was felt, quite genuinely, that as the area was not in the parish of Marown, it was correct to advertise it, only under the parishes of German and Patrick. That is in accord with

well-established practice on the part of those who advertise planning applications each week, as part of the development control procedures.

A further public notice was published, advising of the date, venue and time set for the pre-inquiry meeting for the Archallagan application. This notified all the residents of the Isle of Man, through all the local papers, and should have alerted Marown Parish Commissioners to the application.

So, there can be no doubt that Marown Commissioners were made aware of the application and the pre-hearing, and had the opportunity to appear there, to let the inspector know that they intended to give evidence. They chose not to do so, which was unfortunate, but their decision.

The Speaker: Hon. Member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

I wonder: is it in the best traditions of farce that, really...? Who made the decision within your Department, to carry on, regardless, with a flawed planning inquiry, when on 17th March 2005, almost two weeks before the pre-inquiry, I raised the matter of Marown's submission with the planning appeals secretary, only to be informed that he, himself, had already decided to discuss with your Department why Marown had been excluded and your Department was evidently happy with the situation?

Could I ask if your Department had checked, in any way, presumably, with the Planning Department or the Attorney General's Chambers, and, if so, would they not have been told that Marown Parish Commissioners were within their rights, and perfectly entitled to ask for another public notice and deferral of the inquiry?

Why did your Department refuse to face up to reality, and why carry on with a flawed policy, when everyone knew that DoLGE were wrong and only DoLGE believed they were right?

The Speaker: Minister to reply.

The Minister: The Hon. Member makes an incredibly long statement, as part of the question. I believe that my role here is to answer questions on matters of fact, rather than listen to a long ramble on what the Hon. Member thinks may or may not have taken place within the Attorney General's Chambers, my Department, the planning secretary and so forth.

I do not have all that information. I do not have that body of correspondence, which I have been sitting up, all night, memorising, as part of my brief, in there.

I think the Answer I gave to the Hon. Member was quite clear, that the Department considered – or the appropriate people in the Department considered – that it did not need to be advertised under Marown, because the application was not in Marown. That is a conventional practice.

It is under the parishes of German and Patrick, but even so, there is no impediment to Marown Commissioners, or any party who wished to be involved in the process of the Inquiry, being involved in that process. There is absolutely no impediment whatsoever, and we are arguing about, purely, whether the matter should have been advertised under Marown or otherwise.

The Speaker: Hon. Member for Middle, Mr Quayle.

Mr Quayle: Mr Speaker, the reason the Question is

down is because Marown were excluded, originally, from the original pre-inquiry –

The Speaker: Hon. Member. Hon. Member for Middle, please, that is not a matter for you make a statement about in asking a question.

Mr Quayle: Could I ask the Minister, then, Mr Speaker, that after the pre-inquiry, when I stated on Manx Radio that the process was flawed, due to Marown's omission, why did his Deputy Chief Executive go on Manx Radio and refuse to face up to the facts and contradict me and, in fact, informed everybody that she was right, and I was wrong?

Could I ask, did she not seek any proper advice before going on Manx Radio, in maintaining the Department's stance, when it was patently obvious to everybody that it was wrong?

The Speaker: Minister to reply.

The Minister: It appears to be patently obvious to the Hon. Member that it is wrong, but it is not patently obvious to other parties that it is wrong, and the due process was properly gone through and, indeed, I think this is becoming a storm in a teacup.

We are talking about a planning inquiry, and the issue of Archallagan is a very important issue, and this whole issue about the noise condition is a very important issue, but no-one has been turned away from that process. No-one has been disadvantaged by whether it was advertised under Marown or not.

The Department believes quite clearly that it should not have been advertised under Marown, as the application is not in Marown, and if it was to be possibly advertised under Marown, it might be advertised under Peel, as well – it seems to be getting quite close – or under Malew, which is not far away, in terms of boundaries.

It was advertised quite correctly, according to the proper processes, and no-one has been denied the opportunity to make their representations to the inspector. If the Hon. Member believes that the process is wrong and it is flawed, then representations can be made to the inspector and the inspector will take the appropriate steps.

The Speaker: Hon. Member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

I wonder if I might ask the Minister if he might agree with me that the reason people find it very disappointing is when Departments can never admit that they were wrong, and that is half the problem?

Can I ask him if he could make himself available, or at least to make himself aware, of the Chief Secretary, who actually wrote to Marown Commissioners and said that, if they decided to request another public notice and extension, they would be within their rights? How, then, does he equate that with what he has said, in answer to my earlier question, sir?

The Speaker: Minister to reply.

The Minister: I am not aware of the letter, either the

correspondence to or from the Chief Secretary's Office on this matter, so I, obviously, cannot respond on what motivated either party in that correspondence, but I am aware that everything has been done according to due process

It is not a question of... we have admitted that things are wrong when they are wrong. We came to this Hon. House and admitted that we had got it wrong, in terms of the financial structure on the contract of the incinerator, and we have held our hands up quite clearly on that one, but, in this issue, I am not aware that the Department is wrong. It has gone through the proper due processes.

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

Mr Gill: Thank you, Mr Speaker.

Could the Minister advise us why it was felt appropriate by his Department for a senior officer to respond to a legitimate political point, rather than one of the elected Members of the Department?

And, secondly, will the Minister accept that this seems to be an unfortunate practice, which is becoming more prevalent across the Civil Service? Will the Minister convey my, and others', concerns about this practice to the Chief Minister and to the Council of Ministers?

A Member: Hear, hear.

The Speaker: Minister to reply.

The Minister: Well, I certainly would not like to say whether, in those particular circumstances, it was either appropriate or inappropriate, because I am not aware of the circumstances leading up to those questions being put in the press, so it would be wrong for me to make a judgement in there.

But I am willing to take on the Hon. Member's concerns, which he has put forward, about making sure that there are clear divisions about what should be answered by political Members and what should be answered by officers. The Hon. Member has a genuine point and I do take that on board, sir.

The Speaker: Final supplementary on this question. Hon. Member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

In thanking the Minister for the earlier responses, could I ask him: when will he now face up to reality and put the white elephant of Archallagan out of its misery, and bring the whole sorry episode to a conclusion?

The Speaker: Minister to reply.

The Minister: I do not have the full brief on this matter, Mr Speaker. Obviously, I have committed myself, publicly, to making sure that the business case for Archallagan does stack up, and that process of evaluation of looking at Archallagan, and whether there are any alternatives, is definitely ongoing.

For the time being, we are progressing with that application, because we need to have that security there, but if there is an opportunity for something more cost efficient we would jump at it.

CIVIL SERVICE COMMISSION**Civil Service Pension Scheme
Responsibility and amendments**

1.8. The Hon. Member for Rushen (Mr Gill) to ask the Chairman of the Civil Service Commission:

(1) Who is responsible for managing the Civil Service's Pension Scheme;

(2) is the Isle of Man Civil Service Scheme linked to the UK Scheme;

(3) has any such UK Scheme been amended or altered since the original link with the Isle of Man;

(4) have any such amendments or alterations been incorporated into the Isle of Man Civil Service Pension Scheme;

(5) are there any amendments or alterations to the UK Scheme which have not been incorporated into the Isle of Man Civil Service Pension Scheme; if so –

(a) what are they;

(b) when did they come into force in the UK;

(c) when were they considered for incorporation or amendment into the Isle of Man Civil Service Pension Scheme;

(d) why were such incorporations or amendments not applied to the Isle of Man Civil Service Pension Scheme;

(e) who made the decisions not to incorporate or amend the Isle of Man Civil Service Pension Scheme and on what authority; and

(6) if, however, the Isle of Man Civil Service Pension Scheme has fully and wholly reflected all the amendments or alterations applied to the UK Civil Service Pension Scheme will you categorically confirm this?

The Speaker: Question 8, Hon. Members. I call on the Hon. Member for Rushen, Mr Gill.

Mr Gill: Thank you, Loayreyder. Ta mee shirrey kied yn eysht y chur ta fo my ennym.

The Speaker: I call on the Hon. Member for Douglas North, Mr Houghton, Chairman of the Civil Service Commission, to reply.

The Chairman of the Civil Service Commission (Mr Houghton): Thank you, Mr Speaker.

The Civil Service Commission is the manager of the Isle of Man Civil Service Pension Scheme. That scheme was founded in 1973 under an Order, approved by Tynwald, and reflected the provisions of the United Kingdom principal Civil Service Pension Scheme, at that time. The United Kingdom Scheme has been subject to amendments, over the years, as pensions and social security legislation have changed, and those amendments have been similarly applied to the Isle of Man Scheme.

However, the UK introduced substantive new arrangements for civil servants from 1st October 2002, closing the original Scheme to new members from that date. Those changes to the UK Scheme, which provide for new and different Scheme provisions and contribution rates, have not been applied on the Isle of Man.

In responding to part (5) of the Question, I can confirm

that detailed consideration of the introduction of those new Scheme provisions, having regard to the Island's Civil Service requirements, is ongoing by the Commission. The United Kingdom first went out to consultation on its proposed new Scheme in 2000, but it was not until 2002 that the new Scheme was finalised and introduced, from 1st October 2002.

Once the detail of the Scheme was known, the Civil Service Commission initiated a review as to the implications to the Isle of Man Civil Service and potential cost implications. The make-up of the Isle of Man Civil Service is different from the United Kingdom Civil Service and, therefore, progress with regard to the detailed cost implications could only be achieved, once considerable information about Scheme membership had been collated.

As resources have become available, this has been progressed and it is the Commission's aim to initiate formal consultation with existing Scheme members on the options of them during the summer of this year.

This accords with the Commission's statutory responsibilities under the Superannuation Act 1984, which provide for the Commission to make appropriate superannuation schemes.

Summarising the position, and in response to part (6) of the Hon. Member's Question, I can confirm that the Commission adheres fully to the provisions of the UK principal Civil Service Pension Scheme, which is now closed to new entrants in the UK Civil Service. For the avoidance of doubt, that Scheme has continued to apply to Isle of Man Civil Servants, since 1st October 2002, and any changes to Pension Scheme provisions will be subject to proper consultation with Scheme members and the representative staff association, sir.

Thank you.

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

Mr Gill: Thank you for that very long Answer, sir, which skirted over some important points. Perhaps the subsequent questions can address those more fully.

Could the Chairman of the Civil Service Commission advise me, and many hundreds of civil servants who, no doubt, will have concerns at the lack of action by the Civil Service Commission and their agents, why the changes were not applied and what additional resources, which we are now told have been brought to bear to address this matter, albeit belatedly... what are those additional resources, and when were they put into place?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

I take the Hon. Member's point very, very seriously, as, indeed, when the whole matter was brought to my attention by a Member of the Department of Health and Social Security, for which I am very grateful.

When the whole issue was looked into, as I have answered in the initial Answer, matters had begun to move forward with such a new Scheme, because, indeed, this Scheme, sir, normally is analogous in the Isle of Man to the United Kingdom.

However, legal advice, which is the basis of the Answer that I have just given the Hon. Member, determines that only when the Isle of Man Civil Service Commission decides to

bring forward a new Scheme, which would then be analogous to the United Kingdom version of that Scheme, from 1st October 2002, would it come into being.

In order to promote that – because I am very supportive of the promotion of that Scheme, and I know the Hon. Member for Rushen is, too – the additional resource that has been given to this is by one full-time equivalent officer, in order to move things further forward, because it really is a serious resource implication, to deal with that, and other issues concerning further questions beyond this question, sir.

The Speaker: Member for Rushen, Mr Gill.

Mr Gill: Thank you, sir.

Could I just confirm that we are being asked to accept that, on the basis of one full-time officer – we are not told if that is an additional post, a new post, or if it is a transferee, or if it is a secondment, we just do not know, we have not been told – the Civil Service Commission and other pension schemes' membership have suffered a lot of uncertainty, because of a failure to take any action by the Civil Service Commission? So, could he give us some clarity about that full-time officer?

And, secondly, sir, the legal advice that the Chairman of the Civil Service Commission alludes to, will he share that, in the culture of openness and transparency that I know he is keen to promote, sir?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

The Hon. Member makes enquiries as to how this matter came, and led from 2002 to this date. The Hon. Member must be advised that, of course, I have only been the Chairman of the Civil Service Commission since late in the last summer, so I am, therefore, unable to answer previous questions as to why.

But when this matter was brought to my attention, I did move it much further up the agenda, in order to address this matter, because I felt it required addressing much quicker and sooner, in order to give those appropriate members of the Civil Service the opportunity of entering such a new and analogous scheme, after all the determinations behind the scenes had been made.

This officer, that had been handed this portfolio, undertook the work very shortly after this matter was made known to me. The officer is working very hard towards it. That means, obviously, doing away with other administrative duties that he was doing, in order to pursue this matter, sir.

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

Mr Karran: Vainstyr Loayreyder, could the Caairliagh, the Chairman, maybe circulate this Hon. House with the sort of potential liabilities, as far as the Civil Service Pension Schemes over the next 20, maybe 30, years, in order that we have some idea of the problem that that is going to be, so that Hon. Members can have a look at that?

And could the Caairliagh also tell us, is it possible that we should be, maybe, looking now that new people coming into the Civil Service should not be guaranteed – who are not members of the Civil Service now – that their retirement age will be, maybe, higher, instead of 60?

Even though it is very unpopular, I think it is about time

somebody in this Hon. House starts being responsible about this issue.

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker and for the avoidance of doubt, I am the Hon. Member responsible to Tynwald Court, sir, in response, for my time in the Civil Service Commission, with these particular issues.

I would quite gladly circulate such paperwork, in due course – not at this time, sir, because it is not quite known yet. That is the reason why we are working up the background of this new, so-called, proposed analogous scheme with the UK. The points that you made earlier, as far as new members of the Civil Service, this new scheme would, really, only apply to those in particular, those people joining the Civil Service Scheme, if they so wished, after October 2002.

So, that may be helpful to the Hon. Member, sir.

Disclosure Regulations Duties to Pension Scheme members

1.9. The Hon. Member for Rushen (Mr Gill) to ask the Chairman of the Civil Service Commission:

Are you entirely confident that the Civil Service Commission has consistently met its duty to Pension Scheme members under the relevant Disclosure Regulations?

The Speaker: Question 9, Hon. Member for Rushen, Mr Gill.

Mr Gill: Yes, thank you, Mr Speaker. I beg leave to ask the Question standing in my name.

The Speaker: I call on the Hon. Member for Douglas North, Mr Houghton, Chairman of the Civil Service Commission, to reply.

The Chairman of the Civil Service Commission (Mr Houghton): Thank you, Mr Speaker.

Earlier this year, the Civil Service Commission became aware that it was not meeting its obligations to Pension Scheme members under the relevant Disclosure Regulations, which were effected through Social Security legislation.

The general guidance about Pension Scheme provisions available to Scheme members is out of date. I should stress that this should not have led to any individual Scheme members not receiving their entitlements under various schemes.

The Commission is, currently, updating the literature, and will take any further steps which might be necessary, to meet, fully, its statutory obligations for the pension schemes, where it is the scheme manager, sir.

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

Mr Gill: Thank you, Mr Speaker.

Could the Chairman, and I fully accept that he has inherited this situation and I am not levelling any criticism at him, but his officers... Well, first of all, could he advise us if any of his officers have, in their Job Evaluation of Senior Posts

(JESP) scoring, been credited with additional points because of their managerial responsibilities for the management of these pension schemes?

Given that, could he further advise us why it was only earlier this year that the Disclosure Regulation requirements became apparent, when that is a central function of managing a pension scheme? Also, what are the penalties for a failure to adhere to those responsibilities, responsibilities that the managers should have been aware of, but seemingly, we are told, we have only become aware this year?

So, perhaps, he could clarify that, sir.

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

I am unable to clarify most of the questions that the Hon. Member makes. I am unable to disclose – needless to say, I would not – any issues to do JESP scoring on managerial responsibilities.

I can confirm that those disclosure arrangements became known to me from a member of the Department of Health and Social Security, along with issues contained in the previous question, sir, to which matters were then put into play, in order to resolve matters.

I am unable to state what penalties there would be, and whether or not such penalties would be levelled against the Commission, if, indeed, the Commission was found to be acting unlawfully, or in any such an irregular manner, sir.

But what I can tell the Hon. Member is that officers of my Commission met, again, with officers of the Department of Health and Social Security, only last Friday, to progress matters further.

So, Mr Speaker, this is being taken extremely seriously, needless to say, and matters are being put into place. I do thank him for the consideration of the fact that, obviously, this was all going on before my time, sir.

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

Mr Gill: Thank you, sir.

I thank the Chairman for the answers, but it is a rather surprising admission to hear that they are not aware of the potential penalties for failure to meet their requirements under the Disclosure Regulations.

Would the Chairman accept my understanding, and perhaps he could confirm it, that it is a maximum penalty of £10,000 per breach? We have heard described any number of breaches. Can the Chairman come back to us with a categoric list, a definitive list of how many breaches the Civil Service Commission have been in, in response of the Disclosure Regulations, in regards to the pensions schemes they are tasked with administering?

Could he also advise us why he has no intention of disclosing the points scoring elements of the JESP system, when that is the very plank of the divisive and self serving proposals to divide the Civil Service and the financial implications that attend to that – not least, sir, given the financial implications that these questions relate to seem to have been given very short shrift? What confidence can we and other people have that the Civil Service has attended to the JESP proposals with any more thoroughness?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

I am unable to provide any details to the Hon. Member, with regard to penalties, and I am most certainly unwilling to provide that Member with issues to do with the point scoring system, under JESP, sir.

Pension schemes

Presentations re 'uncertainties' to scheme members

1.10. The Hon. Member for Rushen (Mr Gill) to ask the Chairman of the Civil Service Commission:

Will you, as Chairman of the Civil Service Commission, direct the relevant officers of the Civil Service Commission, Treasury and the Personnel Office to make presentations to all members of pension schemes about the 'uncertainties' the Commission finds itself in and its intentions to deal with these 'uncertainties'?

The Speaker: Question 10. Hon. Member for Rushen, Mr Gill.

Mr Gill: Thank you, Mr Speaker. Ta mee shirrey kied yn eysht y chur ta fo my ennym.

The Speaker: I call on the Hon. Member for Douglas North, Mr Houghton, Chairman of the Civil Service Commission, to reply.

The Chairman of the Civil Service Commission (Mr Houghton): Thank you, Mr Speaker.

There have, and continue to be, changes in the UK scheme provisions for many public service pension schemes and, in the Isle of Man, there exist linkages to those schemes.

For example, for United Kingdom civil servants a new scheme came into effect from October 2002, and further changes are proposed from 2006, which impact on retirement ages and potentially linked to planned changes under social security legislation.

The whole matter of pension provision and the impact on Isle of Man public servants continues to be monitored by the Commission. Additionally, there is a general obligation, under Social Security legislation, for there to be full consultation with interested parties.

Therefore, there are a range of proposals which might be termed uncertainties – *might* be termed uncertainties – at the present time, and the Commission will continue to keep Hon. Members and those representing staff, informed of developments. Also, where the need arises, the Commission will formally consult and keep Scheme members informed.

Thank you, sir.

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

Mr Gill: Yes, thank you, sir.

Would the Chairman accept that his Answers today have advised this House, and any others listening, that the Civil Service Commission are the managers, they have failed to apply substantive changes, since October 2002, consistently.

The legal advice that I asked the Chairman to circulate and share with us, he has declined to respond to that, so I ask him again: will he undertake to circulate that legal advice

in the transparent manner which he expects of other parts of Government?

We are told he does not know what the penalties for breach of disclosure are. We are told it was only earlier this year that these matters became clear, and issues, and we are also told that we are not going to be told the JESP scoring.

Excepting the final point, sir, the other points are serious and are wide ranging and they have concerns for people's livelihood, they have people's pensions. Would he accept that the best thing to do, to clarify these uncertainties, is for the Civil Service Commission, or the appropriate officers, to undertake a series of presentations to Scheme members, to discuss, face to face, the issues, and to clarify and settle any of these uncertainties?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

On the first part of the Hon. Member's question, whereby he summarised his opinions on answers I have already given to previous questions, I would put it to you, Mr Speaker, that those answers are irrelevant to this Question, and I have answered them to the best of my ability.

As far as what the Hon. Member claims to be uncertainties, but are what I would put in as natural developments, as matters progress, Mr Speaker, perhaps it would be a good idea for the Hon. Member to be invited to be present at certain meetings, with his former representative organisation, with which, I know, he still has a very close connection, in order to see that there is very good and thorough liaison with those staff representative organisations, which is a vitally important tool, sir.

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

Mr Gill: Well, yes, sir, I am sure that would be a good idea, and could I extend the thought that the Chairman might wish to extend that to the people who are directly affected, to the members of these Schemes, sir, that they, also, should be invited to attend meetings and briefings. I am at a loss to understand why the Chairman is so unwilling.

However, he has a second opportunity to revisit that, and to undertake such briefings.

But could I also ask him, sir, given the shambles that we have heard described today – and, again, I accept that that is an inherited shambles, but, nonetheless, it is one that affects the here and now, and has uncertain implications – will the Chairman of the Civil Service Commission give an undertaking, today, that there will be no further moves to divide the Civil Service, and introduce any other uncertainties into the arrangements, until this matter, regarding these Schemes, have been fully and totally resolved, sir?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

The Hon. Member made early mention of the fact that other people, directly affected, should attend such meetings. I have lost –

Mr Gill: The plot.

The Chairman: – the thread of the Hon. Member's point here. Is that not what his staff association are there to

do – represent his members? And if there is a problem with the staff association, (**Mrs Hannan:** No.) to which the Hon. Member is closely connected to, if there is a loss with that, perhaps they should form a new membership of people who are more concerned.

But the membership of that organisation that I have met, and continue to meet, and my officers meet at subcommittee occasions, sir, are people who are very interested. They are businesslike people, they are intelligent people, and they do not appear to have the problems according to the Hon. Member today, sir.

So, perhaps, I would, once again, invite the Hon. Member, as an interested MHK, to attend those meetings, to see how he feels that members of the Civil Service are being represented, because it appears, from what the Hon. Member is saying the problem does not rest with the Civil Service Commission but, indeed, with his representative organisation.

And also, Mr Speaker, more seriously, to do with the relevance to the Question before us this morning, sir, with regard to these 'uncertain implications' that the Hon. Member has a very sincere concern about, he now has raised my concerns very, very seriously as to what he is saying. Mr Speaker, I would, therefore, seriously, invite the Hon. Member to put those concerns, as regards the seriousness of the uncertainties that he is alluding to today, in writing to me, and each one of those will be carefully considered and investigated.

I would ask that the Hon. Member makes sure he does that, because he is not coming to this Hon. House, sir, to fight over issues that he cannot support. So, I would make sure that he puts those issues to me in writing, because that is an extremely serious allegation he has made about Civil Service pensions.

I would invite him to do that and, then, of course, I would be more than willing to meet with him, after due consideration is given, because, as I say, I take his allegation extremely seriously.

Thank you, sir.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder.

Is it not a fact that the Civil Service Commission does not understand the Superannuation Scheme, or any of its changes, and is not a fact that all those having an interest in the Scheme should be kept up to date?

Would the Chair of the Civil Service Commission accept that it is not just the staff association that is involved with the Superannuation Scheme? There are MHKs, who come under the Scheme, and doctors, and all sorts of individuals who are employed by Government, who come under the Scheme, that are not kept up to date, on a regular basis, as to what their pension levels are, and my understanding is – is it not the understanding of the Chair of the Civil Service Commission – that everyone paying into the Scheme should get a printout every year of what their pension is supposed to be?

When was the last time that any pensioner or prospective pensioner was sent a copy of their printout of what they should expect, on retirement?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

Mr Speaker, I would take on board the concerns of the Hon. Member in this particular case, but the Superannuation Scheme is indeed administered, of course, by the Treasury.

I can assist the Hon. Member, as far as the annual printout of Schemes: indeed, systems will shortly come on stream, to provide all Scheme members with computer produced benefit statements, and this will ease the administration of pension schemes, which, in recent years, has grown substantively, as pension policy and provision have been given greater prominence than ever before.

So, most of this, really, appertains to the Treasury, which is the administrator of the Scheme, Mr Speaker, and not the members of the Civil Service Commission, who, obviously, work closely with the Treasury, but the Treasury being the administrator, sir.

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

Mr Gill: Yes, thank you, Mr Speaker.

Further to the kind invitation from the Chairman to write with detailed questions, how, could he advise me, am I, or anybody else, expected to do that, when he totally refuses, or states his unwillingness, to advise us of any of the details?

He will not tell us the legal advice this is based on; he will not tell us how many substantive changes there have been, since October 2002; he will not tell us what the implications of those changes are. Yet he tries to put the ball onto the other foot to say, 'Well, it is all you – you tell us the detail'.

How can we know the detail, when his Civil Service Commission is refusing to come clean and advise us of the detail?

The Speaker: Chairman to reply.

The Chairman: Mr Speaker, the Hon. Member put this Question – Question 10, which we are considering now:

'Will you, as Chairman of the Civil Service Commission, direct the relevant officers of the Civil Service Commission, Treasury and the Personnel Office to make presentations to all members of pension schemes' –

and this is the pertinent point –

'about the "uncertainties" the Commission finds itself in and its intentions to deal with these "uncertainties"?'

Now, the Hon. Member, Mr Speaker, is stating, in a Question he must have put down some eight days ago, about uncertainties that he states he is aware of, but now we are not sure. We are not sure, Mr Speaker, about what this man is saying to us, today.

He is, first, saying about uncertainties; now he is saying, 'Well, I want –

Mrs Hannan: A bit like him, when he comes up with all these uncertainties.

The Chairman: – further information, to tell us about the uncertainties, so then I can stab you in the back'.

Which part of the Island, or the planet, Mr Speaker, is this Hon. Member coming from? (*Laughter*)

Mrs Hannan: There is no need to insult Members.

The Speaker: Can I advise the Hon. Member for Douglas North not to be discourteous to another Member and, also, to refer to the Hon. Member as an Hon. Member.

The Chairman: For which I apologise, sir – I am putting a little bit of light into a very serious situation, sir –

Mrs Hannan: It is not light, at all.

The Chairman: – but I do, Mr Speaker, say this: the Question was put down, the Hon. Member alleges uncertainties –

The Speaker: You have answered that, Hon. Member.

The Chairman: I want to hear back from that Hon. Member, sir, about those uncertainties in writing, so they will be properly investigated, sir.

Thank you.

The Speaker: Still take note of what I said, Hon. Member.

The Chairman: Thank you.

Government Officers' Association Statutory obligations of Civil Service Commission

1.11. The Hon. Member for Rushen (Mr Gill) to ask the Chairman of the Civil Service Commission:

- (1) *What statutory obligations do you have to engage with the Government Officers' Association; and*
- (2) *do you intend disregarding such obligations or accepted working practices in the future?*

The Speaker: Question 11, Hon. Member for Rushen, Mr Gill.

Mr Gill: Yes, sir, I beg leave to ask the Question standing in my name, Mr Speaker.

The Speaker: I call on the Hon. Member for Douglas North, Mr Houghton, Chairman of the Civil Service Commission, to reply.

The Chairman of the Civil Service Commission (Mr Houghton): Thank you, Mr Speaker.

Mr Speaker, the statutory functions of the Civil Service Commission are set out in section 3 of the Civil Service Act 1990, and provide for the Commission to determine the terms and conditions of service of civil servants, subject to any requirements imposed, by resolution of Tynwald, with respect of negotiation and/or arbitration.

To this effect, there is a Joint Negotiating Committee (JNC) for the Civil Service, the constitution of which was approved by Tynwald, on 16th October 1991. Also, there is the Arbitration Agreement 1991, approved by Tynwald, at the same time.

The constitution sets out the extent of that Commission's functions as follows.

The general functions of the JNC shall be: (1) to secure

the largest possible measure of co-operation between the Government of the Isle of Man as employer and members of the Isle of Man Civil Service, in the determination of the pay and other terms and conditions of civil servants; and (2) to achieve a sensible balance between the need to provide efficient cost effective services, in the public interest, and the duty to be a responsible employer.

Mr Speaker, it shall not be a function of the Committee to consider: (a) claims concerning the pay of individual officers, except where the post occupied is individual in character, so that the pay for it has, necessarily, to be assessed separately; or (b) matters which impinge upon the Commission's statutory duty to fix the Civil Service establishment.

As a responsible employer, the Commission consults, as appropriate, with the Government Officers' Association, which happens to be the only staff association registered under the Trade Unions Act 1991, recognised for that purpose.

In a changing world, with developments in technology, increasing demands on public services, and the need to ensure those services to our community are fully effective and represent value for money, in the use of public funds, there will always be the need to keep under review working practices, mechanisms and processes to enable continuous improvement.

The Civil Service is not immune from that change, and the Commission will continue to meet its obligations for proper negotiation and consultation with the Government Officers' Association and staff, to give effect to that continuous improvement, sir.

Thank you.

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

Mr Gill: Yes, just briefly, Mr Speaker, if I may?

Could the Chairman, therefore, confirm – and it might be a yes/no answer, if he chooses – that the Civil Service Commission have no plans or intentions to disregard the working practice, or the arrangements, with the GOA, and to go directly to ballot or to influence the workforce, outwith the usual practice of arrangements with the GOA.

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

Mr Speaker, far from it: we do enjoy good negotiations, both at officer level and at the political level, with the Commission, with the Government Officers' Association, and their representatives, at all times. It is extremely businesslike, and it is one of the areas that I most enjoy, sir.

Second pension schemes Superannuation charge

1.12. The Hon. Member for Rushen (Mr Gill) to ask the Chairman of the Civil Service Commission:

- (1) *Is there a charge levied by the Superannuation Section of Treasury against members of the pension schemes managed by your Commission who wish to avail themselves of a second pension forecast within a year;*
(2) *what is such a charge;*

(3) *who decided on such a fee;*

(4) *on how many occasions has such a fee been levied; and*

(5) *where would any money thus raised go?*

The Speaker: Question 12, Hon. Member for Rushen, Mr Gill.

Mr Gill: Yes, thank you, Mr Speaker. I beg leave to ask the Question standing in my name.

The Speaker: I call on the Hon. Member for Douglas North, Mr Houghton, Chairman of the Civil Service Commission, to reply.

The Chairman of the Civil Service Commission (Mr Houghton): Thank you, Mr Speaker.

Mr Speaker, just in opening, I am very grateful for the Hon. Member to have put this Question down, to clarify matters, sir.

Mr Speaker, at the present time, there is no charge levied on pension scheme members of those Schemes managed by the Civil Service Commission who wish to have a second pension forecast within a year.

Only recently, it was brought to the attention of the Commission that Scheme members were being advised that a charge of £100 would be levied by the Superannuation Section of the Treasury, for a second forecast.

However, the Commission, as the Scheme manager, has taken immediate steps to discontinue this former administrative practice.

Furthermore, from its enquiries, the Commission is only aware that one such charge had actually been levied, and steps are now being taken to make a refund to that individual, by Treasury.

Any charges in respect of the administration of pension schemes would be considered as general revenue and accounted for by the Superannuation Section of the Treasury.

Thank you, sir.

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

Mr Gill: Yes, thank you.

Could I direct the Chairman of the Commission to my part (2) of Question 12, and ask him if he chooses to revisit that Answer, sir.

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

The Hon. Member asked what the charge is. I am stating, sir, that there should be no charge.

It has been thought that a charge should be levied, as far as administration systems, et cetera, but rather than a charge be imposed, sir, I would, certainly, support – and this has been my support all the way through, when I picked up this information, quite some time ago – that, rather than a charge, in some cases, where some people ask for numerous pension forecasts within one year, perhaps, consideration should be brought forward to minimise those particular forecasts, for those who apply for them on numerous occasions, rather than impose a charge.

But, Mr Speaker, in addition to that, of course, as

I have mentioned earlier, with matters becoming more computerised, it is much easier, now, for the Treasury to provide applicants with the information that they require, as far as what their pension circumstances, in their own personal capacity, are, as such, and, therefore, there should be no charge.

That is my answer to the Hon. Member.

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

Mr Gill: Thank you, sir.

Is the Chairman of the Commission aware of any other similar areas where charges have been laid – as he calls them, administrative charges – and could he confirm that these will be matters of policy, and should be, at least, brought to the Treasury, at Department political level, if they are within Treasury, or the other relevant Departments?

So, is he aware of any other areas, where similar charging is being applied, and if so, what is he going to do about it?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

I am not aware of any other charges and, of course, as I have answered in my opening gambit, sir, we only have become aware that there was one, indeed.

So, if the Hon. Member does have any other known charges, if he would bring it to my attention, I would, certainly, be more than pleased to look into it, sir.

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

Mrs Hannan: Just on this, how many prospective pensioners... how many members of the Pension Scheme actually get one forecast a year, as opposed to getting two forecasts?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

I am unaware... I know that, certainly now, coming in, with the new computer system, that everybody will get at least one a year. I am unaware as to how many more, but because, now, the computerisation is much more improved, it will be easier for people who apply for further forecasts, in the year, to get them.

Use of Questions to make statements Statement by the Speaker

The Speaker: Hon. Members, in concluding the Questions for Oral Answer, can I just make an observation.

It is becoming a habit and, certainly today, from Hon. Members, to make lengthy statements which are not questions. I would remind all Hon. Members to visit Standing Order 49, to read them carefully, and to keep it in their mind when asking Questions.

I do intend to try and cut Members back on these lengthy statements, and, if necessary, I will cut Questions short, in responses. Hon. Members, please take note.

Now, Hon. Members, we have eight Questions for Written Answer, and they will be circulated, in due course.

Questions for Written Answer

CHIEF MINISTER

Electricity Act 1996 Amendment Bill to restore accountability of MEA Directors

2.1. The Hon. Member for Michael (Mr Cannan) to ask the Chief Minister:

- (1) Will you as a matter of the utmost priority introduce into the Legislature a short Bill to amend the Electricity Act 1996 so as to restore management accountability of the Directors of the Manx Electricity Authority to the Treasury reporting to Tynwald; and, if so
(2) will you give an indication of the timescale for the introduction of such legislation?

Answer: There is already, embodied in legislation, a number of controls on the action of the Board Members of the Manx Electricity Authority. The Electricity Act 1996, Sections 2(8) – 2(10) provide as follows:

- ‘2(8) The Department of Trade and Industry (“the Department”) may give to the Authority such directions regarding the exercise of its functions as the Department thinks fit.
(9) Without prejudice to the generality of subsection (8), directions under that subsection may relate to –
(a) standards of customer service; and
(b) customer complaints procedures.
(10) Subsections (8) and (9) are without prejudice to section 3(2) (directions by Treasury) and paragraph 12(1) of Schedule 2 to the Statutory Boards Act 1987 (directions by Council of Ministers).’

Section 3(2) provides:

- ‘The Treasury may, after consultation with the Authority, give to the Authority directions as to –
(a) any matter relating to the establishment or management of reserves,
(b) the sums to be allocated to these reserves, or
(c) the application of these reserves;
and the Authority shall comply with any such directions.’

Paragraphs 12(1) and 12(2) of Schedule 2 to the Statutory Boards Act 1987 provide:

- ‘12(1) The Council of Ministers may, after consultation with the Board, give to the Board such directions as to the exercise of its functions in relation to any matter which appears to the Council of Ministers to affect the public interest, and the Board shall comply with any such directions.
12(2) The Board shall supply to the Chief Minister such information, and render such other assistance, as the Chief Minister may from time to time require, and for that purpose shall permit any person appointed for the purpose by the Chief Minister inspect and make copies of its accounts, books, documents and papers, and shall afford such explanation thereof as that person may reasonably require.’

The former Chief Minister required the Board to supply information on 18th November 2004, as did the current Chief Minister on 3rd February 2005.

In addition, Section 3(3) of the Statutory Boards Act 1987 provides that a member of a Statutory Board may be removed from office by a direction of the Council of Ministers.

My preference would be to consider the need for any amendments to the Electricity Act, which might strengthen the above controls, after the receipt of the Pannell Kerr Forster report, rather than before, especially when the report is now so close to completion.

TREASURY

Prospectuses for MEA bond issues Publication and obtaining copies

2.2. The Hon. Member for Malew and Santon (Capt. Douglas) to ask the Minister for the Treasury:

- (1) *Can you confirm that prospectuses concerning the bond issues to the sum of £185M, £70M and a further £50M, undertaken by the Government and/or the MEA Board were published; and*
(2) *where can a Member of this House obtain copies?*

Answer: (1) I confirm that a prospectus, referred to as an 'Offering Circular', was issued in respect of the bond for £185 million by the Treasury. The borrowing of £70 million and a further £50 million was undertaken in the name of the Manx Cable Company Limited by means of bank loans, for which no prospectus is issued.

(2) Members can obtain a copy of the 'Offering Circular' in respect of the £185 million from the Treasury. In addition, I have placed a copy of it in the Tynwald Library.

HOME AFFAIRS

Special Branch Functions, responsibilities, duties and training

2.3. The Hon. Member for Rushen (Mr Gill) to ask the Minister for Home Affairs:

- (1) *What are the main functions, responsibilities and duties of the Special Branch;*
(2) *are these functions, responsibilities and duties central to the security and integrity of the Isle of Man; and*
(3) *what specialist training do police officers have to complete to be fully operational and qualified Special Branch Officers?*

Answer: The role of Special Branch (and Ports Officers) is primarily to gather intelligence to meet national security requirements, as well as to support other core policing aims.

The national security of the Isle of Man is the unambiguous priority of local Special Branch, who do, by necessity, to achieve this aim, work closely with other UK agencies. Whilst local Special Branch do have close working relationships elsewhere, they remain an integral part of the Isle of Man Constabulary and they are accountable to the Chief Constable.

All Special Branch Officers attend two one-week courses in the United Kingdom. This is the same training that their United Kingdom counterparts receive. This training is

a basic requirement. Officers new to Special Branch are also mentored by more experienced officers within the department.

Special Branch Officers Numbers deployed at Manx air and sea ports, past, present and future

2.4. The Hon. Member for Rushen (Mr Gill) to ask the Minister for Home Affairs:

- (1) *How many Special Branch Officers were deployed at Manx air and sea ports at the time of -*
(a) *the '9-11' attacks in the USA;*
(b) *the closure of the Sangatte camp in France;*
and
(c) *the signing of the 'Good Friday' Agreement in Ireland;*
(2) *how many Special Branch Officers are deployed at Manx air and sea ports now;*
(3) *within the boundaries of operational and intelligence security considerations will you advise how these (if any) changes in numbers of Officers deployed is beneficial to the security of the Isle of Man; and*
(4) *are changes to the deployment of Special Branch Officers envisaged or planned in the 'significant changes' to be made to the structure of the IOM Constabulary from 11th April 2005 outlined in a letter from the Chief Constable's Office dated 21st March 2005?*

Answer: At the time of the '9-11' attacks (11th September 2001) the Special Branch/Ports Unit consisted of one Detective Sergeant and 6 Detective Constables. All of the Detective Constables were deployed full time at the Isle of Man airport immediately after the attacks, for a period of about 10 days. They were also backed up by armed uniformed officers patrolling the airport terminal and local uniformed officers carrying out regular patrols of the perimeter.

At the time of the closure of the Sangatte camp in France (December 2002) the Special Branch/Ports Unit consisted of one Detective Sergeant and 6 Detective Constables. No special measures were introduced and officers were deployed at the airport and sea ports on a routine basis.

The signing of the 'Good Friday' Agreement took place in 1998 and, at that time, Special Branch/Ports Unit consisted of one Detective Sergeant and six Detective Constables. No special measures were introduced and officers were deployed at the airport and sea ports on a routine basis.

It should be noted that these officers carried out a dual role of mainstream Special Branch officers and ports officers.

Prior to 11th April 2005, one Detective Sergeant and six Detective Constables were deployed at the air and sea ports. As from 11th April 2005 the Isle of Man Constabulary has been restructured and responsibility for the policing of ports now lies with the CID Proactive Team, not Special Branch. Therefore, Special Branch no longer have a presence at the ports.

The Isle of Man Constabulary has now adopted the National Intelligence Model. This model will drive the Constabulary, and policing of the Island will be mainly based

on intelligence, including policing of the ports. The benefits of this system should be apparent in the near future. Special Branch still exists at Police Headquarters, but with reduced staffing, and sits within the Force Intelligence Bureau. It still maintains the functions, responsibilities and duties, as outlined in the answer to the first question.

Yes. As explained in the previous Answer, Special Branch will still exist but will not have a presence at the ports.

Special Branch resources Responsibility for deployment

2.5. The Hon. Member for Rushen (Mr Gill) to ask the Minister for Home Affairs:

Who is ultimately responsible for the deployment – or non-deployment – of Special Branch resources?

Answer: The Chief Constable is responsible for the direction and control of the Isle of Man Constabulary by virtue of Section 3 of the Police Act 1993. Thus it is he who is responsible for the deployment of Special Branch officers.

Community Occupational Therapy Service Waiting times and improvements

2.6. The Hon. Member for Rushen (Mr Gill) to ask the Minister for Health and Social Security:

- (1) *Do you regard 18 weeks as an unacceptably long period for clients in need to wait for a referral to the Community Occupational Therapy Service;*
- (2) *is this delay because of resource difficulties;*
- (3) *what plans do you have to improve this unsatisfactory arrangement; and*
- (4) *when will clients in need see such improvements?*

Answer: (1) All referrals to the Community Occupational Therapy Service are prioritised according to clinical need. Urgent cases are given a higher priority than those listed as routine, so that waiting times for assessment and treatment can vary. Referrals relating to acute cases are normally seen within one working day.

(2) The principal reason for delays is increased service demand, and problems in the provision of larger equipment and housing adaptations assessed for and by Occupational Therapy. Such problems are, in part, due to limited resources.

(3) In line with other service providers, Occupational Therapy continues to review service delivery to ensure the most effective use of resources. Urgent cases are always accorded priority.

(4) Improvement in the current position is dependent upon additional resources in staffing and the Aids and Adaptations Budgets. The Department will continue to direct support where it is most needed, at the same time seeking to secure enhanced service provision through the budgetary process.

CIVIL SERVICE COMMISSION

Civil Service pension schemes Circulation of list to Members

2.7. The Hon. Member for Rushen (Mr Gill) to ask the Chairman of the Civil Service Commission:

Will you please circulate a list to all Members of Tynwald of all the pension schemes for which your Commission has responsibility?

Answer: I would be pleased to circulate a list of all the pension schemes for which the Civil Service Commission is scheme manager to all Members of Tynwald.

Such list is set out in Table 7A and includes schemes which are now closed to Members, but remain active:

Table 7A

Principal Civil Service Pension Scheme
Superannuation (Officers of the Boards) Scheme 1959
Superannuation (Harbour Police Civilian Auxiliaries) Scheme 1988
Insurance Authority Superannuation Scheme 1966
Financial Supervision Commission Superannuation Scheme 1984
Leisure Services Superannuation Scheme 2000
Superannuation (Traffic Wardens) Scheme 1989
NHS Superannuation Scheme 1997
Hospice Care Superannuation Scheme 2001
Manx Electricity Authority Superannuation Scheme 1985
Manx Electricity Authority Government Scheme Optants
Airport Firemen's Superannuation Scheme 1989
Manual Workers Superannuation Scheme 1977
National Transport Ltd Pension Scheme 1978
Radio Manx Ltd Pension Scheme 1980
Judicial Pension Scheme 1992
Judicial Pension Scheme 2004
Superannuation (Manual Workers) (No 1) Scheme 1973
Superannuation (Manual Workers) (No 2) Scheme 1973
Electricity Board Manual Workers Scheme 1976
Superannuation (Officer of the Board) Electricity Board Scheme 1960

ISLE OF MAN WATER AUTHORITY

1999 Water Authority Bond prospectus Publication and obtaining copies

2.8. The Hon. Member for Malew and Santon (Capt. Douglas) to ask the Chairman of the Isle of Man Water Authority:

- (1) *Can you confirm that a prospectus concerning the 1999 Bond issue undertaken by the Isle of Man Government on behalf of the Authority was published; and*
- (2) *where can a Member of this House obtain a copy?*

Answer: In response to part (1) of the Question:

The prospectus was issued by the Treasury on behalf of the Water Authority in March 2000.

In response to part (2) of the Question:

The prospectus can be inspected at the Water Authority's Head Office at The Drill Hall, Tromode Road, Douglas, or, alternatively, the Chief Executive will send a copy upon request (Telephone: 695971).

Treasury concurrence for Private Members' Bills Ruling by the Speaker

The Speaker: Now, before we proceed to the next business, Hon. Members, I wish to make a Ruling in relation to Private Members' Bills.

It has been brought to my attention that a problem has arisen in relation to a Private Member's Bill, approved for drafting by Her Majesty's Attorney General.

The matter in question relates to the drafting of a Private Member's Bill, which the House gave leave to introduce, to the Hon. Member for Onchan, Mr Karran, on 2nd November 2004.

The leave given by the House was to enable the Hon. Member to introduce a Bill to provide for a Police Authority, providing for its membership and remit, and for connected matters. The issue in question, raised by Her Majesty's Attorney General's Chambers, relates to the need for Treasury concurrence before the Chambers will draft the Bill.

Hon. Members, the issue for the House is, I believe, quite straightforward, and I, therefore, wish to clarify the position for all parties concerned.

The matter of Treasury concurrence in relation to a Private Member's Bill, after a Member has been granted leave to introduce, has been before the House previously. I refer to a statement made during a debate in the House, on 30th March 1993, by the then Treasury Minister, when he stated, and I quote:

'The policy of the Treasury Department when concurrence is being sought to introduce a Private Member's Bill is to concur to the introduction of the Bill but to reserve the right to speak and vote against that Bill. That policy is not, I would suggest, interfering with the democratic process. What it does is to give the Treasury Department the opportunity to consider and calculate the effect of the introduction of such legislation on Government's finances.'

Hon. Members, the issue now raised by Her Majesty's Attorney General's Chambers is that there is a legal obligation in an Act of Tynwald, the Treasury Act 1985, that requires Treasury concurrence for a Member to have leave to introduce a Bill authorising expenditure.

Quite clearly, the Chambers are correct. However, whilst acknowledging this fact, it has also to be borne in mind the statement made by the Treasury Minister, in 1993, when the provisions of the Treasury Act 1985 were well known, and also the fact that, as the Treasury Minister is the Treasury Department, the onus is upon that Minister – or, in his absence, I would suggest the Chief Minister or a Minister on behalf of the Government – at the stage of the leave to introduce being sought in the House, to indicate whether or not concurrence is forthcoming, or may be refused at a later stage. That is, once the detail of the Bill is known, thus following Treasury policy since 1993.

In the absence of any comment by the Treasury Minister, or such other appropriate Minister in his absence, indicating that concurrence has not been, or will not be, given to the Private Member's Bill, then the House can rightly accept, as, I believe, can Her Majesty's Attorney General, that

concurrence has been given at the leave to introduce stage, thus enabling the Private Member's Bill to be drafted by Chambers for introduction into the House.

This does not mean that, once the details of the Private Member's Bill have been published, that Treasury cannot, as the House was advised in 1993, oppose the Bill, on the basis that concurrence is withdrawn, now that the details and implications of the Bill are known.

Such a procedure was clearly indicated as Treasury policy, in the statement, in 1993, by the then Treasury Minister, and no statement has since been made, to revoke that policy. All parties concerned have, until now, accepted the Treasury policy since that time.

Hon. Members, it is worth noting that when the Hon. Member for Onchan, Mr Karran, sought leave to introduce his Private Member's Bill, on 2nd November 2004, that the Treasury Minister was present in the House and, as *Hansard* confirms, neither he nor any Government Minister raised any issue relating to Treasury concurrence.

Fundamental to this matter is that, as the Treasury Minister did not raise the issue of Treasury concurrence, and, further, without comment, supported the leave to introduce, with such decision by the House being unanimous, then his silence must be taken to mean that, at that stage, Treasury concurrence had been given.

This, I suggest, is in line with the established Treasury policy, to which I have previously referred.

I, therefore, expect that the Hon. Member for Onchan, Mr Karran's Private Member's Bill, as approved by the House, on 2nd November 2004, for introduction, will be drafted by Her Majesty's Attorney General's Chambers without further delay, and that any concerns Chambers may have been taken up with the Government forthwith.

Hon. Members, it is a fundamental right of a Member of this House to seek to introduce a Private Member's Bill, and once such leave is given by the House, then procedures for drafting the Bill should not be inhibited, in any way whatsoever. It can and must only be a matter for the House, whether such a Bill will proceed.

Clearly, the present situation that has now arisen, has created uncertainty for all parties, and especially for Members, and it is not desirable and cannot be permitted to continue.

I, therefore, call on the Government and the Treasury Minister, in particular, to urgently consider amending section 10 of the Treasury Act 1985, to remove any ambiguity, in relation to Treasury concurrence for Private Members' Bills, so that such a situation will not occur again.

It is clear that the Treasury Act 1985 must be amended, to resolve this matter once and for all.

Hon. Members, I have, therefore, instructed the Secretary to the House to write, enclosing a copy of my Ruling given today, to the Chief Minister, Treasury Minister and Her Majesty's Attorney General, regarding this important matter, with a view to the issue being appropriately rectified, by Government seeking to amend the Treasury Act 1985, at a very early date, and, certainly, I would expect during the life of this House.

Orders of the Day

A Bill to amend the law relating to sexual offenders Leave to introduce granted

3.1. The Hon. Member for Douglas North (Mr Houghton) to move:

That leave be given to introduce a Bill to amend the law relating to sexual offenders, and for connected purposes.

The Speaker: Hon. Members, we now move on to the next matter before the House, Item 3, introduction of leave to introduce. The Hon. Member for Douglas North, Mr Houghton.

Mr Houghton: Sorry, Mr Speaker, just a very small point of order on that Statement you have read out, if I may, sir.

The Speaker: Hon. Member, it is not a Statement; it is a Ruling and, therefore, not subject to question.

Mr Houghton: Okay, thank you, Mr Speaker.

The Speaker: Hon. Member for Douglas North.

Mr Houghton: Thank you, Mr Speaker.

On 26th October 2004, this Hon. House granted leave to me to introduce... to amend the law relating to sexual offences by paedophiles and other matters.

Since that time, I have been working with the legislative draftsman, with close liaison with all appropriate officers of the Department of Home Affairs.

At a meeting earlier this month, discussions took place concerning the effects of this draft Bill, and its consequences with regard to the terms of reference I secured from this House, upon the approval of my leave given to introduce a Bill, at that time.

Mr Speaker, in order for my Bill to include sex offenders, other than just paedophiles, the long title of the Bill needs to be amended, to include the wording of my motion, as set out on the Order Paper.

In conclusion, Mr Speaker, I seek approval from Hon. Members today to merely amend the long title of my forthcoming Bill, so that all connected matters in the issuing of sexual offenders' prevention orders, et cetera, can be included in my draft Bill, sir.

Thank you, I beg to move.

Mr Cretney: I beg to second, sir.

Mr Henderson: I beg to second, sir.

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

Mr Karran: Vainstyr Loayreyder, I will not stop the Hon. Member having his leave to be introduced for his wider remit, but I am concerned that, when we talk about sex offenders, we have to make sure that we do not end up on some fantastic bandwagon, where it looks good for the general public, but, actually, does a disservice to the actual

principles that the Hon. Member wants.

What I am concerned about is that, if people are caught having sex in public, that they will not be found to be sex offenders, and end up being in a situation as being classed as part of paedophiles.

I am concerned about these sort of issues, and I am not talking about –

Mr Earnshaw: Point of order, Mr Speaker.

The Speaker: Hon. Member for Onchan, Mr Earnshaw, point of order.

Mr Earnshaw: Is this relevant to the motion that is on the Paper, which is to alter the long title of the Bill?

Mrs Hannan: Yes, of course, it is.

The Speaker: Well, as the long title to be amended, Hon. Member, relates to sex offenders, I suspect it is. Hon. Member for Onchan, Mr Karran, to continue.

Mr Karran: Thank you, Vainstyr Loayreyder.

It is very relevant, because the important thing is to have a proper paedophile register to protect our children, and what we must not allow is a situation where we get all sorts of things being dragged in, as far as sex offenders are concerned, and we end up with a situation where we actually dilute the importance of the paedophile list.

We are wanting a paedophile list to protect children, which is most important, and I do not want to be seen as being wanting to decry or demean the importance of that, because it must be one of the worst crimes of all, to take away a child's innocence.

But, at the end of the day, what I am concerned about is two issues. I will support the leave to introduce, but I am concerned that, if we are going to go down the nonsense of bringing in people who are found up on the Marine Drive or anything like that, whether it is heterosexual or homosexual, that we are not going to get the issue of clouding the protection of children. (**Mr Houghton:** Yes.) That is a different type of sexual offence.

The other issue that I am deeply concerned about is that I am led to believe that we are going to end up with a situation where these orders can be part of a conditional discharge procedure, as far as the Police are concerned. I am concerned that people are innocent until they are proven guilty, as far as these offences are concerned, and I would be very alarmed, if we end up with a situation where people who have not been proven guilty end up with these sorts of orders on them, as some sort of condition of the Police not going forward with any convictions.

I think it is wrong, if that is the case, because it is too much behind closed doors, and I think it is something that needs to be sorted out.

The third issue that I am concerned about – and I do hope that the Hon. Member, when he is doing this piece of legislation... – is that we will see something done, apart from the sort of outrageous comments about wanting to boil people like crabs, that we will have something sensibly put in this piece of legislation, (*Interjection by Mrs Hannan*) so that we actually start addressing how we are going to try and stop these paedophiles from being a bigger danger to our children, and to society as a whole, as far as that is

concerned, by putting in proper statutory obligations on the Department of Home Affairs, to bring in the suitable courses that are needed, in order to stop this despicable crime.

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

Mrs Hannan: Yes, thank you, Vainstyr Loayreyder.

I think, to give leave to introduce to extend, even if it is only just the long title, we need more information than the Member has been prepared to give us this morning.

What does he mean by extending the long title? Surely, if he wants to extend the long title, he should be willing to spell out what he means.

What offences is he talking about? Why, now, bring forward a motion to extend the long title, when he did not make that clear what he wanted in October of last year? Why did he get it wrong, in October last year?

I think these are all sorts of things that we should be told, and I think we should not forget, Vainstyr Loayreyder, that it is a very special honour, you might say, to be allowed to introduce legislation. We should not, because somebody takes a fancy to introduce legislation, just give them the right to do that. They should have to make a case to us. Legislation stays on the Statute Book for very much longer than just getting up and passing a motion in Tynwald or, indeed, in this House.

Who has suggested that this needs to be extended? Where has the extension come from, to extend the long title?

I think these are all sorts of areas which we, actually, need to be told, before we can make the decision to give this Member something which is very precious to us: our vote.

I would hope that the Member who is suggesting that the long title should be extended, to include areas that he wishes to go into... that we should be told the areas that he wants to extend this into, so that we can make a judged decision.

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

Mr Gill: Thank you, Mr Speaker.

Just briefly, the principle of supporting leave to introduce is, of course, one I would support. However, I do have two reservations, which have been raised by the two speakers, but, perhaps, for clarify I could echo them.

The first one has, certainly, been raised and that was about the previous intemperate comments we have heard from the mover, with regard to boiling paedophiles alive in the incinerator and, whilst we all say things we, perhaps, do not mean, and, perhaps, are said for effect, rather than because we are genuine about the content of the words, we do have a responsibility. I, certainly, would want to dissociate myself from any policy which might flow from those kinds of intemperate and unreasonable beliefs.

The second one, sir, is to reflect on the penal review that, in another place, we have determined to set down and, perhaps, these are issues that the mover might wish to defer, for the present time, and incorporate into that review – I just put that to him, sir.

I would support, if he is determined to carry on with the Item that is before us, of course, I would be willing to give him my support, but that would be support on the benefit of the doubt, because I doubt – until we see it, of course, I cannot say – that I would have too much in accord with the mover's beliefs and views and responses to circumstances.

So, I just put that to him. Perhaps the mover, when he is

responding, might choose to consider whether he is happy to withdraw this, in this form, at this time, and to, instead, investigate what he is trying to achieve through the penal review.

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

Mr Braidwood: Thank you, Mr Speaker.

Mr Speaker, as the Hon. Member for North Douglas has mentioned, he has been in consultation with my Department and, as a result of those discussions, it was my Department who, actually, asked the Hon. Member for North Douglas to change the Bill, and to extend the long title to include sex offenders, and not just to restrict it to paedophiles.

A number of issues were considered by the legislative draftsmen, and I am satisfied that, once these have been resolved, the Bill will be a valuable tool, in assisting the various agencies to reduce and prevent offences by sex offenders.

There are, obviously, resource implications, Mr Speaker, particularly in extending the Bill to cover sex offenders, and, once the Bill is brought forward, my Department would not be extending those provisions, until the resources are available.

Also, Mr Speaker, in actual fact, the extended provisions will avoid the need for my Department to bring forward its own legislation, which we were progressing, and it will allow for those provisions to be introduced at a speedier date, at a speedier time, later on in the legislative programme.

Whilst I am on my feet, Mr Speaker, I think the co-operation between the Hon. Member for North Douglas and my Department, in actual fact, demonstrates the positive value, when people talk together, and I hope this is a positive note for the future, with the Hon. Member for North Douglas and my Department. (*Laughter*)

Mr Houghton: Thank you, Mr Braidwood!

The Speaker: Hon. Member for Douglas North to reply to the debate.

Mr Houghton: Thank you, Mr Speaker.

Mr Speaker, the answers to the questions of the previous Hon. Members have been summarised and answered by the Hon. Member, the Minister for Home Affairs, inasfar as, of course, the fact that the Hon. Minister did honestly say, when I got up for my leave to introduce, in October last year, and said – and it was quite correct, it was checked, and it was quite correctly informing the House – that there were already measures well underway, to bring forward sexual prevention orders, to deal with paedophiles and other sex offenders. Of course, it was mixed up in a Bill with many, many other issues to do with sex offenders.

So, I have consulted closely with the Hon. Member's Department. Arising from that, we have an overlapping of issues to do with sex offenders who require prevention orders, as well as those who have been convicted paedophiles, and on the paedophile register. It is *purely* that that is required here.

Now, as far as the Hon. Minister mentions, which is quite correct, the Bill will require – and this is at a draft stage, at the moment – Treasury concurrence, because there will be a certain amount of expenditure there. Can I reassure Hon.

Members that what has been discussed and proposed so far, as far as the cost of the Bill, is that the original area, just dealing with paedophiles, in the Bill, will be resource free. It will not attract additional resources.

But the other issues that are connected to the area on which I am focusing, with the Department, will, possibly, attract additional resources, for which, after getting Treasury permission, there would be an Appointed Day Order for, say, part 2 of the Bill. That is the way the draft Bill is starting to come together now, Hon. Members.

So, I do thank the Hon. Minister for confirming that, which is, indeed, the situation.

I hope that answers the Hon. Member, Mr Gill, for what he said were my intemperate comments, et cetera, and can I inform that Hon. Member that, of course, no matter what legislation one may wish to bring forward, these days, it all has to be Human Rights compliant. It virtually gets an offender off with anything.

Mrs Hannan: Don't be silly.

Mr Houghton: Well, it does. Human Rights compliance is bringing down the standard of sanctions, et cetera, of what we really need to do, to deal with issues. Nobody was ever going to see legislation brought about in the House of Keys, Human Rights or otherwise, that would say that somebody would be boiled alive.

So, those intemperate comments of mine would never... and I just think it is possibly a bit of a headline-pinching gambit of the Hon. Member even stating that.

Mrs Hannan: No, it wasn't – you said it!

Mr Houghton: I did say it, (**Mrs Hannan:** Yes.) but the Hon. Member for Rushen saw it in that context, and he should be grown up enough to know that would never (**Mrs Hannan:** Oh!) ever, ever apply in legislation.

Mrs Hannan: And, therefore, MHKs would not say it in public! (*Interjections*)

The Speaker: Hon. Member for Peel.

Mr Houghton: A little lesson for the Hon. Member for Peel, Mr Speaker.

The Speaker: Hon. Member, please, can you just reply to the debate –

A Member: Yes.

Mr Houghton: I will reply to the debate –

The Speaker: – without giving lessons. (*Laughter*)

Mr Houghton: I take your point, sir.

As I am going through two Private Member's Bills, at the moment, I am very, very involved, and I am very grateful to the Attorney General's legal draftsmen, who are working extremely hard, plus the other Departments who are assisting – very grateful for that, sir.

But before any legislation gets in front of us, it has to have passed every single stage, so much so, that we are the last to see it, not really the first. It even has to have Her Majesty's compliance in the UK, before it reaches this House.

So, if we think in this Hon. House, Mr Speaker, that we are the leaders of legislation, well, I would question that, and I am very much involved in bringing my own legislation forward, for which I am very grateful to this House, for giving it the *final* okay – not the initial okay, the final okay.

Mrs Hannan: We give it the first.

Mr Houghton: – and you must swallow that, Hon. Member for Peel, because that is the situation.

I am grateful to both my hon. colleagues, Mr Henderson and Mr Cretney, for jumping up to second the Bill, and I thank them for that.

I hope my concerns have answered the Hon. Member for Onchan – I do thank him for his support.

The Bill is in advanced stage of drafting, now, Mr Speaker. Hopefully, it will be good to see the Bill come before this House, before the end of this Session. So, that is the proof of the pudding, which will assist Mr Gill, I hope, and, then, of course, the Hon. Member, Mr Karran, with their determination as to whether they wish to support the Bill.

But, rather than acting on my own, I am working closely with the Department of Home Affairs, obviously, in this, because this is legislation, like we are all here for, for the good of the Isle of Man – not for the good of me or anybody else. It has to work, it has to be seen to work, and it has to be good quality legislation, and I do thank those supportive Departments for that, Mr Speaker.

I beg to move, sir.

The Speaker: Now then, Hon. Members, the motion before the House is at Item 3.1, in the name of the Hon. Member for Douglas North, Mr Houghton, leave to introduce. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Standing Orders Committee of the House Mr Teare elected

4. To elect one Member in place of Mr Downie.

The other members of the Committee are Mr Speaker, Mr Cannan, Mr Earnshaw and Mrs Hannan.

The Speaker: Now, Hon. Members, Item 4 on the Order Paper is the election to the Standing Orders Committee of the House, to elect one Member in place of Mr Downie. I call for nominations, Hon. Members.

Hon. Member for Onchan, Mr Earnshaw.

Mr Earnshaw: Yes, I would like to propose the Hon. Member for Ayre, Mr Teare, Mr Speaker, please.

The Speaker: Hon. Member, Mr Gill.

Mr Gill: I second Mr Teare, Mr Speaker.

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

Mrs Hannan: I would like to propose Mrs Craine, the Member for Ramsey.

The Speaker: Hon. Member for Malew and Santon.

Capt. Douglas: I would like to second the Hon. Member for Ayre.

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

Mr Karran: I would like to propose the Member for Rushen, Mr Gawne.

Mr Houghton: I beg to second, sir, and propose nominations close.

The Speaker: Right, Hon. Members, we have three names before us. Ballot papers will be circulated, Hon. Members. Voting takes place under our Standing Order 111, and we are to elect one person.

I will read the names out in a minute, Hon. Members, when the ballot papers are issued.

Hon. Members, the person who will be successfully elected needs the majority votes of the House, which today is 12 – oh, I am sorry, a majority of votes of those votes cast, I should say.

Hon. Members, have you all got ballot papers? The names before you, Hon. Members, are Mrs Craine, Mr Gawne and Mr Teare, and you are to vote for one person.

Hon. Member for Douglas East, Mrs Cannell, to be a teller, please. Hon. Member for Onchan, Mr Karran – oh, no, you are nominated, sir. Hon. Member for Michael, Mr Cannan, to be a teller, please.

A ballot took place.

The Speaker: Hon. Members, the result of the ballot is as follows: Mrs Craine, 6 votes; Mr Gawne, 4 votes; and Mr Teare, 12 votes. (**Members:** Hurray!) There were no spoilt papers, and I, therefore, announce that Mr Teare has been elected to our Standing Orders Committee. (*Interjections*)

Election to Select Committee on Voluntary Euthanasia Motion made not to fill vacancy Motion carried

5. To elect one Member in place of Mr Downie.

The other Members of the Committee are Mr Gill, Mr Anderson, Mrs Hannan and Mr Rimington.

The Speaker: Now, Members, we go on to our next Item, which is Item 5, Election to the Select Committee of the House on Voluntary Euthanasia, to elect one Member in place of Mr Downie. I call for nominations, Hon. Members.

Mr Bell: I nominate the Hon. Member for East Douglas, Mrs Cannell.

The Speaker: Hon Member for Rushen, Mr Rimington.

Mr Rimington: Can I just... I do not know if I am able to raise these points of whether the House thinks that it is appropriate that there should be a fifth member on the

Committee.

It will be a matter for the House to decide, but we are fairly well advanced in our proceedings, and the Report is slowly being drafted. A fifth Member would have an incredible body of information to try and ascertain, in the short period of time, and might not be, realistically, in a position to affect the outcome of the Report, in the way that they might wish.

The Speaker: So, are you proposing, Hon. Member – because I think there needs to be a clear proposal before the House – that, in fact, the House should confirm the Committee remain at four members, now?

A Member: Hear, hear.

Mr Rimington: Yes, I will propose:

That this vacancy be not filled.

The Speaker: Do I have a seconder? Hon. Member for Onchan, Mr Earnshaw.

Mr Earnshaw: Yes, I rise to second that, Mr Speaker.

Mr Henderson: On a point of order, Mr Speaker, in Tynwald recently, I think, the President made a ruling on this, as possible guidance, inasmuch that we were in a similar position, whereby it was decided that an extra member should be put to the Committee.

The Speaker: First, Hon. Member, is that a ruling in Tynwald has no bearing on the work of this House. (**Several Members:** Hear, hear) It can, of course, be taken note of, but, in this instance, will not be. (*Interjection by Mr Henderson*)

I have a proposer and a seconder to that motion. Hon. Member for Rushen, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

I would just like, if it was possible, to hear from the other Members of the Committee, just to confirm that they are happy with this proposal.

The Speaker: Can I just make the point, Hon. Members, before calling the next Hon. Member, that, unlike the last Committee, which the Hon. Member for Douglas North, Mr Henderson, refers to, in Tynwald Court, of course, that was a three-member Committee, of which there were only two left.

This, of course, is a five-member Committee, of which there are four left. But I am happy, if those Hon. Members who are members wish to contribute, they so can.

Hon. Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I am just a little bit concerned about: euthanasia is a very important issue, and there was a decision made to have this number of people on the Committee, and I just think that, before we just decide, for convenience, for that, we should be really, really concerned about this.

It is a very, very, complex issue, and I am very concerned about just saying, 'Oh, well, it does not matter, we will just have the four'.

If it is a problem, I think that what we should have is that we should not be derogating our responsibilities, by 'maybe we will be unfortunate enough to be put on the

Committee’.

The fact is that there must be good reason for having that number of people on the Committee, in the first place.

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

Mr Cannan: Mr Speaker, this is a very, very complex issue. As the mover of the motion has said, they have been two years, I think, in going through this matter. To bring somebody on, just as the Report is being written –

Mr Corkill: It’s ridiculous. (*Interjection by Mrs Hannan*)

Mr Cannan: – is unrealistic for the new member, to be able to comprehend all that has gone. There has been oral evidence taken, which cannot be retaken for the benefit of the new member.

I honestly think that it would be unrealistic to put a new member on, who has not heard the oral evidence, cannot hear the oral evidence, and has a mountain of paper to go through, without any benefit of the debate and discussion that took place.

I ask the Members to support the motion.

The Speaker: Now, Hon. Members, just before I invite the Hon. Member for Rushen, Mr Gill, to speak, who I think would be helpful, as he is Chairman of this Committee, can I remind Hon. Members of Standing Order 115, which says:

‘...the House shall, if deemed advisable, fill up the vacancy.’

So, in other words, when one arises, it is a matter for the House whether or not it fills that vacancy.

Hon. Member for Rushen, Mr Gill.

Mr Gill: Yes, thank you, Mr Speaker.

For my own part, I would echo the words of the Member for Michael, that if we do go down the route of electing a member to sit at this late stage, he or she would have a fantastic amount of reading – volumes of reading, sir. A lot of it is quite technical, but a lot of it... to have an appreciation, to be comfortable to report back, I think that member would have to commit a great deal of time in, probably, an already busy schedule.

I am pretty relaxed either way, but I would say, Mr Speaker, the Report is to report on leave to introduce – not the rights and wrongs of euthanasia. So, that is a matter that, at a later stage, if that leave to introduce was afforded, it would not hinder or hamper anybody having a view, at that stage, of course.

But, for my side, given your comments, Mr Speaker, that there are four members – and I would welcome the other remaining member speaking – but as Chairman, for my part, I would echo my colleague in Rushen, Mr Rimington, that, given the circumstances, I would be equally sanguine, if we allowed this to be deferred, and we just reported back as a four-member Committee.

That is not four members who are in unanimity about all these issues, so there will be a balance from the Committee, of course, Mr Speaker, but I would be happy, on that basis, to hear my comments, and my colleagues’, and, subject to their observations, to allow a four-member Committee to report.

The Speaker: Hon. Member for Glenfaba, Mr

Anderson.

Mr Anderson: Thank you, Mr Speaker.

I would concur with the previous two speakers. It is very late in the day. This Committee has taken extensive oral evidence, as well as very, very many submissions, which must exceed six feet in height, I would imagine, and you would not wish it on your worst enemy to join this Committee, at this stage.

I think the points the Chairman of the Committee has made are quite relevant, and, whatever the deliberations of the Committee, it is only advice on coming back for the First Reading and, therefore, I think, Hon. Members should go along with the four existing members.

The Speaker: Hon. Member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

I rise to support the motion in the name of the Hon. Member for Rushen, Mr Rimington. I would not see it as a slight or in any way diminishing the work of the Committee, by allowing it to continue its work with four people.

The one point I would mention is that while somebody, even if appointed to the Committee now, may well be able to immerse themselves in the records or the *Hansard* of the different minutes of the meetings and the evidence taken, the fact is they would not have been able to have seen any of the witnesses, at first hand, and the demeanour of the witnesses, when they were being there, present, with their evidence, and that is a total difference from just reading a record, in writing.

Also, they would not have been party to any of the discussions that would have arisen, as a result of the recent meetings of the actual Committee themselves.

So, I would suggest that we would be in no way impeding the work of the Committee, by allowing it to continue its work, now, with four members, instead of five.

Mr Cretney: Vote!

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

Mrs Cannell: Thank you, Mr Speaker.

Mr Speaker, clearly, I am the worst enemy of the Hon. Member for Ramsey, Mr Bell, (*Laughter*) for having proposed me for this absolutely impossible task!

Mr Gill: That was before.

Mr Bell: I recognise your talents! (*Laughter*)

Mrs Cannell: Mr President, I would just echo some of the very commonsense contributions that have been given this morning. The fact of the matter is that a Member, such as myself, or any other Hon. Member, coming in, at this late stage, would feel – I would feel – disadvantaged, sir, because I would not have had the opportunity to probe and test witnesses who were called to give oral evidence. I would have to rely on the probing and testing of the members on the Committee to have been sufficiently robust, as far as I was concerned, or any other Member was concerned, because we all have different ways of doing things. (**A Member:** Hear, hear.)

Of course, also, the other disadvantage is that you could

very well get to the end of the deliberations, looking at the report, looking to agree or not the report, and find that the newest member is unable to sign it, because they have not been party to it.

I think it is rather unfortunate the motion was before us today, and that the Hon. Member for Ramsey moved me, when one considers, Mr Speaker, Mr Bell is only on one Committee of the House; I am on five, plus a Tynwald Committee, making six. If that is not disproportionate, I do not know what is.

The Speaker: Before I call on Mr Rimington to reply to his motion, can I just make it clear that there was no alternative, but to put the matter on the Order Paper, as there was a vacancy on the Committee.

Mrs Cannell: Yes, I know.

The Speaker: Hon. Member, Mr Rimington, do you wish to reply, sir?

Mr Rimington: No, thank you.

The Speaker: Hon. Members, the motion before the House is that the Select Committee of the House on Voluntary Euthanasia have its membership now retained at four members. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Thank you, Hon. Members.

Hon. Members, that concludes the business before the House. The House will now stand adjourned, until 10 a.m. on Tuesday, 3rd May, in our Chamber.

Thank you, Hon. Members.

The House adjourned at 12.46 p.m.