



**HOUSE OF KEYS
OFFICIAL REPORT**

**RECORTYS OIKOIL
Y CHIARE AS FEED**

**PROCEEDINGS
DAALTYN
(HANSARD)**

Douglas, Tuesday, 27th June 2006

Present:

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

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The House adjourned at 11.31 a.m.

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House of Keys

The House met at 10.00 a.m.

PRAYERS

The Speaker

LEAVE OF ABSENCE GRANTED AND GOOD WISHES

The Speaker: Hon. Members, I have granted leave to the Hon. Member for Douglas West, Mr Delaney, who, as we know, has undergone an operation and is doing very well. I am sure, again, we extend our good wishes to Dominic. (**Members:** Hear, hear.) Also, Hon. Members, I am sure we would, also, like to extend our good wishes to John Crooks, our messenger, who is presently in care, and wish him well, as well.

Members: Hear, hear.

Veterans' Day Statement by the Speaker

The Speaker: Now, Hon. Members, today is the first ever Veterans' Day, a day which will, uniquely, on an annual basis, enable our community to honour and express our gratitude to all who have served our Island and Britain as a member of the British Armed Forces.

The people of our Island who have served in the armed forces have a proud record of service. Within our Island, we have many men and women living amongst us who have served our country in the forces, whether serving as regular personnel or through National Service, all of whom we are justly proud of, for their contribution, commitment and service to our nation.

On behalf of the House, I express our sincere appreciation to them for their invaluable service.

Members: Hear, hear.

Questions for Oral Answer

CHIEF MINISTER

Immigration legislation Progress and timescale

1.1. The Hon. Member for Onchan (Mr Karran) to ask the Chief Minister:

(1) What progress has the Council of Ministers made over the issue of immigration legislation for immigrants

*coming to the Isle of Man; and
(2) do we have a timescale in place for this to be dealt with?*

The Speaker: Hon. Members, we now move on to Item 1 on the Order Paper, Questions for Oral Answer. Question 1, the 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 Douglas West, Mr Shimmin, to respond on behalf of the Chief Minister.

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

Immigration legislation is extended to the Isle of Man by Order in Council. In December 2005, Tynwald agreed that the provisions of the Nationality, Immigration and Asylum Act 2002 and Asylum and Immigration (Treatment of Claimants etc) Act 2004 legislation be extended to the Isle of Man, with appropriate modifications, adaptations and exceptions. An Order in Council was drafted and submitted to the Department of Constitutional Affairs for consideration, following which it will then be submitted to the Privy Council.

It is, though, worth explaining, Mr Speaker, that this legislation will consolidate the provisions of current UK immigration law which are considered relevant to the Island and provide new powers for immigration officers to deal with offences such as harbouring, facilitating illegal entry and employment of illegal entrants.

The legislation will not make any fundamental changes to immigration into the Isle of Man or its status within the common travel area. EEA nationals will also not be affected by this new legislation.

I am unable to provide the Hon. Member with an exact date at which the Immigration (Isle of Man) Order in Council 2006 will be laid before Tynwald, other than anticipating it will be in place later this year.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not think that, maybe, the time has come for us to see whether we need to look at whether bringing over the UK legislation is really the answer and whether we should be looking at working on Manx immigration law?

The Speaker: Minister to reply.

The Minister: Certainly, Mr Speaker, I am aware that there is a call from a number of sectors of the community who are concerned about this issue, much of which, in fairness, is related to the media coverage of such issues in the United Kingdom, which come through our television screens on a weekly basis.

However, our current system is the one that we are legally tied into, and to break away from that would actually cause significant changes to existing operations on the Island.

I will certainly communicate back to the Chief Minister the comments of the Hon. Member, which I know have been looked at closely in the Chief Secretary's Office, but, at this

stage, it is felt that the problems are not sufficient to warrant the amount of bureaucracy and labour-intensive involvement of port security at our own areas.

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

Mr Houghton: Thank you, Mr Speaker.

The Hon. Minister, in his Answer, on behalf of the Chief Minister, mentioned that the legislation that is going to come in later this year, will *not* bring fundamental changes. Can he explain to us why.

May I, also, ask: does he recall a set of three Questions brought forward by my hon. colleague for North Douglas in another place not so long ago, whereby there was concern in the Council of Ministers, and that there was going to be a report back?

Can the Minister explain what discussions have taken place in the Council of Ministers on this most important subject, since that Tynwald Question Time, when all those Questions were asked, sir?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I think the Hon. Member is referring to a Question in March 2006, where Mr Henderson asked, amongst other supplementaries, 'will you introduce a requirement for all foreign nationals to register on a central database?' and supplementaries around that area.

The reply from the Chief Minister at the time was, and I quote:

'I cannot understand the benefit of such a register and furthermore will not introduce such a requirement which I believe would be discriminatory and contrary to Human Rights.'

That is, therefore, just repeating the Chief Minister's answer at that time. It is an issue which periodically gets mentioned in Council of Ministers. However, with the amount of business on the table, it has not been given a major look at, and it is something, I believe, in the future, we will need to focus more attention on. However, the last few months have been extremely busy for Council of Ministers.

It must be recognised, Mr Speaker, that foreign nationals who have been granted leave to enter the UK are free to come to the Island without any further reference to our Isle of Man Immigration Office and such foreign nationals must, of course, meet the criteria for which their entry clearance or further leave to remain was granted. These are closely regulated and constantly reviewed.

Therefore, it is viewed, at this time, by the officers involved that an overall review of immigration policy is not seen as required. It is, therefore, incumbent on the politicians to reflect the wishes of the public, if that is deemed to be something which needs a higher priority.

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

Mr Quayle: Thank you, Mr Speaker.

In terms of the Question before us, and the activities of the British Nationalist Party that were apparently on the Island over the last weekend, would the Minister care to share with us his concerns about the activities of the people that came to the Island, and whether or not everything was done correctly for them to be able to distribute information, and deal with

everything in the way that they did.

The Speaker: Minister to reply.

The Minister: Without wishing to give any greater credence to this organisation, Mr Speaker, I think we are all aware of the activities that took place at the weekend. We do believe in free speech on this Island. However, there are certain behaviours and philosophies of people which many of us find objectionable.

I am looking into the aspect regarding it. However, I do not believe there have been any laws broken. As unpalatable as it may seem, these people were invited to the Island.

I will be looking into it, but as far as I am concerned, I hope the matter never gets any credibility on the Island, and should be ignored, rather than debated too highly, sir.

Several Members: Hear, hear.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree that no-one in this Hon. House wants to support the likes of that sort of organisation, but what we, also, do not want to see is that we have worked so hard to get employment legislation, get wages up, to try and become an inclusive society?

Will the Shirveishagh go back to the Council of Ministers, to make sure that the likes of when reviewing the legislation on immigration, that bad employers who bring these people in as an underclass will not be tolerated in this society, and that we want to make sure that we have an inclusive society, where we do not end up with a situation where standards of employment protection, rights and wages, are dragged down after all the years that we have put in trying to drag things up to the levels that should be acceptable in a civilised society?

The Speaker: Minister to reply.

The Minister: Yes, Mr Speaker, I think that the amount of publicity of the case particularly alluded to by the Hon. Member does show that these are the exception, rather than the rule. Unfortunately, there will always be people who attempt to abuse the employment rights of individuals and the human rights of individuals.

As regards an inclusive society, I, personally, would think that, many times, we have discussed the fact that many non-British citizens are coming to our Island, to take up employment. Often that is referred to as some of the service sector industries. I would, certainly, like to see Government taking a lead by actually integrating more fully those non-Manx-born or even UK-born residents of our Island into the mainstream, whether that be within public service, police service or anywhere else.

So, certainly, I do believe that it is imperative that we integrate all aspects of our community and that protects both their employment rights and their integration generally into the fabric of our community, which I believe has always been tolerant and has welcomed people to our shores who can genuinely provide benefits to our people.

Certainly, the issue is always compounded by those who have concerns about the illegal persons entering the Island. That is something which the Immigration Office does have

control over, and the procedures with regard to work permits and benefits should reassure our people that those people presently on the Island, with the vast majority of them, are all contributing to our society in one way or another, but I do take on board the comments of the Hon. Member that, in an inclusive society, we need to ensure that those people's rights are protected, and that they are not abused by other parties.

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

Mr Houghton: Thank you, Mr Speaker.

In my earlier supplementary question to the Minister, on behalf of the Chief Minister, I did ask, had this matter been discussed in the Council of Ministers, following the March sitting of Tynwald? Had it been discussed? Did I receive back a vague answer from the Minister that it had not been discussed – such a very important subject for the Island?

Can he confirm whether it had or had not been discussed? If it had not been discussed, can the Minister come back to me and to the Members of this Hon. House, from the Chief Minister, to give us a full explanation as to why, when we were promised in another place that this was very serious, it was of concern and it would have been discussed urgently? Can the Minister come back to me now with clear answers, and if it has not been discussed, will he make sure this is top of the agenda on Thursday?

The Speaker: Minister to reply.

The Minister: I think the Hon. Member will be aware that there is a Members' conference taking place on Thursday, in order to possibly raise this and other issues that are important to Hon. Members. As I have not attended every Council meeting, I think I attempted to give a vague answer that I do not believe this has been formally debated by Council of Ministers –

Mr Houghton: No, it has not.

The Minister: – although issues come across the table quite often, in any other business which does discuss aspects.

The Hon. Member puts it as a priority and is talking up the issue, as if this is a major concern on the Isle of Man. I am aware that it will continue to be a major concern, if we promote the fact that this is a major issue. (*Interjection by Mr Houghton*)

I would like to repeat that the Isle of Man Immigration Office does have complete control over who comes to our Island, where proper procedures are followed and every person who is issued with a visa has to meet specific requirements in order to be given leave to enter.

We will acknowledge that there are no records of people travelling on and off the Island being maintained, as the Island forms part of the Common Travel Area, comprising the whole of the United Kingdom and Ireland, which does, as the Hon. Member will be fully aware, allow for the free movement of people. It is only by the introduction of full port controls at the air and sea ports for every individual travelling which could provide this information.

The introduction of these controls, besides being very costly and requiring considerable additional manpower,

would directly impact on Manx people travelling and have potential repercussions on our free movement to the United Kingdom and Ireland, and any of those changes in respect of port control would have to be considered extremely carefully, as being subject to immigration controls would be frustrating for many.

That does not underestimate that there is a genuine concern amongst some of our public which is often fuelled by the antics of this weekend and other individuals who try and talk this up as being a major issue. The Immigration Office are working closely with the Police, Trade and Industry and other sectors of Government to ensure that our position is not exploited or damaging to the economy and the environment of the Isle of Man. Therefore, it is something people are concerned about.

We have seen a considerable growth in eastern Europeans coming to the Island, because we need workers to come to our Island. Therefore, these people are legitimately here and often encouraged by business or, indeed, Government to come to our Island and join in. (*Interjection*)

Therefore, we have to balance up the needs of our society with the protection of that which we hold important.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Will the Shirveishagh agree with me that this is an important issue?

Will he further agree that, currently, the gates-wide-open policy of his Government is now fast becoming not acceptable? Therefore, following that, Vainstyr Loayreyder, would he agree that, yes, legitimate employees coming to this Island is fine, but they also bring families and other folk with them at times, which, would he agree, is placing a great strain on our infrastructure at the minute and this will not, in the future, be able to be sustained?

A final supplementary, Vainstyr Loayreyder. Given that, would he agree with me that this really does highlight the great importance of keeping our work permit system?

The Speaker: Minister to reply.

The Minister: I think it is our Government that the Hon. Member is referring to and, certainly, it is, along with many other issues, important and will be a matter of concern to members of our public, whom we will have the opportunity to discuss with on the doorsteps, over the weeks and months ahead.

I think the Hon. Member is quite right. I have already indicated that there is a Members' conference on Thursday, where I think the opportunity of raising these points with the Chief Minister would be worthwhile.

Certainly, the work permit system and our situation regarding benefits are, indeed, a significant safety net which other jurisdictions do not enjoy. Therefore, we are not an attractive area for such illegal persons to try and enter our shores, because we do have those protections in place.

I am not underestimating that it causes pressures on Government. I and other Departments are fully aware that the change in people coming to our Island does put pressures. What I would not like to give is an impression that we are hostile or alien to these people coming to our shores. I think that is the danger of trying to get the balance right, that we

require and welcome these people to our shores. We need to integrate them into our society, and we need to ensure that we are rigorously defending both the work permit and the benefit structure, to ensure that it is not abused.

The Speaker: Hon. Member for Onchan, a final supplementary.

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree that the present primary law only deals with people coming who are illegal immigrants from the United Kingdom, and not from other countries? Would he not agree that the situation is that we should not be just taking UK primary law that has not gone through the normal processes of the procedures that are under our constitution, so far as the Island is concerned?

Would the Shirveishagh not, also, agree that, really speaking, whilst I agree that we do not want to give any credence to people being intolerant in our society, when we have got an issue of something like 10,000 to 15,000 people on the Island who have no rights to work in Europe, apart from the UK, this issue needs to be addressed with the UK, as far as that is concerned, to balance up the issue?

Would he not agree that, maybe, it is time that we did discuss the issue of immigration legislation in the Island, in order to make sure that we do not allow employers who are unscrupulous and will bring these people in to abuse them and undermine everything that we have worked towards, in the last 20 years, to increase the benefit, as far as employment protection, women's rights and everything else on this Island?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I think it is important to repeat what I said in my original Answer, which is regarding the legislation through Order in Council we are taking through. I quote:

'What it does do is provide more powers for immigration officers to deal with offences such as harbouring, facilitating illegal entry and employment of illegal entrants.'

I am aware of the comments that the Hon. Member makes. It is something that the Department responsible – the Immigration Office of the Chief Secretary's Office – is aware of. However, it is our current arrangements with the United Kingdom and Southern Ireland where the vast majority of people to date, and predicted into the future, actually arrive on our Island. It is fortunate for us, being an Island community, that it is extremely difficult for people to arrive on our shores, without coming through one of those ports of entry.

That is a matter which we do not wish to overdo, the amount of resources required for a very low level of risk – far better to deal with the abuses that may take place on the Island, to identify and punish those who are prepared to abuse our existing legislation. I am not saying no to the Hon. Member – nor is it my place to do so – regarding the issue of immigration.

What I would say is that we have to prioritise our resources, ever more so, in the years ahead, to ensure that we can afford to put in place the resources of most importance to our people. This is one of those demands, and there are many others. That is something which would, legitimately,

be for debate, to try and see where we should prioritise the resources of the taxpayer to the benefit of our people.

Residence Act 2001 Policy and implementation

1.2. The Hon. Member for Onchan (Mr Karran) to ask the Chief Minister:

Will you bring a clear policy forward regarding the Residence Act 2001 and its implementation and bring a report to the October 2006 sitting of Tynwald presenting a clear position of the way forward regarding the Residence Act 2001 and its implementation?

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

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

The Speaker: I call on the Hon. Member for Garff, Mr Rodan, to reply on behalf of the Chief Minister.

The Minister for Health and Social Security (Mr Rodan): Mr Speaker, I can advise that the Council of Ministers has been developing its policy in relation to residency control since Royal Assent was granted to the Residence Act on 20th March 2001.

As Hon. Members will recall, a progress report was given during Questions at the March sitting of Tynwald. I would wish to reiterate, Mr Speaker, that preliminary research work was undertaken at officer level by the Chief Secretary's Office and a progress report was presented to the Council of Ministers and received by Tynwald in October 2002. The Council of Ministers then referred the progress report to the Social Issues Committee, who, in their turn, reported to Council with proposals and draft regulations.

In considering the Report, Council took note of two particular issues. Firstly, the Treasury would have to consider the economic implications of the proposals in detail. Council was concerned that if the introduction of residence control was badly managed, this could lead, externally, to a poor perception, which would be a disincentive to new business to come to the Island.

Secondly, Mr Speaker, the work permit legislation would have to dovetail in with the proposals.

Bearing in mind these two considerations, Council agreed to accept the Report in principle and to refer it to the Department of Trade and Industry and the Treasury, for consideration of the economic implications of the detailed proposals, and to report back to Council, in due course. At that time, consideration could then be given to submitting the Report to Tynwald for further debate.

I can advise Hon. Members that research work is continuing on this important and complex matter. Although it had been hoped that the two Departments would have been able to report back to Council in May, the complexity of the issue has frustrated this.

Mr Speaker, I am sure the Hon. Members will agree that this is a matter which needs to be handled carefully and sensitively. It is not just a matter that there seems to be a large

number of new residents. This can be a matter of perception, as current indicators are that the rate of growth of resident population of the Island is in fact decreasing, rather than increasing. The imposition of residency controls at this time would accelerate the decrease and would have a negative effect on the economy by reducing the pool of labour available to us. We need to balance economic development with a manageable size of population.

I would seek to assure the Hon. Member that as soon as the Departments have concluded their research and reported to Council, and Council itself has had an opportunity to debate the residency issue further, a policy will be put before Tynwald. However, I am not in a position today to give a categorical assurance that this will happen at the October sitting of the Court.

Thank you, Mr Speaker.

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

Mr Karran: Vainstyr Loayreyder, can the Shirveishagh give us... Could he go back to the Council of Ministers and ask for some Statement in the July Tynwald, as far as the issue is concerned? Would he be prepared to do that? And if the situation is they have not got the information at the July Tynwald, can we have a Statement for the October Tynwald on how far we have got on this issue?

Would the Shirveishagh not agree that the situation is, again, that the reason we are bringing this forward is that we have got to get some sort of way of not allowing a situation where people are being brought in to undercut wages. We have seen this in the likes of the building trade, where building trade workers have not gone up and their conditions of employment of these individuals are brought in. Have we seen a decrease in the price of new houses on this Island? Is the reason we are not seeing that not the fact that it is all going into the profits of those that are exploiting these individuals?

The Speaker: I think it would be helpful, Hon. Members, if Members, when asking questions, would keep them relatively brief and not continue to make wide-ranging statements. (**Two Members:** Hear, hear.)

Minister to reply.

The Minister: Mr Speaker, as far as July Tynwald is concerned, there may be difficulties in tabling a Statement on the Agenda, from a purely practical point of view. I, certainly, will undertake to convey the Hon. Member's comments to the Chief Minister about the possibility of a Statement at the October Tynwald. I have no difficulty in doing that.

The other issues the Hon. Member refers to, of course, are the substance of the consideration of residency control as an issue, and he will be aware, of course, that the regulations envisage gateways for residence in the Island, one of which is an economic gateway, and the issues he correctly refers to in terms of economic migration to the Isle of Man. The impact that has on the labour market and house prices are all part and parcel of the economic gateways that are part of the envisaged administration of the Residence Act, sir.

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

Mrs Cannell: Thank you, Mr Speaker.

Can I ask the Hon. Minister who is responding for the Chief Minister this morning, why it is taking so long, bearing in mind that the Act is dated 2001 and we are now in 2006? Is there any intention by the Council of Ministers to actually bring in the regulations appertaining to this particular Act?

Why does the Minister, on behalf of the Chief Minister, think that there would be a poor perception held within the business community within the Isle of Man, bearing in mind that, really, the ultimate tool within this particular Act is to have people register, so at least then we know who is here, how many are here and for what purpose they are here?

Is that not now essential, given the world economic situation?

The Speaker: Minister to reply.

The Minister: Yes, the matter, as I said in my original reply, Mr Speaker, is a complex one and there are huge implications, both on the economic Departments of Government, but in relation to the existing systems of control, such as the work permit legislation. That would fundamentally have to change, ideally dovetail with the proposed controls.

These matters do take time. They are before Treasury and they are before the Department of Trade and Industry and they are being looked at in some detail.

As I said in my Answer, the intent is that the matter then comes back to Council for consideration before coming to Tynwald. That commitment is there and I reiterate it today.

As far as the matter the Hon. Member raises as why would there necessarily be a poor perception amongst the business community of residency controls, I think the concern relates to – very much using the Hon. Member's word – the perception. If the perception was that the Island was putting the shutters up – or shutters coming down, whichever way you want to look at it – in terms of new business coming to the Island and disincentives to business, and if that was the message that was understood in the wider world, that would not be in the economic or social interest of the Isle of Man.

So, how that is handled is very important. The Hon. Member refers to people being registered, and indeed, Mr Speaker, the envisaged controls would require every person in the Isle of Man to register their place of residence – not new prospective residents, but residents already in the Isle of Man, and I think the complexity of that issue also needs to be taken fully into account before anything is done in a precipitate manner that would not be in the best interests of the Island or its economy.

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

Mr Corkill: Thank you, Mr Speaker.

Could the Minister, please, confirm that, in fact, if the Residence Act was brought into effect, a large part of the work permit legislation that we have in place would, effectively, be done away with, and that this may well be at odds with the sentiments of the questioner who, in supporting this Question, has concerns about employment protection?

That is the reasoning, I understand, behind the Question, but by bringing the Residence Act in, large parts of the work permit law are actually removed.

The Speaker: Minister to reply.

The Minister: Yes, Mr Speaker, I entirely agree with the Hon. Member. One of the tangible systems of controls, at present, which is effective, is work permit legislation. The effectiveness of that would become particularly felt, if there were issues facing the Island of high local unemployment, and so on.

At the very least, the work permit legislation would need to dovetail with the economic gateways that are envisaged.

Whether it would, ultimately, only relate to temporary employment for very short periods of time, given that the economic gateway would take over the bulk of the existing work permit controls, is one of the matters before the Department of Trade and Industry and, I think, illustrates the complexity of what has to be considered.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree that the problem you have got with the work permit legislation, at the present time, is it only stops the poor crook and not the rich one?

Is the Minister not, also, aware that to try and stop abuses in the hotel business in the 1980s, we would refuse, as Chairman of the Work Permit Committee, permits, on the basis of if they were under a minimum wage or standard of accommodation, in order to try and up the situation, as far as these people are concerned?

Would the Shirveishagh not agree that we have promised the people of the Isle of Man that we would address this issue, in order to make sure that we have an inclusive society, and we do not end up with an underclass, which we are going to have, if we do not address the issue of residency in this Island?

The Speaker: Minister to reply.

The Minister: The criteria, as I understand it, for work permits are the availability or not of suitable Isle of Man workers. Now, whether they be poor or rich, as the Hon. Member's phrase, I think is irrelevant. The point is: are the criteria met by any prospective employee and their employer?

I very much agree with the sentiments of what the Hon. Member is saying, in terms of minimum wage legislation and the need to have an inclusive society and not have an exploited underclass, as the Hon. Member puts it. I very much agree and I believe Government itself, in its actions and in its policy, similarly wants to avoid that sort of situation.

Former Post Office Headquarters Sale and reason unoccupied

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

With regard to the sale of the former Post Office Headquarters –

- (a) was the sale price fully paid, and when;*
- (b) is it known why the building is still unoccupied; and*
- (c) has any public body paid rent in respect of this*

building since the sale and, if so, which body or bodies, how much and when?

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 Douglas West, Mr Shimmin, to respond on behalf of the Chief Minister.

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

I have been advised that the sale price of £1.85 million plus VAT was fully paid to the Post Office on 31st March 1999.

In answer to part (b), as the building was sold to Union Express, Isle of Man Post Office cannot comment on the reason for its still being unoccupied, no longer being the owner of the property.

In answer to part (c), I would advise that the Isle of Man Post Office negotiated a short-term leaseback of the whole property, at the price of £55,000 per quarter until 25th December 1999, as they relocated to the new headquarters. This was followed by a longer term leaseback of part of the ground floor business centre and strong-room facilities.

The initial rent paid was £56,000 per annum, and this was increased to £60,128 per annum, at the rent review in 2002. A current rent review is under negotiation. Other than that, there is no knowledge as to whether any other body outside of Government is involved in any rental of this property.

TRANSPORT

IRIS and Meary Veg Projects Expenditure; use of sewage

1.4. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Transport:

- (1) What is the total spent on the IRIS Project;*
- (2) what is the total spent on Meary Veg Project;*
- (3) for what reason is sewage being ploughed into farm land; and*
- (4) who is to be held accountable?*

The Speaker: Hon. Members, we move on to Question 4. I call on the 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 Douglas East, Mr Braidwood, Minister for Transport, to reply.

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

Mr Speaker, in answer to parts (1) and (2) of the Question, the information has been presented to the Hon. Member on several occasions in the past and, most recently,

was encompassed within the Report, 'IRIS Continuing Development', which was accepted at the November sitting of Tynwald.

The total expenditure committed to date on the IRIS Project is £82,624,958, in the total Budget allocation of £83,803,594.

The total expenditure to date on the Meary Veg sewage treatment plant contract is now very close to the total Tynwald vote of £20,045,000.

In addition, a further sum of £620,000 has been expended from the Department's revenue budget, in defence of the Department's position, during the ongoing defence of the contractor's claim, through the conciliation process, and in undertaking further testing and investigations, to determine whether there is an engineering solution to the noise and vibration problems being experienced by the residents of the White Hoe and Ivy Cottages.

It is anticipated that these costs, together with further accrued costs, in respect of the conciliation process, any settlement award recommended by the conciliator and subsequently accepted by the Department to be paid to the contractor, and costs associated with the resolution of the noise and vibration problem will form the basis of a supplementary vote, which will be presented to Tynwald for approval, as soon as possible following the result of the conciliation.

In answer to part (3) of the Question, I can confirm that sewage is not being ploughed into farm land. All the sewage arriving at Meary Veg is being fully treated to a very high standard, with good quality treated final effluent being disposed at sea, by the outfall at Santon Head. The by-product of the sewage treatment process is sludge.

Unfortunately, the contractor on the Meary Veg contract, Charles Brand Limited, has, so far, not been able to fully commission the sludge drier. As a consequence, the sludge is being centrifuged to produce a cake, rather than in pellet form. The sludge cake has a high nutrient value and can be used as a soil conditioner.

The sludge cake is then being spread to land that has been licensed by the Environmental Protection Unit, at the Department of Local Government and the Environment, to receive this material.

I am pleased to advise Hon. Members that the contractor was producing pelletised sludge at the weekend, and is programming to complete the commissioning of the drier and to enter the operational period by the end of August.

In answer to the final part of the Question, it is the contractor, Charles Brand Limited, that is responsible for the design, construction and commissioning of the sludge drier. The contractor is reimbursing the Department 80 per cent of its total costs associated with disposal of the sludge cake on the land.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh tell us, when we say... Can we see a detailed breakdown, as far as the costs of IRIS is concerned? Does it include the costs to his own Department, as far as the issue is concerned?

Would the Shirveishagh explain to this Hon. House, and give a categorical assurance that this sewage, or whatever he is calling it, is actually an acceptable practice on farm land? Would it be allowed on any farm land, as far as things are supposed to be acceptable?

Would the Shirveishagh, also, not agree that it is an appalling situation where, if we have only spent £82 million on this Project in total, we are still having to plough in stuff that is not acceptable in the environment, as far as for the farming community – to be ploughing in stuff that is not suitable and has a health issue?

The Speaker: Minister to reply.

The Minister: There was a number of supplementary questions there, Mr Speaker.

The breakdown of costs: yes, I will try to supply those to all Members of this Hon. House, although they have been presented previously.

In my Answer, Mr Speaker, I said the sludge cake has a high nutrient value and can be used as a soil conditioner. This is being put on land which has been licensed by the Environmental Protection Unit and is safe to go on land.

The sludge is being treated, as I said, and the effluent is going through the outfall. There are still a few pathogens, which, of course, would be destroyed, if they were going through the heat treatment plant, but the sludge is acceptable, for it to be ploughed into the land.

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

Mr Quayle: Thank you, Mr Speaker.

In terms of this sludge cake that the Minister has referred, could I ask him if it is correct that the original contractor walked away from this scheme, and that it is now being dealt with by another contractor?

Furthermore, could I ask him: is the plant that is there now up to scratch, or will it need replacement or an extended warranty?

The final supplementary, Mr Speaker, is: is he aware or has he visited the area and talked to some of the residents in that area, who have had to endure an appalling stench, due to this sludge cake being ploughed into the farm land?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I even mentioned in my initial Answer that the contractor was producing the pellets at the weekend, and is programmed to complete the commissioning of the drier and to enter the operational period by the end of August. Therefore, if we get into that, it goes into the commissioning period and hopefully, six months later, it will be handed over to the Department.

So, no, at the present time, it is not being replaced. Yes, the initial people who were commissioning and working on the heat treatment plant walked off, but that was a problem for the contractor.

The wet section of Meary Veg has been handed over to the Department. The heat treatment is still in the hands of the contractor.

I think I answered the question on obnoxious smells in another place, Mr Speaker.

One of the problems was: during the TT period, when it was very hot weather, the sludge cake was being put to land but, unfortunately, was not being ploughed in within two or three days. There was a meeting, a couple of weeks ago, and the contractor who was ploughing the sludge cake into the land agreed that he would spread and plough at the same time, therefore reducing the smell.

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

Mr Duggan: The point has been covered actually, Mr Speaker – it was regarding the stench.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh inform this Hon. House, if this sludge is so good and so normal and so right, how long is it before it can go back into agricultural production again, after it has been...?

Can the Shirveishagh tell us: apart from the land that it has around the Meary Veg site, where else is this sludge being put?

Would the Shirveishagh do something that would be impossible, as far as Ministers are concerned in this Hon. Court: if he is proved to be incorrect again, in making the wrong decision, will he resign over the fact that the taxpayer has had to pay an absolute fortune for this situation? We have a situation where we have spent £80-odd million minimum, and we still cannot get the thing to work right!

The Speaker: Minister to reply.

The Minister: First of all, Mr Speaker, the treatment plant, the wet section at Meary Veg, is working extremely well. It is only the heat treatment plant which is not working. I have said it is still in the hands of the contractor. (*Interjection by Mr Karran*)

The land which is being spread with the sludge cake and ploughed in will lie fallow for 18 months. There are other sites around the Island which have been licensed. However, the only areas which are being spread with the sludge cake are those at Meary Veg.

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

Mr Quayle: Thank you, Mr Speaker.

I am rather concerned about the design of this heat treatment plant. I wonder if the Minister would either express his full confidence in this system, or arrange for somebody to do an audit on it, to check that it will be satisfactory and capable of functioning well into the future, without the need to even contemplate or consider incorporating this sludge into the ground.

The Speaker: Minister to reply.

The Minister: Mr Speaker, the whole point is that the design is in the hands of the contractor, which is Charles Brand Limited, and their consultant. At the present time, it is not part of the Department's operation. It is still in the hands of the contractor, so the whole design is with Charles Brand. If it does not work, they will have to replace it at their cost.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree with his selective information and selective memory, when he forgets about other issues to do with the whole IRIS Project?

Would he at least tell us why is it only land that his

Department owns that is being used for this sludge cake? Is it not because the environmental problems and concerns, that land would have to be taken out of agricultural production, long term?

Is this not an absurdity that we have spent over £80 million, and we still have a situation, where we are having to put stuff on the land that was supposed to be all dealt with by this wonderful Project, which is a failure?

The Speaker: Minister to reply.

The Minister: Mr Speaker, from the concept of the IRIS Scheme, the Hon. Member for Onchan has always been against it.

I do not know where the Hon. Member is actually coming from on 'selective memories'. What I have said is that land will lie fallow for 18 months after it has been treated with this sludge cake. I have, also, said that there are other areas round the Island which have been licensed to accept this sludge cake.

However, at the present time, Meary Veg is the only area which has been treated with the sludge cake. Hopefully, as I have said in my initial Answer, the heat treatment plant will be fully in operation, by August, and then will enter its commissioning period.

IRIS master plan

Resolving Meary Veg and White Hoe problems

1.5. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Transport:

Are you going to stop spending any more public money working towards the IRIS master plan until your Department gets its act together regarding the Meary Veg plant and the White Hoe pump station?

The Speaker: Question 5, 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 Douglas East, Mr Braidwood, Minister to reply.

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

I can confirm that the Department has commissioned an independent review of the IRIS master plan, and it is my intention that a report will be sent to Tynwald, following completion of the review and consideration by the Department.

The review will consider various options for treating sewage from the conurbations of the north of the Island. The Department does not intend to progress with any further schemes, until the review has been completed.

With regard to the performance of the Meary Veg sewage treatment plant, I can confirm that the plant is performing to a very high standard in all areas, other than the sludge drier, where the contractor continues to progress with the installation and commissioning of plant and equipment, and

to bring the facility to an acceptable standard for handover to the Department.

The conciliation process relating to the contractor's claim for loss and expense is progressing. This process is continuing to incur expenditure and will continue to do so, until a recommendation has been received from the conciliator.

I can make no further comment to the House, at this time, until the conciliator's report has been received by the Department, but as the process will consider the sludge drier, this is not expected until much later in the year.

I am pleased to confirm that the replacement pumps at the White Hoe pumping station have reached acceptable levels of reliability. Nevertheless, the pumps remain switched off between 10.00 p.m. and 8.00 a.m. each day.

The Department continues to work closely with officers of the Environmental Protection Unit, at the Department of Local Government and the Environment, in matters relating to the noise and vibration being experienced by the residents at White Hoe and Ivy Cottages.

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

Mr Karran: Vainstyr Loayreyder, I thank the Shirveishagh for his reply.

So, I can take it that the motion that was in the November Tynwald, concerning the continuous development of the programme, will not go any further ahead. There will be no more consultancies paid out on this scheme, until we have that audit, in order to protect the taxpayer of the Island.

The Speaker: Minister to reply.

The Minister: Mr Speaker, I can confirm that none of the projects of the IRIS Scheme will be progressed. We have consultants now, who will look at the IRIS review and, as I said, I will then report back.

The Speaker: Hon. Member for Ramsey, Mrs Craine.

Mrs Craine: Thank you, Mr Speaker.

Can the Minister tell us which Tynwald the report of the independent review will be coming to?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I cannot give a date on that.

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

Mr Quayle: Yes, thank you, Mr Speaker.

The Minister referred to the reliability of the pumps. Pumps can be reliable, but still causing the problems which have been caused to White Hoe and the cottages there. Could he indicate what is going to happen, in terms of complying with the Local Government and the Environment Abatement Notice, and when that will be resolved?

In relation to Meary Veg, and this sludge treatment plant, can the Minister accept that, although it is a matter for the contractors, then it is important for the Department to have confidence in that plant, and to be able to share that confidence with ourselves, here in this Hon. House, and the public?

So, can he satisfy himself that he has got complete confidence in that plant, or will it need replacing?

The Speaker: Minister to reply.

The Minister: Regarding the last part of the Question first, Mr Speaker, I thought I answered that in the previous Question. The plant is in the hands of Charles Brand Limited, who are the major contractor and their consultants, who are working on the heat treatment plant. So, therefore, I have to have confidence in them.

If the plant does not work up to a certain standard, then it is Charles Brand Limited who will have to replace the plant at their cost.

The pumps are working and are reliable. However, there is still the resonance problem associated with the pumping action. We are working very closely with the Environmental Protection Unit, of the Department of Local Government and the Environment. There have been suggestions from the Environmental Protection Unit, which our consultants are hoping to carry out, which will, hopefully, reduce the resonance problem.

I believe they are even trying to have three blades on one of the pumps, to see if that will alter the frequency. This is a suggestion which is coming from the Environmental Protection Unit, in the Department of Local Government and the Environment.

HEALTH AND SOCIAL SECURITY

Salaried dental services practices Income 2005-06 compared with new system

1.6. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Health and Social Security:

How much money was taken across the counter and banked in salaried dental services practices for the year April 2005 to April 2006, and how is it predicted to change under the new charging arrangements?

The Speaker: Question 6, Hon. Member for Onchan, Mr Karran.

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

The Speaker: I call on the Hon. Member for Garff, Mr Rodan, Minister for Health and Social Security to reply.

The Minister for Health and Social Security (Mr Rodan): Thank you, Mr Speaker.

During the tax year April 2005 to March 2006, the Department's own primary care salaried dental service received £231,000 in patient charges. The Department received a further £244,483 from the remaining general dental practitioners, the NHS contractors, in relation to patient charges for NHS treatment.

In March 2006, Tynwald Court approved the NHS Dental Charges Regulations, which came into operation with effect from 1st April 2006. Members of Tynwald were advised, in the explanatory memorandum accompanying that document,

that they were submitted on the understanding that the introduction of the new dental charges would be at no cost, or cost neutral, to the Department.

Thank you, Mr Speaker.

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

Mr Karran: No, thank you.

Salaried dental practices Audited accounts

1.7. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Health and Social Security:

Have the accounts of the salaried dental practices been audited and are they available for public scrutiny?

The Speaker: Question 7, Hon. Member for Onchan, Mr Karran.

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

The Speaker: I call on the Hon. Member for Garff, Mr Rodan, Minister for Health and Social Security to reply.

The Minister for Health and Social Security (Mr Rodan): Mr Speaker, the primary care salaried dental service is but one of the many functions of the Department. It is not a part of those dental services provided by external contracts. The accounts for the Department's salaried dental service are available for scrutiny by the Internal Audit section of the Treasury and Government's external auditors.

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

Mr Karran: Vainstyr Loayreyder, can the Shirveishagh tell us what the secrecy is? Why can the public not see those accounts, as far as what is actually being spent in this? Can we have a figure, as far as what the salaried dental practices in the Isle of Man are? Can he give us that figure today?

Why can we not have that figure? Whilst not wanting to know individual salaries in the situation, at the end of the day, it is public money and it would be one way of checking whether we have actually got the policy right, as far as dental care in the Island.

The Speaker: Minister to reply.

The Minister: Mr Speaker, there was no secrecy, as such, about these figures. My point is that the Department has a number of services that it operates. As far as primary care is concerned, many of the services are with contractors, self-employed business people to deliver those services.

In the case of the salaried dental practices, we have four of those in the Island. We have other services, many other services that the Department also operates, for which it has budgets. These are not publicised as separate services, but they are available.

I am very happy to discuss the matter further with the Hon. Member within the Department, just as Ministers, in

an effort to be helpful to Hon. Members, will sit down and go through Department figures on request. But it is this particular service, like other services, does not produce accounts that are tabled publicly and available for public scrutiny outside the general Department accounts. They tend to be absorbed in those, but I am happy to be helpful to the Hon. Member, if he has a particular interest in the cost of this service.

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

Mr Quayle: Thank you, Mr Speaker.

I wonder if I may ask the Minister, if he would like to give us an update on the dental services and provision of them and whether or not there are still people waiting to get onto various lists. If he has not got the information there, perhaps he might be able to circulate an update on the provision of dental services to the people of the Island, because we are hearing, from time to time, people are still having difficulty getting attached to a dental practice and so on.

The Speaker: Minister to reply.

The Minister: Yes, Mr Speaker, dental surgeries, both NHS contractors and the Department's own salaried service are busy, busy places. When somebody seeks to join the list, every effort is made for that to happen. There can then be a period where the needs of the patient are assessed and programmed in. That can take time.

I am aware of the four salaried dental practices, which the Department now operates, where we employ directly 13 salaried dentists. We have one practice at Westmoreland Road, relatively new. Two are based on the site of the old Noble's and one at Ramsey Cottage Hospital. These four practices and the employment of 13 dentists, over the last two to three years, have made a significant impact on the very high and unacceptable waiting lists that were the situation in the Island, at that time.

It is the Department's action, in creating a salaried service, with the numbers of dentists going up some five- or six-fold, that has reduced the waiting lists.

I will not pretend, though, there are not areas of pressure. I am aware there are areas of pressure in Ramsey, in particular, for people to join the salaried service, but overall the situation is very much better than it was in the recent past.

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

Mr Teare: Thank you, Mr Speaker.

Can the Hon. Minister confirm that the activities of the salaried dental service are monitored, in terms of the number of procedures that they undertake, to ensure that the taxpayer gets value for money, and that the direct costs of the service are relative and, indeed, relevant to the service that the public receives?

The Speaker: Minister to reply.

The Minister: It is a fairly general supplementary question and a bit difficult to respond, other than in the general sense that the Department does certainly seek to get good value for money, good service delivery and appropriate treatment. That particular service is monitored both professionally, in terms of dental professional services,

with a system of inspections and so on and, of course, by the Department as an employer, in that particular situation.

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

Mr Karran: Vainstyr Loayreyder, will the Shirveishagh tell us, will you make available the information that I have requested in this Paper? Allowing for the fact that we have spent something like £30 million on the top 10 consultants for computer services, we should have this information as far as it is available.

Will you make it available, or is it not being made available, or the refusal to be made available, because you want to hide there is something wrong with the policy, as far as the dental care? Surely, if there is nothing wrong with the situation, why can this information not be made available about the salaried dental practices run by the taxpayers? Why can we not have that information?

The Speaker: Minister to reply.

The Minister: Yes, I can assure the Hon. Member there is nothing wrong with the dental service. The situation is the Department has contracts with NHS contractors. Dental services are provided privately under health insurance schemes and provided under the salaried dental service, with the Department making the provision direct as an employer: a mixed economy, a mixed provision of service, which gives choice to the patient.

There is nothing to hide in this regard. I am happy to look further into the question of costs and get back to the Hon. Member, sir.

LOCAL GOVERNMENT AND THE ENVIRONMENT

DoLGE Chief Executive's early retirement Financial implications

1.8. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Local Government and the Environment:

(a) *Has the recent decision by the Chief Executive of the Department to take early retirement had any financial implications for the Government;*

(b) *has the Chief Executive retired on a full pension; and*

(c) *are there any restrictions on whether the Chief Executive can undertake consultative employment?*

The Speaker: Question 8, 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 Rushen, Mr Rimington, Minister for Local Government and the Environment, to reply.

The Minister for Local Government and the Environment (Mr Rimington): Mr Speaker, I am

disappointed to see this Question on today's Order Paper. Since it is clearly a staffing matter, I consider it entirely inappropriate for such a parliamentary Question to be asked about an individual member of the Civil Service. (**Mrs Craine:** Hear, hear.)

Having made that important point, and in the interests of trying to be helpful, I can confirm that when the Chief Executive of my Department retires in November 2006, on completion of 40 years' public service, his retirement will be fully in accordance with Government policy, as set out in the Manx Civil Service Regulations and will also accord with the terms of the Principal Civil Service Pension Scheme.

As for the third part of the Member's Question, presuming that this relates to the future, I would confirm that this is a matter for the Civil Service Commission and not for my Department. However, whilst I am not familiar with the rules governing such matters, I have no doubt they will be fully observed following the Chief Executive's retirement.

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

Mr Karran: Vainstyr Loayreyder, will the Shirveishagh tell this House, is he not supposed to be part of a joined-up Government? Has there been any policy or directive given by the Council of Ministers to the Civil Service Commission about people leaving the employ of the Department taking up consultancies, or other things, on retirement, and, if they have not, why have they not?

Does he not realise that it undermines us all – not just the Council of Ministers – when we allow a situation that people are allowed to retire on a big fat pension, and then they can go off and go wherever they want? I want to know, what assurances have you made from the last time this was raised?

The Speaker: Minister to reply.

The Minister: I would like to remind the Hon. Member that he is part of a joined-up parliament, which has certain responsibilities in relation to individuals. If the Hon. Member wishes to bring this matter forward, as a matter of general policy, he is very welcome to do it, but he should not do that on the back of a particular individual who has yet to retire. That is totally inappropriate and the Hon. Member is out of order on this matter.

Mr Speaker, there are regulations regarding these matters. The Council of Ministers does not need to give a direction because the matter is set out in regulations. What is important is that those regulations are abided by.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree that you are quite right, we are a joined-up parliament – that joined-up, there is no parliamentary scrutiny between us and you lot? You proved that yesterday, Hon. Minister. (**Mr Cannan:** Hear, hear.)

Would the Shirveishagh not agree that we need to get the credibility back? We have a high-profile civil servant retiring and we have a situation where, once again, we get promised one thing in parliament, and we get nothing delivered.

Will he inquire with the Council of Ministers that... We have just been talking about the computer situation of four high-ranking civil servants who then went off to do it, which

undermines his credibility, my credibility as an Hon. Member of this House – I believe you have got just as much integrity as I have on this issue – but the situation has to be that we have to address it, in order not to undermine it.

Will this be a policy of quietly getting rid of a load of other civil servants?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

I thank the Hon. Member for his sort of supplementary question. It is hard to devise a sensible question out of that. (*Interjection by Mr Karran*)

Again, he keeps on referring to people retiring on fat pensions. Well, people have pensions based on the regulations, and, indeed, I remind the Hon. Member and I remind, in fact, the public outside who might be listening to this, that no fatter pension is earned than by long-serving Hon. Members of this House. (**Mrs Craine:** Hear, hear.) We have one of the grossest, in my opinion, pension schemes that exist – far higher than anything that comes from the Civil Service.

So, I think it is rather rich for the Hon. Member to be going on about pension schemes, because he, as a long-serving Member –

A Member: He is not going to retire.

The Minister: – when he eventually retires, which I am sure he is not planning to do yet, will benefit very highly from that. I think it is absolutely appalling that we should be focusing this issue on one particular individual who happens to be retiring.

If there is a general matter of policy to be brought up, then bring that up outside of the individual who happens to be retiring. It is all set out in regulations what they can and cannot do and that will, I hope, be abided by.

If it has not been done in the past, then that should be raised and brought to people's attention, so we learn from that for the future – not to start castigating somebody in advance of their retirement.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree, we are not talking about ordinary civil servants; we are talking about the top layer of civil servants – who will, more than likely, be getting more pension than what I am earning, at the present time, if the Hon. Member wants to personalise the situation?

Would the Shirveishagh not agree that complaints have already been raised in this place and in another place on the issues of top civil servants retiring and ending up with consultancies and directorships? What will the Council of Ministers do about this issue?

Would the Shirveishagh not, also, agree that what we must make sure is that we do not allow this to be an option, as far as other people are concerned?

What I want to see is the issue addressed on the last part of this Question.

The Speaker: Minister to reply.

The Minister: Yes, well, there are restrictions on what

retiring civil servants can do and the Hon. Member is quite welcome to do his research on that issue. But if he has questions on the general policy of the matter, then they should not be directed at myself in relation to my Chief Executive, who is retiring; they should be directed to the Civil Service Commission and the Hon. Member who sits in front of me – or indeed, if it is a matter of general policy for the Council of Ministers on this issue, it should be directed to the Chief Minister, and not be focused through my Department and my Chief Executive. That is what I find abhorrent.

I am quite in agreement with the Hon. Member that there should be proper rules and regulations about what people are allowed to do after they retire –

Mr Corkill: And there are.

The Minister: – and there are, and they should be followed. That is the issue.

But what I find objectionable is that it is focused on a particular civil servant who has yet to retire.

The Speaker: Hon. Members, that concludes the time for Oral Answers as set out on our Order Paper under Standing Order 43(2).

Hon. Member for Onchan, Mr Karran.

Standing Order 43(2) suspended to allow continuation of Question Time

Mr Karran: Vainstyr Loayreyder, I beg to move the suspension of Standing Order 43(2) to permit the remaining Questions for Oral Answer to be taken, especially as there are two of other Hon. Members' Questions on this Paper, and not just mine.

The Speaker: I think, Hon. Member, regardless of whose Questions are on the Order Paper, the principle is that Standing Orders should be suspended.

Mr Henderson: I beg to second, sir.

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 at this sitting. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

TTOURISM AND LEISURE

TT races 2007 Organising company

1.9. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Tourism and Leisure:

What company has your Department delegated to organise the TT races for 2007?

The Speaker: Question 9, Mr Cannan, Hon. Member for Michael.

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

The Speaker: I call on the Hon. Member for Douglas South, Mr Cretney, Minister for Tourism and Leather – Leather? Leisure! (*Laughter*) (**A Member:** Leather, yes!) My tongue is getting tied – Leisure, to reply.

The Minister for Tourism and Leisure (Mr Cretney): Mr Speaker, my Department continues to promote and organise the TT Festival via the TT Co-ordinating Committee, which I chair, and it is my intention that this will continue for 2007, the first year of the next century of the world's greatest motorcycle festival.

Procedural

The Speaker: Now, Hon. Members, Question 10, the Hon. Member for Douglas North, Mr Houghton, has got my leave of absence to attend a funeral. I intend, if he returns in time, to take that Question as the last Question.

HOME AFFAIRS

Prison employees

Sick leave; suspension; misconduct charges

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

(1) How many employees at the prison are on long-term sick leave and

(a) how long has each one been off sick;

(b) how many will be facing misconduct charges upon their return to work;

(2) how many employees at the prison are suspended and

(a) for how long has each person been suspended; and

(b) how many of them will be facing misconduct charges upon their return to work?

The Speaker: Question 11, therefore, Hon. Member for Onchan, Mr Karran.

A Member: He has left us.

Mr Corkill: He has gone for a walk.

Mr Cretney: Next!

The Speaker: Hon. Members, the next Question is in the name of the Hon. Member for Onchan, Mr Karran. Question 11, Hon. Member.

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

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

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

In answering part (1) of the Question from the Hon. Member, I should initially explain that, under Government's attendance policy, four weeks is determined as being 'long term'. That said, therefore, I can confirm that there has been one officer on long-term sick since 17th January 2006, with an ongoing certification until 30th June 2006.

The Answer to part (b) is that no-one will be facing disciplinary charges.

Mr Speaker, the Answer to the second part of the Question is that there are no serving officers suspended from work.

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

Mr Karran: I thank the Shirveishagh for his reply.

So, this would include all staff, all employees that are working at the present time at the prison? There is only one officer that is on long-term sick, more than a month off?

Would the Shirveishagh... Is it the same as far as employees are concerned that are suspended at the moment, are not working for the prison and are being paid but are off on whatever leave?

The Minister: In order... without getting personal about individuals, I would advise that there is one person currently serving notice period, and there is a second whose case is being determined by the Civil Service Commission. But the information I have provided is regarding those persons at the prison, inclusive of all aspects of the prison.

TRADE AND INDUSTRY

Laxey pipe factory Update

1.12. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Trade and Industry:

(1) Will you update the House regarding further use of Laxey pipe factory; and

(2) how long has the building been left empty?

The Speaker: Question 12, 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 Middle, Mr Quayle, to reply on behalf of the Minister for Trade and Industry.

A Member of the Department of Trade and Industry (Mr Quayle): Thank you, Mr Speaker.

Regarding the first part of the Hon. Member's Question, the Department of Trade and Industry carried out a study into the feasibility of converting the former Laxey pipe factory into a business incubator unit, and this study was completed in late 2003. A capital project for the conversion was progressed and, as a result, a planning application was submitted at the latter part of 2004.

Mr Speaker, as I am sure we are all aware, there are various issues with the building, the provision of parking being, perhaps, the most difficult to overcome. The Department of Trade and Industry worked closely with the Department of Transport and the local authority to ensure sufficient parking could be provided.

The planning process, in the case of this project, was somewhat drawn out, going finally to appeal in March of this year. The final planning approval has only just been obtained, on 12th June 2006.

However, during the current financial year, the Department of Trade and Industry does not have the capital resources required to carry out the necessary work to sympathetically refurbish and adapt this building, which everyone accepts is so important to the architecture and heritage of Laxey and the Isle of Man. The Department is, therefore, considering its options for this building in order to secure its future.

With regard to the second part of the Question, the factory was vacated following the closure of the Laxey pipes operation in 2002. Apart from the occasional use as a film location, the building has remained empty since then.

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

Mr Karran: Vainstyr Loayreyder, would the acting Shirveishagh not agree that it seems an appalling situation that the building has been empty for something like four years?

Would the Shirveishagh not agree that the number one priority of his Department in the very near future, and this Hon. House, is going to be employment opportunities?

How come a building of this sort of value can be allowed to lie empty for nearly four years? Is that not a disgrace to the taxpayer?

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

Mr Quayle: Thank you, Mr Speaker.

Of course, it is a priority for the Department of Trade and Industry to progress this scheme, if at all possible.

However, as has been referred to in my earlier Answer, there have been numerous difficulties to overcome, not least the fact of the provision of car parking and the satisfactory way of hoping to gain planning approval. That has taken a longer time than what we would have liked.

However, that approval has now been given, and it allows the Department to try and progress the scheme further, notwithstanding the fact that, unfortunately, we will not have the capital money required to progress the scheme.

The Department will be making a bid of approximately £800,000 in order to refurbish this building and convert it, for example, for use as an incubator unit. As may be known, for the funding to complete any required works, because of the Department's capital being funded in quite a unique way, the next available funding would not be until the 2007-08 financial year.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not say that he is putting a bit of a smokescreen to blame the planning process (**Mr Henderson:** Yes.) for the fact that this building has been lying empty for four years?

Will he make sure that his Department looks at other buildings that are in his domain and in other Departments' domains to make sure that where they can be used for the generation of more employment opportunities they are not left empty, just because no-one has bothered to think about doing something with them?

The Speaker: Hon. Member for Middle to reply.

Mr Quayle: Yes, thank you, Mr Speaker.

I think the Hon. Member for Onchan raised this matter, and it was covered in some depth in this Hon. House on 1st November 2005. I am sure copies of those answers could be, again, provided to the Hon. Member, should he have forgotten the original questions and answers that were provided, but suffice it to say, it is unfortunate that it has taken so long.

However, the Department had to build up a satisfactory case. It had to go through the planning procedures. It would be wrong to suggest that we should not have to comply with all the relevant planning procedures in order to obtain planning approval. The Department will now be considering various options in respect of the building now that it does have planning approval and the options are either to proceed with a business incubator unit, once resources permit, or to dispose of the building to the private sector as, from enquiries made last year, no other Government... has expressed an interest in the building.

I agree with the Hon. Member, it is most important that the building is utilised at the earliest opportunity and, hopefully, it would be able to be utilised for much needed employment opportunities, which would be of benefit to the people in the area.

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

Mr Rodan: Thank you, Mr Speaker.

Will the Hon. Member confirm that, in recent months, the building has been used for filming and has made a useful contribution towards that activity on the Island, but that this has come at some cost to the local community in terms of congested car parking arrangements in the vicinity of the pipe factory on the promenade?

Will his Department work closely with the Department of Transport to try and minimise such difficulties in future, if the building, in the meantime, continues to be used for filming activities?

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

Mr Quayle: Yes, thank you, Mr Speaker.

Of course, the Hon. Member for Garff is speaking with very detailed knowledge of aspects within his own area of Garff.

I understand that there is quite a lot of space on Laxey Promenade for parking to serve the building, but we are aware that the planning authorities do have to take into account the concerns of the Department of Transport and the local authority, local residents and, indeed, the Member for the area himself, Mr Rodan.

I feel sure that the Department will be able to acknowledge the concerns that have been expressed. It is a building that we want to make full use of, and I can assure the Hon. Member

that his concerns will be relayed to the Department.

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

Mr Karran: Vainstyr Loayreyder, would the acting Shirveishagh not agree that the fact is that it is a bit of a misrepresentation to blame the planning process for the building being empty for four years?

Can I just ask, finally: will the Shirveishagh give an assurance that he will raise at the Department that this House will be totally opposed to any back-door sale that is made, without being a public sale of an asset that belongs to the taxpayers of the Isle of Man? Will we be informed before the event, and not after the event, after it has been cosily done behind closed doors?

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

Mr Quayle: Yes, thank you, Mr Speaker.

I think it is an unfortunate use of words that the Hon. Member for Onchan says, in saying that there has been a possible misrepresentation. I would refute the fact that I have blamed the planning process. I have explained that the planning process has taken longer than we would have liked. It did go to appeal, of course, and issues have been raised concerning provision of adequate parking for those using the building.

The Department of Trade and Industry has worked with the Department of Transport and the local Commissioners to try and accommodate those concerns that have been expressed.

In terms of the disposal of the property, then that remains one of the options, as I have already previously mentioned a few minutes ago. So, it is nothing new and I think that the previous answer that had been given here a few months ago, it also was an option then.

If there is not a satisfactory way forward by dealing with the property ourselves within the Department, then it has to be an option to dispose of the building to the private sector.

I can only repeat, enquiries that were made last year indicated that no other Government body has expressed an interest in the building. No doubt, before any other action is taken though, the Department would probably arrange to contact anybody within Government, to see if other Departments had an interest in the building, but it is hoped that the Department will be able to progress its plans.

But at this time, because it is requiring resources which are not available until the financial year 2007-08, then the Department has to consider all its options.

The Speaker: Hon. Members, that concludes Questions for Oral Answer.

We now move on to Item 2 on the Order Paper, Questions for Written Answer, of which there are six. They have been circulated to Hon. Members.

Questions for Written Answer

TOURISM AND LEISURE

UK marketing company 'Signature' TT arrangements

1.10. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Tourism and Leisure:

In respect of the UK Marketing Company 'Signature' –
(1) why were they appointed to handle internal arrangements for the TT period;

(2) have they subcontracted part of their responsibilities to others and, if so, to whom and why;

(3) have they been asked to negotiate contracts for stall holders and tenants;

(4) what is the net realisable additional income derived from the use of this company?

Answer: (1) I would like to clarify that Signature Sponsorship Ltd have been selected to substantially increase the quality and breadth of commercial opportunities from the TT and not to handle internal arrangements for the TT period.

On 1st November 2005, I, together with my Chief Executive, gave a presentation to Tynwald Members at the Villa Marina to explain how my Department was going to take the TT forward into its second century, based on the 2007 Centenary event, and using the TT 2006 to try a number of new approaches and ideas.

Part of that presentation explained why we were employing a professional commercial sponsorship company to help us achieve the aim of 'Taking the TT to the world and leave a positive impression of the Isle of Man and its motorsport heritage'. At that time, I further explained that Signature Sponsorship were the company selected by the Department to undertake this work for us, given their very relevant experience with Ferrari and Shell in Formula One and Ducati in World Superbikes.

One of the key challenges facing the event is that of rising costs associated with safety and the need to improve basic facilities, if we are to offer the quality now expected of major international events.

These escalating costs can not continue to be borne by Government and, therefore, the taxpayer, and as we explained at that presentation one of Signature's important roles is to raise additional revenue from sponsorship, hospitality, merchandising and licensing in order to protect the event's future.

Signature's overall objectives are defined as follows:

'To secure the long term future of the TT by generating incremental income through improved commercial management of contracts and by generating incremental sponsorship income.'

and secondly,

'By raising the professionalism and profile of the event to increase value, status and longevity through its PR profile and branding.'

The services they will provide include but are not limited to the following:

- (a) Management of the pitch process for the appointment of a new public relations agency specifically for the TT. This work has now been completed.
- (b) Management and negotiation of all sponsorship and commercial contracts related to the TT.
- (c) Compile commercial sponsorship packages including a property rights valuation.
- (d) Management of all commercial pitch processes.
- (e) Manage trademark and brand evaluation process.

This is a highly complex area of work and one that requires specialist knowledge.

Having secured a 20-year agreement with the ACU for the running of the event, it is vital that we seek to raise revenue, and standards, to ensure this major international event has a secure future without impacting further on the public purse.

(2) Signature have not sub-contracted part of their responsibilities but they have assisted the Department in the selection of a PR agency for the TT, as previously mentioned. However the final selection was made by myself and my Chief Officer. Also, like most companies in this particular field of work, they employ specialist agency or freelance staff to assist, where necessary. This is mainly driven by the seasonal nature of motorsport event timetables.

(3) As part of their responsibilities, Signature Sponsorship Ltd will be negotiating major new contracts on behalf of the Department as appropriate for TT 2007 and beyond. In my presentation to Tynwald Members, I stressed that, wherever possible, we were looking to work with Manx businesses and strengthening existing partnerships.

There is no requirement for Signature to negotiate individual contracts with stallholders and, for example, for many years now, the Department has reached agreement with commercial operators to manage key locations such as the TT retail site at the rear of the Grandstand on our behalf. The success of this operation led to the Department extending this approach to the Douglas Promenade entertainment area. Those companies managing these locations will, therefore, negotiate agreements with individual stall holders. I am not aware of any tenants that require contracts for TT 2007 and beyond.

(4) The Department anticipates that the net additional revenue raised for re-investment in the TT by utilising the services of Signature Sponsorship Ltd is anticipated to be in excess of a additional £420,000 per annum for the duration of the contract from 2007. Depending on negotiations with potential sponsors of various aspects of the TT, and not just the races, the income generated could rise substantially and, given the hugely positive feedback from this year's event, interest has significantly increased.

There are also on-going negotiations regarding licensing, merchandising, telecommunications, that will impact on the overall revenue raised and these negotiations, delicate as they are, have not yet been completed and it would be unwise of me to go into more detail at this stage.

TRANSPORT

HGVs

Roadside checks over last 12 months

2.1. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Transport:

In the last 12 months –

- (a) how many sessions of roadside checks have there been in relation to the examination of HGVs;*
- (b) on each session how many HGVs were examined; and*
- (c) what was the range of vehicle faults detected during each session (if any)?*

Answer: (a) Vehicle examiners from the Department's Vehicle Test Centre have undertaken three HGV inspections in the last 12 months. These inspections have all been carried out at Circus Beach, Douglas, on HGVs arriving on the *Ben-my-Chree*.

There have been 14 roadside inspections in the same period for all vehicles including HGVs.

(b) The total number of HGVs inspected at Circus Beach was 132 and at the roadside inspections approximately 14. In addition, four HGVs were inspected at the request of the police at the site of a road traffic accident.

(c) At Circus Beach, the main defects identified were connected with: (i) lighting; (ii) defective tyres; (iii) no rear registration plate on trailers.

The worst defects were two vehicles with punctured and flat tyres and one vehicle with a badly cracked windscreen. In addition, a number of HGVs were found to be overweight and were required to partially unload before leaving Circus Beach.

HEALTH AND SOCIAL SECURITY

Aids and adaptations budget

Latest position

2.2. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Health and Social Security:

What is the latest position on funding in respect of the Aids and Adaptations budget within the Social Services Division?

Answer: The Aids and Adaptations budget for the current financial year (2006-07) is £164,900.

In addition, the Department was given a supplementary vote by Tynwald of £200,000, towards the end of the last financial year (2005-06). This allowed for the covenant of new works but the funds were not spent during that financial year and so we have been allowed to accrue the full £200,000 into the current financial year, as well as £24,000 of the original base budget that was likewise committed but not spent during the last financial year. The process of commissioning works, particularly large structural works, can be a lengthy one and, whilst funding needs to be in place to allow for approval to be given for commencing a project,

there is typically a period of many months to allow for plans, planning approval, tendering and completion of works before bills can be submitted for payment.

Currently, the Division has approved applications for assistance from the budget to the value of £600,000. Applications have to meet financial criteria set by the Department and are then prioritised in order of need, based on professional assessment by an occupational therapist in consultation with other professionals. The Department has agreed that all urgent and emergency works should proceed without delay and that approved work at lower levels of priority should only be undertaken as funding permits.

LOCAL GOVERNMENT AND THE ENVIRONMENT

Majestic Apartment complex Outside lighting

2.3. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Local Government and the Environment:

Why has the determination regarding the strength of the outside lighting within the Majestic Apartment complex not been actioned by your Department?

Answer: This matter was the subject of a planning application submitted in 2004 and finally determined at Appeal in October 2005. The gist of the final decision was that the external lighting scheme was approved, subject to a condition which required that every light should have a 'heat temperature' of no greater than '2700k', and that certain of the lights should be so set as to ensure that light is not deflected towards property outside of the site.

I understand that the '2700k' figure was established at the Appeal hearing on the basis of samples of bulbs which subsequently turned out to be '3000k', and that these bulbs, in fact, have the lowest temperature output available for bulbs which are compatible with the approved fittings.

In these rather confusing circumstances, it behoves the Department to investigate –

(a) whether the difference is sufficiently significant to warrant any action by the Department; and

(b) whether the condition is valid: it may arguably be invalid because it is either unreasonable or unenforceable.

I am informed that extensive enquires have been carried out as a part of the investigation but I cannot consider what action needs to be taken until I am in receipt of full advice on these matters. The matter is presently before the Planning Committee.

Incinerator Closures and difficulties

2.4. The Hon. Member for (Douglas South) Mr Duggan to ask the Minister for the Department of Local Government and the Environment:

(1) How many times and for how many days has the

Incinerator been shut down since the beginning of 2006 and for what reason;

(2) have there been any financial penalties levied on SITA for the non-availability of the plant during any shutdowns;

(3) on how many occasions since the start of 2006 have the emissions of hydrogen chloride and sulphur dioxide acid gasses exceeded the limits set down in the planning conditions and licence;

(4) what are the risks associated to the health of residents and livestock of any undue emissions ;

(5) on how many days since the start of 2006 has the Incinerator not exported electricity to the MEA and what are the financial implications to SITA, the Department and the MEA of no electricity being exported; and

(6) have there been any emissions of smoke, rather than steam, from the Incinerator since the start of 2006 and, if so, what is the cause and has the visibility exceeded the limit imposed by the planning conditions?

Answer: (1) The operation of the plant has stopped on five occasions, for a total of 26 days, in 2006. One of those occasions was for pre-planned maintenance which totalled 16 days. There were two occasions due to a failure of the grate system, one for a high-pressure steam leak and one for an analyser problem.

(2) During the shutdowns, the plant was not unavailable. Therefore no penalties were levied on SITA. 'Availability' is defined as the ability to take waste and waste continued to be delivered and accepted. This means that it was 'available', as defined in the project agreement between the Department and SITA.

(3) Since the start of 2006, the facility has exceeded its limit for hydrogen chloride or sulphur dioxide on 51 occasions out of approximately 29,000 measurements taken. However, even when exceeding the limit, the facility was not in breach of its waste licence.

(4) None – the plant continues to run well below the annual emissions' limits set in the waste licence and has not breached any of its licence conditions. The annual emissions' limits are set at a level to ensure that emissions could not affect the health of residents or livestock.

(5) The facility did not produce electricity for the 26 days mentioned in (1) above. The level of electricity generated is dependent on the waste burnt. As waste cannot be exported, the waste delivered to the facility was burnt once it became operational again and, therefore, there was no loss of income to the Department or to SITA, and no reduction in electricity available to the MEA, based on waste delivered.

(6) During the recent planned maintenance period, two oil burners had to be used as part of the refractory dry-out activity. The plume from this would look distinctly different from that produced when waste is burnt and may have been visible for short periods in certain weather conditions. However, the plume produced by this activity did not breach any of the conditions set down either in the waste licence or the planning conditions.

Poacher's Pocket development Single planning application

2.5. The Hon. Member for Malew and Santon (Capt.

Douglas) to ask the Minister for Local Government and the Environment:

Can you explain why the planning applications at the Poacher's Pocket development are now being treated as a single planning application?

Answer: In respect of the 'Poacher's Pocket' site in Ballasalla, my Department has, during 2006, determined nine separate planning applications, and there are a further three which are pending appeal. During 2005, there were another nine separate applications determined.

Most of these were for individual dwellings, and all were assessed and determined on their individual merits, albeit within the context of the extant approval for the use and layout of the land.

It is thus clear that the Hon. Member's Question is based on an incorrect premise and that the need for the requested explanation does not, therefore, arise.

TOURISM AND LEISURE

'Signature' for TT 2006 Terms of reference and details

2.6. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Tourism and Leisure:

- (1) *What are the terms of reference of the contract awarded to 'Signature' for TT 2006;*
- (2) *is this company authorised to handle money on behalf of your Department and others and, if so, why and how much has been transacted;*
- (3) *how many sites were they responsible to the Department for operating ;*
- (4) *what is the location of each site;*
- (5) *did they tender for this work; and*
- (6) *what is the cost of their contract?*

Answer: (1) The terms of reference for Signature Sponsorship Ltd are defined as overall objectives as follows:

(i) To secure the long term future of the TT by generating incremental income through improved commercial management of contracts and by generating incremental sponsorship income.

(ii) To raise the professionalism and profile of the event to increase value, status and longevity through its PR profile and branding

The services they will provide include but are not limited to the following:

- (a) Management of the pitch process for the appointment of a new public relations agency specifically for the TT.
 - (b) Management and negotiation (up to letter of intent) of all sponsorship and commercial contracts related to the TT.
 - (c) Compile commercial sponsorship packages including a property rights valuation.
 - (d) Management of all commercial pitch processes.
 - (e) Manage trademark and brand evaluation process.
- (2) I can confirm that, for selected companies, Signature

is allowed to receive money on behalf of the Department and, to date, for TT 2006, £116,640 has been received by them. This is, of course, by open book accounting.

(3) Signature were not responsible for operating any sites on behalf of the Department. Those awarded contracts for the management of areas such as the TT retail village or promenade entertainment negotiated their own contracts with appropriate suppliers. The TT retail village has been managed for many years by Motorsport Merchandise (IOM) Ltd and, due to the success of this operation, this approach was extended to the Douglas Promenade entertainment area for 2005 TT. Initial customer feedback from the 2006 TT has complimented the significant quality improvements in the Promenade entertainment and catering quality during TT 2006.

(4) There are no locations of sites for which Signature are directly responsible for operating, nor are there likely to be in the future.

(5) Signature were the successful company following a selected tender process and, as the basic fee for this 3 year agreement exceeds £100,000, has, also, been reviewed by Treasury as part of their normal process in such matters.

(6) The cost of the contract is £70,000 per annum for the basic fee for managing the agreement plus a maximum of £15,000 of expenses. The company also receives a commission of 22.5% on incremental revenue received. We have agreed a baseline figure for revenue based on income generated in 2005. Commission is, therefore, only payable on additional incremental income and is in line with typical sports event management contracts of this type.

Orders of the Day

BILL FOR CONSIDERATION OF COUNCIL AMENDMENTS

Gambling (Amendment) Bill Council amendments approved

4.1. Mr Gill to move:

That the following amendments to the Gambling (Amendment) Bill made by the Legislative Council be agreed and that the Bill do now pass.

*Page 2, line 9
Delete subclause (a).*

*Page 2, line 11
Delete '(b)'.*

The Speaker: We then move on to Item 3 on the Order Paper, which is Bills for Consideration of Council Amendments. The first Item under that heading is the Gambling (Amendment) Bill. I call on the Hon. Member for Rushen, Mr Gill.

Mr Gill: Thank you, Mr Speaker.
The Legislative Council amendment removes the

requirement for the Gambling Control Commission to pursue and, wherever appropriate, to have regard to the licensing objectives which are contained in clause 1. This amendment limits the duty of the Commission in relation to clause 2, to permit gambling, insofar as they think it reasonably consistent for the pursuit of the licensing objectives.

Basically, what this does is reduce the requirement of the Commission to take into account Government's policies to expand the on-line industry when making their decisions. The Legislative Council's view was that, by requiring the Commission to take Government policy into account, this was putting undue influence on the Commission in relation to its decisions.

The Department of Home Affairs is concerned that this amendment will not assist in providing clarity for the Commission. However, the Bill still requires the Commission to permit gambling, insofar as they think it reasonably consistent with the pursuit of the licensing objectives.

In the interim period, therefore, the Department of Home Affairs is content that the amendment should not be opposed and that further consideration should be given to the issue for the substantive Bill, which is due to be progressed in 2007. So, I beg to move on that basis, Mr Speaker.

The Speaker: Hon. Member for Douglas West, Mr Shimmin.

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

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

Mr Karran: Vainstyr Loayreyder, if I have read this amendment right, it is inserting 'subject to the approval of Tynwald'. I think that is important. Tynwald needs to claw back some sort of audit process on the Council of Ministers and I have no objection to that, if that is the case, Vainstyr Loayreyder.

The Speaker: Hon. Member, can I just assist you there. You are referring there to an amendment that was made in the House of Keys, which is the top writing in italics. The actual part that you are being asked to approve is that underneath, where it says, 'Amendments made by the Legislative Council, clause 2'. Just to clarify, Hon. Member.

Mr Karran: Thank you, Vainstyr Loayreyder.

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

Mr Bell: Just a small point, Mr Speaker.

I am prepared to go along with this amendment, but as I think the mover himself says, this is not the most helpful of amendments which have come from the Council. It muddies the water, in terms of the role of the Gambling Supervision Commission which has been set up, because it is, obviously, very important that all the regulators take cognisance of the policy of the day of the Government. This, it seems to me, is taking away the responsibilities of the Gambling Commissioners to follow what the policy of Government is likely to be in this particular area.

I appreciate, Mr Speaker, that this particular industry does not have the unanimous support of Members here, but it is becoming a vitally important element of economic growth,

and will have a very major impact on the availability of bandwidth and the cost of bandwidth for the development of e-commerce on the Island. Therefore, it is very important that the Gambling Commissioners do take note of the direction that the economy is going in, the priorities of Government's economic strategies and to ensure that, while regulating new entities which come into the Island, they are, also, aware that this industry has the support of Government and the desire to expand it further.

We already, Mr Speaker, have the situation with the Financial Supervision Commission and the IPA – Insurance and Pensions Authority – who are very excellent regulators, working at arm's length from Government, in that sense, but who do have commercial awareness, at the same time, of the need to encourage new business to come into the Island.

I do believe, by the moves now which have been made by the Legislative Council, this is going to muddy the waters in giving the clear direction that the Gambling Supervision Commission need, to ensure the same sort of approach with regulations, gambling activities, as we have with all the others.

So, Mr Speaker, I am prepared to support this, but I do find it a very disappointing, blinkered attitude on the part of the Legislative Council to think that this is in any way improving the situation. It is not.

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

Mr Gill: Thank you, Mr Speaker.

Obviously, I thank the Minister for seconding.

In relation to the comments from the Treasury Minister, Mr Bell, I entirely understand his comments and his motivation for making them. Where he talks about being prepared to go along with this amendment, I think that is, probably, the extent, on behalf of the Department, that we would echo that sentiment and, certainly, his view that the Gambling Commission needs to be mindful of the Government of the day's policies and the economic circumstances.

I am sure that is entirely right and hence the comments that, in the substantive Bill, which is to follow in the next House, this will be a matter that will be revisited at that time.

So, I entirely understand the comments of the Treasury Minister, and we have considered them, in accepting this amendment.

I do not think there is anything more to add, Mr Speaker, other than, perhaps, for the sake of records, to thank Mr Lalor-Smith, our legislation officer, who has been extremely busy in the Department. He has been extremely busy, along with many other officers, but particularly he has taken the burden of this Bill, and if I could record the thanks of the Department Members to him for that.

As I say, reflecting the reservations from the Treasury Minister, but to incorporate them within the amendment from the Legislative Council, if I could beg to move in that manner, sir.

The Speaker: Hon. Members, the motion before the House is that standing in the name of the Hon. Member for Rushen, Mr Gill, the Gambling (Amendment) Bill, which is the amendments made by the Legislative Council as set out on the Order Paper, affecting clause 2. All those in favour, say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

FOR

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

AGAINST

Mr Bell

The Speaker: Hon. Members, the motion carries, with 21 votes for and 1 vote against.

Oral Question 10 to receive Written Answer

The Speaker: Hon. Members, can I just clarify that Question 10, in the name of the Hon. Member for Douglas North, Mr Houghton, will now be given in written form, as the Hon. Member was unable return from the leave that I granted him earlier.

[See Written Answers, Question 1.10, page 1355 K123]

**Thanks and good wishes for the future
Statement by the Speaker**

The Speaker: Hon. Members, as we are all aware, this is the last sitting of the House before the General Election 2006. Hon. Members, I think the House has continued to do its work and reflect the people of the Isle of Man in the way that only a parliamentary setting can do. I think that Members have carried out their duties to a level that I am sure we are all content with, and I think the majority of people outside, certainly, as far as we know, are content, too.

Hon. Members, can I put on record at this stage formally, our thanks to the Secretary of the House and all the staff, the messengers and the guards and the administration staff for their support over the last five years.

For my own sake, can I just thank you for the honour of being your Speaker. It is something I have enjoyed, and I hope I have served the House well. (**Members:** Hear, hear.)

Hon. Members, I wish you all well, whatever the future may bring, in the next few months. Hon. Members, I look forward to welcoming you to the Speaker's Lunch at the Sefton Hotel at 1.20 p.m. today.

Hon. Member for Peel?

Mrs Hannan: Yes, as Deputy Speaker of the House, could I just place on record our thanks to you for your Speakership of the House of Keys during the last five years, and wish you well at the election.

Members: Hear, hear.

The Speaker: Thank you, Hon. Members.

The House will now stand adjourned until Wednesday, 5th July, at Tynwald in St John's. Thank you, Hon. Members.

The House adjourned at 11.31 a.m.