



**TYNWALD COURT  
OFFICIAL REPORT**

**RECORTYS OIKOIL  
QUAIYL TINVAAL**

**PROCEEDINGS**

**DAALTYN**

**(HANSARD)**

**Douglas, Thursday, 15th December 2005**

**Present:****The President of Tynwald (The Hon. N Q Cringle)****In the Council:**

The Lord Bishop of Sodor and Man (The Rt. Rev. Graeme Knowles), The Attorney General (Mr W J H Corlett QC),  
Mr D Butt, Mrs C M Christian, Mrs P M Crowe, Hon. A F Downie, The Chief Minister (Hon. D J Gelling CBE),  
Mr E G Lowey, Mr L Singer and Mr G H Waft,  
with Mrs M Cullen, Deputy Clerk of Tynwald.

**In the Keys:**

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 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);  
Mrs B J Cannell (Douglas East); Hon. J P Shimmin and Mr D F K Delaney (Douglas West);  
Capt. A C Douglas (Malew and Santon); Hon. J Rimington and Mr Q B Gill (Rushen);  
with Mr M Cornwell-Kelly, Clerk of Tynwald.

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*The House adjourned at 1.24 p.m.*

*Reports, maps and other documents referred to in the course of debates may be consulted  
upon application to the Tynwald Library or the Clerk of Tynwald's Office,  
Legislative Buildings, Douglas, Isle of Man IM1 3PW.*

# Tynwald

*The Court met at 10.30 a.m.*

[MR PRESIDENT *in the Chair*]

**PRAYERS**  
*The Lord Bishop*

## LEAVE OF ABSENCE GRANTED

**The President:** Hon. Members, we have apologies this morning from the Hon. Members, Mr Karran, Mr Gawne and Mr Braidwood, who are all indisposed today. Mr Gelling will be coming in later, as will Mr Quayle, who has a medical appointment.

## Orders of the Day

### **Police Authority Examining case for setting up in Island Amended motion carried**

36. The Hon. Member for Douglas West (Mr Delaney) to move:

*That Tynwald appoints a Committee of five Members with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 to examine the case for a Police Authority in the Isle of Man and to report with recommendations by the sitting of the Court in May 2006.*

**The President:** Hon. Members, when we rose last evening, we had completed our Order Paper up to Item 36. I call upon the Hon. Member, Mr Delaney, to move Item 36.

**Mr Delaney:** Good morning, Mr President.

I think we all know, Mr President, or we have all had to sit, listen, watch, read about the ongoing problems we seen to have amassed in one section of the justice system of the Isle of Man – a very important part of that justice system.

Unfortunately for Members, they have not been able to do much, because during this period of time, there have been ongoing cases that may have gained the claim of *sub judice* at the matter of any reform or any change in the policing system being put forward by any Member. I, like the other Members, Mr President, was aware of this and have been for over three years.

I do nothing other than quote from the then Minister, when he said, in this Court, on 16th February 2005, ‘the Isle of Man Constabulary has endured a very challenging and turbulent period for the last 18 months.’ Well, really, it has been well over 18 months from that period. To my knowledge, it was three years, if you go back and research.

The machinery of the police vehicle, which is in statute in the 1993 Act, has been working, or seen to be working and chugging along and nobody took, really, any concern about it. When the machinery starts coughing and choking and spluttering and staggering, only a fool carries on driving it. It is time, then, to give it a major overhaul.

That is the purpose of my resolution, Mr President, to get some action into it and review it and to look at it and see if we can improve the machinery we expect in the governance and the policing of the Isle of Man people. I have looked, when researching this – and I have had a long time to do it – at how other authorities manage to maintain, with change from time to time, their policing authorities.

The first surprise I had was to find, throughout Britain, there was no fixed method. Each county, some of them have their own and some counties have had very little change. In each country surrounding us and in Europe, they each have different methods of the implementation of policing in their community and how that policing is controlled. If you put our Act up against theirs, it shows very little control whatsoever from the centre on behalf of the people. Maybe it was designed that way originally, when we virtually had an ex-army officer running the policing in the Isle of Man. Maybe it was designed that way that it was a one man band.

I believe, Mr President, after listening last night, half of what I had to say in complaint, Members were reflecting and the Minister was kind enough to answer me on only two of the questions that I thought I needed instant answers to in relation to what the current situation was. He has promised to give me that answer.

The other points I was going to raise were covered by Members of the Court and particularly our new colleague, Mr Butt. We are lay people and I have never served on the Home Affairs. I have never had reason, in real terms, in 30 odd years, to actually go out and look for fault or have seen fault in the Police Force. They, like everybody else, make mistakes. We all make mistakes, but they corrected their mistakes and it went along.

It is my view, Mr President, that the triangle I have referred to on the radio and in the media – which is the Constabulary that enforce the law, we that make the law and then the Judiciary – these three parts of this triangle, the public sit in the middle and the furthest part away, of course, is the corners of the triangle. If any one part of that is not functioning properly, it is the public in the middle, who it is there for, who suffer. (**Mr Earnshaw:** Hear, hear.) I was not present when some of the debates took place. I sat in the bleachers and listened.

I was interested in one particular comment, by the Member for Peel, at one of the debates that took place. It was the most interesting comment dealing with when people claim that they have the confidence of the public. She asked the question in this Court. She put the question: ‘if you ask the right question, you will get the right answer.’ Anyone in marketing knows that. Anyone that does surveys knows that.

Really, that is where the whole thing is, because at that time, I had the opportunity to look at it that way, to be talking to the public. My observations and in my hearing, the answers I was getting from the public were not the same as were being told to the Members of this Court. The people have a different view. They see their support is for the policemen and partly to policemen and for the system.

They have little confidence, I am sorry to say, out there, in the machinery of the Police. They have little confidence whatsoever.

You might have had the opportunity to do that survey but I was almost forced to that survey, when asking the public on the door and putting it to them that there was something wrong and something needed doing. That is not what their opinions were; that is the answer they came up with. Actually, Mr Butt covered that point last night – 86 per cent – that is nonsense. Most people have a 100 per cent support for the policeman on the beat; the policing system when they are round doing their jobs. What they do not have support for is how they operate as a corporate body.

They do not see it working and why do they not see it working? I can tell you, like me and like you, when they read about disputes between Chief Constables, Deputy Chief Constables, their officers; when statements are made about complaints between what is a small body, 250, 260 people. When they see this, they are undermined by it. They know the Police themselves are being undermined and they want to know how it can happen. They understand one complaint or two complaints, but not when you are talking in dozens of complaints in a community of 80,000 people. They do not understand it.

In fact, it is an interesting point. When you read the 1993 Act, you realise how little you understand, as a Member, of how the Police operate under the Act and how little real control. We have had it said, in this Court, by the past Minister, he cannot do anything because he does not, under the 1993 Act, really have the powers to do anything. (**Mr Henderson:** Hear, hear.)

I am not blaming anybody for it. It is just a situation that has arisen. I, and I am sure other Members, this is the first opportunity – the lull – I use the word ‘lull’ – in the storm – to put this resolution down and to ask, now that we know or believe there is something wrong with it – if you do not believe that, I suggest you do go outside and knock on people’s doors and find out – that we then take an opportunity, this early opportunity, when the lull is here, to do something.

In my resolution, I am asking for a Committee to look at the Bill and to look at the way we govern the Police Force; not the individual policing, not who they are arresting. I believe politicians are best kept as far away from the Police as possible, but that is not very practical. I understand that. We have got to have a Minister and we have got to have members of the Department. The further politicians are away, I think, history will show, the better. I want to see something done, as other Members do.

There are two ways of doing it; you can form a committee, from here, which is our duty and our function, of five members and let them go away and come back, by May, and tell us whether or not I am wrong – tell me I am wrong; tell me it is working perfectly, if you wish; tell me there is nothing needs doing and it will all sort itself out, or they can come back with alterations, or they can come back with a brand new deal for the Manx people, but they have to come back. That is under our rules. If they are wrong, I will argue my case again. I believe something needs doing, Mr President. I believe the Members, the ones I have spoken to, know that something needs doing. I believe this is the way to do it.

I am aware, as I would expect, you do not hang around here for 30 years without knowing the system and I know of

an amendment which was going to be put by the Government on the floor here. I want to say now, before it is even moved, if it is moved, I can accept such an amendment, because what I am asking for is somebody to do something. If that is unreasonable, I will go out there and never bother you again. That is one reason to vote against this. I believe, and the people believe, something has to be done and they expect us, their representatives, to do it.

Mr President, I am not going to blame anyone on my feet now. I am not going to point to anyone. I can go through all this lot at the end – lists and lists of complaints; copies of questions; copies of answers; copies of statements; press cuttings, the lot. That is the research that is necessary. What it is going to achieve? Because my answer is simple, if you do not know, there is something wrong now, you should not be here in the first place.

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

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

Staying off the very serious problems that currently exist within the Isle of Man Constabulary, I would rather ask this Hon. Court to give this committee the opportunity of looking into the issues that seriously need to be looked at in this area. A five-Member committee that the hon. mover is putting forward here as a committee to look into it, rather than three, would give an even wider consideration of views and so on in the formation of a police authority, if that was the recommendation by the select committee, when it reports back.

If we just take a look at, say, when the Hon. Member for Onchan, in another place, was wishing to bring forward for Second Reading a Bill that had many issues that I would like to have amended in it, but the principle of it, I very much supported.

What really needs to happen, and I am sure those Hon. Members who represent constituencies outside Douglas would support me on, is that such a police authority would be balanced and my simple suggestion – and that would go to the select committee, if that were formed – would be to have a five-member police authority. A Member responsible for each of the four main areas of local authorities and then one representing Douglas.

How that would simply function, therefore, is that a person would be appointed by those local authorities in each of those areas, for the period of his membership, as a commissioner to that local authority. It is as simple as that. That would give you the balance throughout the Island for policing. It would not have allowed this nonsensical, centralised policing that was brought forward and has since been scrapped in less than 12 months.

One other thing that this would do, is that this would reduce hidden agendas. It would make the Chief Constable answerable to a committee, rather than a single person, that currently being the Minister, and, in many cases, that person could easily be browbeaten from someone who comes from a disciplinarian background and, therefore, if he is answerable to a committee, it would be much more transparent. The strength in the committee would provide all that.

Also, it would give balance of representation throughout the whole of the Island and better accountability. That has to be the functioning of any police force, because policing is policing by consent. No matter what you say about political interference, we all understand; every one of us

understands that the politicians cannot interfere with police investigations, et cetera. We know and understand that, but we do, and wish to, have a say, in this case, at local authority level, if that is how the recommendation went and came through in legislation.

The Isle of Man Constabulary would be answerable, of course, to the Minister, as per usual, but also answerable, I would say, through the police authority, which is a balanced structure, because, therefore, policing would be by consent of the people, not by the consent of one person, that being the Chief Constable.

Thank you, and I beg to second, sir.

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

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

I think we are all well aware, as the mover of the motion has said, that it has been a fairly turbulent time within the Police Service and we have effectively repoliticised the Police Service because the range of measures that have been going on for some time. The intention now is to try and actually utilise the facilities that were there but, my Department apologise, have not been working adequately to give the confidence to this Court and to the public of the checks and balances that should be put in place.

I refer predominantly to the Police Advisory Group, which was set up some years ago. The Department has responsibility to set this Group up and if anything, there has been a lack of clarification by my Department as to the purposes for that committee and their role.

This was identified by my predecessor to me on taking up post and I have been very grateful for the two current political Members, who serve on that committee, Mr Speaker and the Deputy Speaker, who have been put on there in order to try and get a balance of representation from around the Island, which the seconder of this motion refers to. But at anybody's investigation of this, we, as a Department, have failed to adequately resource and task this committee with the roles and responsibilities necessary for it to fulfil its function for the good of the people of the Island.

The intention was and is for that Advisory Group to be a conduit for representation, whether it be political, public, to get the views across from and to the Police and from and to the Minister. One of the fundamental failings of that is the Minister actually chaired the Police Advisory Group, so a committee that was tasked with reporting to the person holding my office and I was actually chairing that committee. I have been grateful for that committee who have been, hopefully, afforded an opportunity in recent months to hold meetings to try and come forward with a measure of purpose and responsibility that is clearly defined for them and whoever follows them to actually fulfil a meaningful function.

Within that we have had two meetings and continue to meet to try and draw up a remit which will satisfy that body, that they can fulfil an independent role and advise the Minister accordingly.

The amendment before you today is to try and reflect the progress that we have made and are making, but to acknowledge that our experience of a police authority or Police Advisory Group is limited. The amendment reads:

*Delete the words after 'That Tynwald' and replace with: 'requires:*

*(i) the Department of Home Affairs to continue to develop and strengthen the role and responsibilities of the Police Advisory Group, under the guidance of Sir Ronnie Flanagan, Her Majesty's Chief Inspector of Constabularies, and*

*(ii) the Police Advisory Group to consider and report to the Department of Home Affairs on the most appropriate means for effective accountability in respect of the Isle of Man Constabulary; and*

*(iii) the Department of Home Affairs to submit such a report to this Honourable Court by May 2006.'*

The Police Advisory Group, by its failure to be managed properly from the centre over the last four years, has indicated that we need some guidance as to how they perform their duties and for that I am very grateful for the assistance that has been offered by Sir Ronnie Flanagan, Chief Inspector of Her Majesty's Constabulary, who is well known to the Island and knows very clearly the difficulties that we have been experiencing in recent years. He has first-hand, current knowledge of the situation within the Isle of Man Police Service and the political interface and he is very willing to support us to check the governance and the procedures that would be appropriate to represent the wishes and the needs of the public and political people of the Isle of Man.

So his role would be very much to oversee what the committee are determining in coming forward with. If we are going in the direction which he believes would be counterproductive, then he would draw that to our attention. It will be our committee developing our own remit, but it will be overseen by an independent, which I believe is possibly more reassuring to the Court, that it would come from somebody with Sir Ronnie's credibility and experience.

The amendment goes on to say that the Advisory Group should consider and report to the Department – effectively myself – the most appropriate means for effective accountability, but, again, I would point out that I will not be on this committee. I am working with them at the moment, but it is my intention to pass the role of chairmanship over to a member of the Department, and that body would be made up by a diversity of people, both political and lay, to actually achieve a similar outcome from police authorities elsewhere.

The formation of that we are still looking at and that is why I would ask the Hon. Court, if they were to support the motion today, then we would be in a position to report by May 2006, which is the same date as the actual motion on the table before you today.

I am under no illusion that the Speaker and Deputy Speaker have been pushing for some time to actually get a response from my Department to adequately resource and facilitate this committee. I can expect all Hon. Members to realise that those two Members are not shrinking violets and have made it quite clear that if I and the Department fail to deliver that, then they will not sit quietly, but they come back to this Court, or through whatever mechanism they choose, to make their dissatisfaction known.

So I am under justifiable pressure from those Members and I am fully aware of pressure from Hon. Members throughout the Court who have had concerns for some time about different aspects of policing.

I do hope that the Court will find favour with the amendment and believe that it is a genuine attempt to give an opportunity, however the Advisory Group feel they should get that information, but also they are your representatives

within that Police Advisory Group and I would urge that once this Group is reformed in a proper manner, both before and following the next election, that Hon. Members would then find that they had two conduits for raising concerns – indeed three – one directly with the Police, one directly with myself, as Minister, but also the Advisory Group, to make sure that their views on policing matters can be borne in mind by the Advisory Group.

Within our draft remit at the moment, I could attend the Police Advisory Group, but also I could be summoned by the Police Advisory Group, it would be serviced by the Department of Home Affairs and would be attended by the Chief Constable or Deputy Chief Constable, there would be political representation, there would be the Police Federation with representation on it and that is the sort of area we are currently looking at and will be discussing with Sir Ronnie Flanagan in January, in order to make sure that the make up of that Group is adequate to cover the concerns of the public.

So it is sincere, it is genuine that this body has not been adequately serviced by my Department: that is acknowledged and I apologise. I believe it is the correct vehicle which allows representation to come in and with the consent of the hon. mover of this, I am grateful for the opportunity that he will support this at this time and if my Department and myself fail to deliver it adequately, it would still afford the opportunity for this Court to revisit it, in order to take alternative actions.

So, with that, Mr President, I beg to move and hope the Court will be able to support that we are moving in the direction which I hope will reflect the wishes of the Court.

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

**Mr Duggan:** I just beg to second, sir.

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

**Mr Delaney:** Life's experiences get shorter, Mr President.

I am grateful to the new Minister, I am sure the Court will be grateful to the new Minister, but I must tell the Members and the public why I will support this amendment.

I am aware, as I have said earlier, that Government does not like to see itself directed by individual Members of Tynwald Court and looks at amendments, but this amendment does exactly what you and I would hope to achieve, because if you look at the members of the Police Advisory Group, Mr President, we have Mr Shimmin – as he has said – we have the Speaker, Mr Brown, we have the Member for Peel, Mrs Hannan, we have Mr Singer, Member of Legislative Council, we have Mr Gill and, unless my mathematics are going short, that gets to five, anyhow. We have also Mr B Jeavons and there is a vacancy shortly to appear.

I must also, because people, unless we do it ourselves and I am sure other Members have found this, when you look at it, there is another body – the Consultative Forum of the Police – which has not had a mention and I think I should mention them.

On that Forum we have Mrs Ann McDonald, Mr Bill Mummery, Mr Juan Watterson, Mr Bob Jeavons – who I mentioned before – Mr David Lace, Miss Luisa Gillow, Mrs Keren Corkill – who is the chair – Mrs Carol Beck and Mrs Thelma Lomax. I can tell you, Hon. Members, I do not know all those people personally, I have never come across

most of them, I suppose, but to the public they would not have a clue who those people are, and when you ask the public, 'Are you aware of any of them?' they are not, but they represent the public.

Under the way the Act works, they represent and are there and I am sure that the Minister will also talk to them, I take it for granted he will talk to them and anybody else, including the Members here, so when we get to the amendment, it achieves most of what I would want, because it actively actions it and if it actions something, you cannot go much further and better than that.

Come back in May and they explain to us all what they intend to do and, hopefully, if it is something constructive and it improves the lot of not only the public, but the lowest of the ranks of the Police, because they are important in this. The Federation have to be brought in on this, because you cannot work without soldiers who are not prepared to fight for you and that is the situation you are going to have very shortly, unless something is done.

I was interested in my seconder's little part to play in this, and I appreciate the fact that he seconded, because when we get down to it, and I did look, as I said, I looked at some of the responsibilities and the way other people have done it.

I was interested to read one particular section which deals with the joint policing committees, I know these are larger authorities than ours – they are a million, some of them – so I understand that, but, nevertheless, they found it necessary to form joint committees with local authorities. I am not saying that we have to have a plethora of groups of people all looking over the policemen's shoulders. I do not want to see that at all, there is enough public...

I think we are the most publicly represented people in the world, the Isle of Man, when you look at the 24 Members of the Keys, the nine Members of Legislative Council, all the local authorities. I mean we really are over-represented in some terms and we have to put a limit onto it, but the situation is that there is a need to bring the public along with it, so I am sure the Minister will take that in.

But what really sells me on this last piece of this amendment, which is the Minister, and I am grateful for, is the fact he is prepared to talk to somebody who I, personally, have been in communication with for a number of years – Ronnie Flanagan. Now there is a man I admire, and there is a man I know who understands policing in the most difficult of circumstances and, actually, if you can remember, those Members who took an interest in my return – return, sounds like *Return of the Jedi* – coming in here (*Laughter and interjections*) I did produce for the people I asked to vote for me, a copy of correspondence with the same Mr Ronnie Flanagan in my manifesto to show the people I was concerned, but concerned in the right way for the welfare of the Police Force and I think that actually helped – rightly or wrongly – to get me back in here.

So, I do accept the amendment, I do accept the genuineness of the Minister's concern he shares with me and with other Members – not just me, but all the Members – I am aware, I listen to what you are saying, I am aware you are all concerned.

Mr President, having said that, having had the assurances supporting the amendment, I beg to move.

**The President:** Hon. Members, the motion that I put to the Court is printed at 36 and to that you have had circulated to you the amendment in the name of the Hon. Member,

Mr Shimmin. Putting to you first the amendment, Hon. Members, those in favour, please say aye; against, no. The ayes have it. The ayes have it.

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

*In the Keys – Ayes 18, Noes 2*

**FOR**

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

**AGAINST**

Mr Houghton  
Mr Henderson

**The Speaker:** Mr President, the amendment carries in the House of Keys, with 18 votes for, 2 votes against.

*In the Council – Ayes 7, Noes 1*

**FOR**

The Lord Bishop  
Mr Lowey  
Mr Singer  
Mr Butt  
Mrs Christian  
Mr Gelling  
Mr Downie

**AGAINST**

Mr Waft

**The President:** With 7 for and 1 against, Hon. Members, the amendment, therefore, carries and I put to you now the motion printed at 36, as amended.

Motion, as amended, Hon. Members. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

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

*In the Keys – Ayes 18, Noes 2*

**FOR**

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

**AGAINST**

Mr Houghton  
Mr Henderson

**The Speaker:** Mr President, the motion, as amended, carries in the House of Keys, with 18 votes for, 2 votes against.

*In the Council – Ayes 7, Noes 1*

**FOR**

The Lord Bishop  
Mr Lowey  
Mr Singer  
Mr Butt  
Mrs Christian  
Mr Gelling  
Mr Downie

**AGAINST**

Mr Waft

**The President:** With 7 for and 1 against, Hon. Members, the motion, therefore, carries.

**Avian Flu**

**Supplying all Island citizens with antiviral treatment  
Amended motion carried**

37. The Hon. Member for Douglas East (Mrs Cannell) to move:

*That Tynwald is of opinion that adequate supplies of antiviral treatment should be provided to all citizens of the Isle of Man to offer protection against the Avian Flu Virus with funding for such provided by Treasury.*

**The President:** We turn, then, Hon. Members, to Item 37 and I call on the Hon. Member for Douglas East, Mrs Cannell, to move.

**Mrs Cannell:** Thank you, Mr President.

The motion on the Agenda today is designed to try and help the Department of Health and Social Security. It by no means is there to antagonise or to upset the Minister or Members or the experts and the doctors that actually serve on the Department. It is in a bid to try and assist.

Avian flu, well, what are the facts of Avian Flu? What we do know is that there have been 120 cases at least in south east Asia, in those people who work closely with birds. We have no idea of when this flu will pass from human to human and when it does, we have no idea of how it will mutate. What we do know is that our Department has ordered, through the United Kingdom, 2.5 million supplies of the vaccine, when the strain of the flu virus is known. Manufacture could take six or nine months, although I am sure that if a fast-track approach is taken, manufacture could take just three months and this is something that the experts in this area are trying to ascertain at the moment.

The Minister and the acting Director of Public Health are both on record to say it is not *if* the Avian Flu comes, but *when* it comes to the Isle of Man. It is estimated that that will occur during the next two to three years. Such a flu pandemic in the Isle of Man is likely to lead to major disruption of services and, indeed, elsewhere. Public health measures, including public education, will be key to contain and prevent the spread but if this virus becomes airborne, containment may well be very difficult to achieve.

The World Health Organisation's guess is that this virus is likely to affect 25 per cent of the population, but none of

the actual health experts know for sure.

So let us look at the impact on services. Such a pandemic flu could affect 25 per cent of hospital staff, who may be off sick for about two weeks with flu at some time during the period. It is estimated that such a pandemic flu may come in two or three waves over a 12-month period. Other hospital staff may be absent due to family illness. If schools and nurseries have to close in an attempt to mitigate against the spread, this will also prevent staff from working at the hospital.

It is interesting to note, Mr President, that, in the 1957 pandemic, up to 25 per cent of nurses were absent at any one time in a hospital in Liverpool. And so we look at what the experts have told us, in terms of who is likely to be affected by such a pandemic and they classify a number of vulnerable groups.

The first of those groups are children. Children may have more severe illness, as they remain infectious for longer. Pregnant women are at risk of severe flu. Patients with chronic disease, such as diabetes, kidney disease, lowered immunity such as HIV or treatment of cancer, transplants, leukaemia et cetera. So are we sure of the numbers here who will require, or may require, the antiviral treatment, bearing in mind that it is the vulnerable groups who are likely to actually be affected by this?

So let us have a look at what the antivirals are. Well, we know of one that is commonly called Tamiflu. The Isle of Man was very swift in making an order early and have, in fact, stockpiled antiviral drugs here in the Island, but only to treat 25 per cent of adults and 50 per cent of children. On 1st December this year, Dr Kishore, the acting Director of Public Health, and Dr Wardle, who is in charge of infection control at Noble's Hospital, together with the Minister, gave a presentation to Members of Tynwald and I have to say, Mr President, we are all extremely grateful for having had the opportunity to be able to listen and to raise questions with the two doctors.

However, the Hon. Member of the Legislative Council, Mr Singer, and myself arranged to meet with Dr Kishore a week later, on 7th December, to further discuss the contingencies which are in place here in the Isle of Man. Whilst we fully appreciate all efforts made thus far, we believe we could do better and it is for this reason that the motion is before Hon. Members today. I would say again we are not wishing to upset the Department or to have a go at the Minister, but rather to assist the Minister and his Department with their contingency plans.

So, Mr President, let us have a look at human behaviour – very interesting, human behaviour – when something like this is spoken about which affects and can spread across the world. We are all of us aware of the shortage of the annual flu jab vaccinations both here, the United Kingdom and abroad at present. The demand for this annual flu jab has been perpetuated by the public perception that, by having this annual flu jab, it will give them a degree of protection against the Avian Flu virus. Of course, this is totally misguided and untrue but this is the nature of human behaviour.

Even when a general practitioner has refused such a request from someone who is not thought to be in a vulnerable group and is not thought to require an annual flu jab, I have heard of many cases where the patient has asked to purchase this vaccine privately and I am aware that large private employers have purchased large orders for administering to their staff. Such a human reaction to

the awareness of the Avian Flu virus might well then explain why there is an international shortage of the annual flu jab vaccine this year.

So let us look at the contingency with forward planning. The antiviral treatment stockpiled by the Department, known as Tamiflu, will be used to treat those who develop symptoms of Avian Flu, but this is only effective during the first 48 hours of developing symptoms and the incubation period for this is said to be between two and three days. In this situation, treatment can be given for a two-week period and it is essential that anybody who is given a course of treatment like this, must take all of the treatment until all of the tablets are finished. That is essential.

It is a fact, however, that when a person takes this treatment, it does not prevent them from passing on this flu to someone else, so whilst it gives them some relief from the symptoms, that person can still carry the virus and give it to somebody else who is not taking treatment.

Equally, Tamiflu can be given as a preventative measure, if taken over a six-week period. This may well be in place for people such as the medical profession, nurses, doctors, general practitioners et cetera, key people in the community. Special masks, gloves, gowns and procedures will all need to be part of the package. I understand that such measures are being actively undertaken by Dr Kishore and this is to be commended. **(Two Members: Hear, hear.)**

What we are looking for with this motion is actually treatment for all who need it and this is where we believe Tynwald here today, by approving the motion that is before Members, will enable the Department to place an additional order for the antiviral treatment to comply with all public requests for such treatment, as and when the time comes. We know that there is a practical difficulty at the present time, in that the manufacturers are still trying to supply other countries around the world and are reluctant to take on an additional supply request until late next year, bearing in mind we already have a supply. This we can, of course, fully appreciate. After all, we were lucky in receiving our limited supply early. It is a fact that the antiviral treatment, Tamiflu, has a shelf life of five years.

If Tynwald approves the motion today, it will enable the Department to act quickly in the event that more than 25 per cent of adults and 50 per cent of children become affected. Equally, if not required by the end of 2006 by the manufacturer, then there has been no loss to Hon. Members or the Treasury, who I am seeking to finance this, as and when and if required.

Basically, what is before Hon. Members is a kind of insurance policy. Better to be fully protected and to be fully armed when this hits – not if, but when – rather than to have to deal with something that we do not know how it is going to mutate, we do not know how it is going to affect us and how we function in the Isle of Man. Better to have extra supplies at hand, if needed, rather than to run short, as we have done this year and elsewhere has done this year with the annual flu jab.

I beg to move, sir.

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

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

**The President:** Hon. Member for Garff, Minister for Health.

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

I have to say that when I saw the motion on the Order Paper, I was somewhat disappointed, because the message that is being implied is that the Isle of Man Government has somehow either taken no action or insufficient action in this important matter.

I was also somewhat concerned that when we are dealing with a very serious threat such as pandemic flu, it is absolutely essential that we are very clear in our terminology and in our facts, so as not to confuse the public, who are already confused as to what constitutes flu, what is Avian Flu, what is seasonal flu and all the rest of it.

I read out the motion, Mr President. It says:

‘Tynwald is of opinion that adequate supplies of antiviral treatment should be provided to all citizens of the Isle of Man to offer protection against the avian flu virus with funding for such provided by Treasury.’

First of all, Mr President, to talk about treatment of all citizens – and the mover clearly indicated concern that only 25 per cent of the population are to be covered and she says we need to go further – the first point I would make is that it is not necessary and it is not medically desirable to cover 100 per cent of the population. I will explain a little bit further about this later.

The second misconception in the motion is that an antiviral treatment will offer protection. Mr President, it is a treatment; it is not a vaccine. A vaccine will offer protection and that is why it is intended, when the vaccine becomes available – which it only will be when pandemic flu actually arises – to endeavour to get sufficient stocks for 100 per cent of the population. But an antiviral treatment is just that. It is a treatment; it is not a vaccine, it does not prevent.

The third misconception, or error, in the motion is it talks about protection against the Avian Flu virus and the Hon. Member talks about 150 deaths from Avian Flu virus.

Mr President, the concern is not about Avian Flu virus; it is about the strain of virus into which Avian Flu will mutate and become a worldwide pandemic. So we do have three popular misconceptions in the motion itself. The concern is not Avian Flu virus; it is what Avian Flu virus will mutate into. We are dealing with appropriate measures, which, in the case of antivirals, do not involve supplies for the whole population and we are talking about a treatment in the event that pandemic flu arrives, not a preventative measure, as a vaccine would be.

What is Tamiflu? What is the antiviral. It must be clear, straightaway, it is a medicine in the form of a capsule or syrup which will fight the flu virus. It is not a vaccine. It is likely to be used for the treatment of people who develop flu, as its role in preventing flu, once a pandemic has started, is limited. To be effective, as the hon. mover has correctly said, it has to be given within 24 or 48 hours after the onset of symptoms. To do so rapidly, we will have to consider non-traditional methods of dispensing the drug. For example, setting up flu centres, home visits, nurse prescribing and so on.

Why only 25 per cent? Should we not cover 100 per cent, as the Hon. Member says in the motion?

Well, first of all, the World Health Organisation and the Department of Health have recommended a stockpile to cover 25 per cent of the population. That is their recommendation to governments across the world. It is not a minimum, but that is a recommendation, on the rationale that the previous pandemics, of which there have been three in the last century,

have affected 25 per cent of the population. No flu pandemic has ever affected 100 per cent of any population.

It is accepted that it is a best prediction; a best scientific estimate on the evidence. There is no guarantee that it will be 25 per cent. It is highly unlikely that it will be more than 25 per cent. Responsible governments react and take action, according to the best scientific advice. That is, in fact, what we have done, I believe, in the Isle of Man.

I know the Hon. Member agrees also, that we are extremely fortunate in having, at the disposal of the Isle of Man Government, first-class, quality, medical science advice in the person of the acting Director of Public Health, Dr Kishore, who is, as many of you know, a member of the joint committee on vaccination and immunisation in the UK, which is the scientific body advising the UK Government on vaccination issues, and the lead in infection control, Dr Wardle, at Noble’s also.

They considered the World Health Organisation recommendation, about 25 per cent and made a judgement that, in the case of children, it would be wise to stockpile 50 per cent. The decision to exceed the World Health Organisation recommendation for children was based on clinical opinion that flu, in children, is particularly serious. Children are not very good at following infection control precautions and they tend to shed the virus over a much longer period and are infectious for longer.

As the mover has said, the Isle of Man acquired, in March of this year, a stockpile of Tamiflu, the anti-viral treatment, sufficient for 25 per cent of adults and 50 per cent of children, based on the scientific recommendation. I can say, Mr President, that, in the words of the Chief Executive of Roche, the manufacturer of Tamiflu, and I just quote from him. He says:

‘The Isle of Man is ahead of the game. There are many areas, throughout the UK, which are still waiting for supplies and some areas will not receive their full stock until August 2007.’

I would also point out that neither Jersey nor Guernsey have got the stocks of antiviral that the Isle of Man has managed to acquire. The United States, in fact, has only got one per cent – not 25 per cent as we have – one per cent of the requirement for their population.’

I think, Mr President, you can see that we are ahead of the game. The action of the Isle of Man Government earlier in the year was timely and we, as a jurisdiction, as a country, are as well prepared as anyone.

I think part of the confusion that might have arisen, I am not saying on the part of the hon. mover, but certainly in the eyes of the public, is the question of priority groups. It is often asked how we will prioritise this stockpile of antiviral. There is confusion which has resulted from some other countries and the UK indicating that there are priority groups for Tamiflu and as soon as you start talking about priority groups, naturally the inclination is to say that, in the interest of justice and equality and equity, we should make sure there is enough for everyone.

The situation is very simple. I circulated, on the desks, copies of two UK National Health Service documents, one, is entitled, ‘*Pandemic Flu – Important Information for You and Your Family.*’ I will just quote from it. Under the paragraph, it says:

‘Aren’t there drugs to treat pandemic flu? The United Kingdom is taking steps to ensure they are available. In the event of a pandemic, they will be used in the most effective way, based on how the disease develops.’

It goes on to say:

'we are already building a stockpile of anti-viral drugs in the United Kingdom. How many people we can treat will depend on when a flu pandemic occurs.'

Another document called, '*Explaining Pandemic Flu*' on page 36. I will quote this in full, because this is, I think, what is giving rise to needless public concern about the sufficiency of the stocks that we have. Page 36:

'Are there enough antiviral drugs available for everyone during a pandemic? Antiviral drugs are expensive, take time to manufacture, have a limited shelf life and will be in high international demand at the time of a pandemic. The United Kingdom is building up a stockpile of antiviral drugs against the contingency of a flu pandemic. As with other medicines, it will be necessary to use them in the most effective way. Who will receive anti-viral drugs? The United Kingdom plan has identified strategies and prioritised groups for receipt of anti-viral drugs. However, since it is impossible to identify, with absolute certainty, those who would benefit most from antiviral treatment, these recommendations are not final and will be reviewed according to advice from expert bodies on the emerging epidemiology of the pandemic. The priority groups are likely to be healthcare workers, if and when they develop fever or other flu symptoms; unimmunised people in high-risk groups to alleviate illness and reduce complications; immunised people, if the emerging information suggests a vaccine is not effective at reducing serious illness, complications or deaths. Who will supply antiviral drugs?'

and so on.

Mr President, this situation is very simple – until such time as the UK itself has acquired enough stock to cover 25 per cent of their population, they are going to have to operate a priority group system, along the lines I have just indicated. However, they will stop this once they have their full quota of the drug. I repeat, Mr President, the Isle of Man is very fortunate in the fact that we have already received the full quota and we do not need to operate a priority group system.

Anyone who develops pandemic flu will get Tamiflu. There will be no need to prioritise and we have got 100 per cent of the requirements for those we expect to get pandemic flu in the Isle of Man which, on the best evidence, will be 25 per cent of the population.

Even if we were to want to have more than 25 per cent, we do not believe that is necessary. Roche has indicated, since the Isle of Man has already got 25 per cent or excess in the case of children, we will not be able to get additional stocks until they have filled additional orders, which will be the end of 2007. Even if our advice was that we should have more, we would be physically unable to get more.

The other reason why it is medically wrong to treat 100 per cent of the population is very much to do with the build up of resistance, the fact that there are side effects – nausea and dizziness – and there can be side effects in children – psychological disorders and so on, according to recent reports from Japan. No pandemic flu has ever affected 100 per cent of the population and it would be medically inappropriate to expect to treat 100 per cent of the population.

I think the final point I would make in support of the amendment I intend to move, is that the Isle of Man is well prepared and it should be understood that antiviral treatment is only one measure. We have got the recommended stocks. We should not put all our eggs in one basket and we need to ensure that we are prepared equally in other areas.

The hon. mover has made reference to these protective measures, such as the public health measures, such as school closures, such as control of population movement, access to

personal protection equipment, surveillance and public and professional education.

This is the area we should be concentrating on, Mr President. I am moving an amendment to the effect that, accepting that the hon. mover, in her remarks, says she wants to be helpful to the Department, I move this amendment in that spirit:

*Delete the words after 'That Tynwald' and replace them with –*

*'notes that adequate supplies of anti-viral treatment have been secured and are stockpiled on the Island, and that Tynwald affirms its support for the measure being taken and being planned in respect of safeguards for the community in the event of a flu pandemic.'*

I beg to move, sir.

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

**Mrs Christian:** Thank you, Mr President.

I beg to second and, in doing so, I would say that I think the amendment moved by the Minister has illustrated how important it is that we look carefully at the wording of any motion.

I am quite sure that the motion is well intentioned and it seeks to protect the citizens of the Island, but the Minister has clearly indicated that there are practical concerns about the wording, not least of which, I think, is this issue of how sensible is it for us to acquire, even if we were able to do so, supplies for people who are not going to be affected by the flu pandemic.

We have had documentation indicating that... first of all, the Minister has illustrated that, even if we had the resources and we wanted to stockpile for 100 per cent of the population, we would not be able to do so. Against that, I think we ought to be considering, given that many many other areas have not got the level of supplies that we have got, would it be right for us to be stockpiling resources which are scarce and not needed for our population when other people have not even got 25 per cent for their people, if they are hit by this particular situation.

I feel quite sure that, should the circumstance come about that we had, against World Health Organisation guidance, an increase in this above the indicated 25 per cent, then clearly I feel quite sure that the Department would be taking steps in conjunction with the Treasury and this Hon. Court to boost the necessary supplies.

The issue, Mr President, is to, I think, understand that appropriate steps have been taken, that insofar as anybody knows, everybody in the Isle of Man who would be likely to get this flu will be able to receive the anti-viral treatment and it is no good, as the Minister says, giving it to anybody, really, to an extent, who has not got the flu. You have to get it first for this to be most effective.

So I do think that the Court should see sense in supporting the amendment and I do hope, too, that the mover would feel that she could support the amendment, because it does indicate, on the basis of sound information, that the population of the Isle of Man who are likely to get the flu will have full protection by way of the anti-viral treatment that has been secured.

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

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

Just briefly, Mr President, could the Member in charge of the resolution just indicate to the Court the extra costs incurred?

**The President:** Mr Singer.

**Mr Singer:** Thank you Mr President.

I wish to second this motion, because I believe that the contribution by the Hon. Minister today, opposing the motion on the Paper, is unconvincing. The Minister, I believe, has been picking at the wording when everybody knows quite clearly what the wording means. It means that, when available, we should have here enough supplies of anti-virals up to the possibility of having to treat everybody here, so that when they show the symptoms of the Avian Flu virus, whichever mutation it is, we can then treat.

I am bit concerned that the Minister had been trying to suggest, almost, to the Hon. Court that the mover, Mrs Cannell, as a lay person dares to doubt the wisdom and instruction of the medical profession both here in the Director of Public Health Department, World Health Organisation and the United Nations Avian Flu co-ordinator. It might be interesting for the Minister to note that when he says that the word 'avian' is the wrong word to use, but, in fact, the United Nations have appointed an Avian Flu co-ordinator to look at what is happening within the world.

So what the Minister, I believe, is trying to imply, that there is no right to stand up and question what has been said to us. As Mrs Cannell said, she and I spent an hour with Dr Kishore, as he explained the reasons to us why the Department has taken the decisions it has and we understand exactly what he is saying and he, I believe, understood our concerns and, to a certain extent, our doubts.

The World Health Organisation recommendations are based on the experience of pandemics over the last one hundred years and they have been based on these experiences, because there is nothing else to base the planning and recommendations on. The Department has reacted to what are educated guesses and let me explain why these are total guesses on what is actually the unknown and will be the unknown.

At the end of September a senior World Health Organisation employee, a man called Dr Nabarro, was appointed the United Nations senior system co-ordinator for Avian Flu. On his appointment, he said the death toll from an Avian Flu epidemic would be between 5 million and 150 million people. He also said:

'I do not know when, I do not where, but I know it will come some time'.

And whilst the Minister talks about sound information, there are wide variations in these estimates of deaths, because, to quote Marc Lipsitch, who is the Epidemiology Professor at the Harvard School of Public Health, he said:

'We cannot predict what a virus we have never seen can do'

and he said

'to become a pandemic, the strain will have to change to a human-to-human strain and we do not know what the changed strain will do.'

Therefore, recommendations and action to take, such as what per cent of the population will be affected and how many might die, is based, as I said, on previous pandemics:

the Spanish Flu, the Hong Kong Flu and the Asian Flu. But, again to quote Dr Lipsitch, a recognised authority, he said:

'If we were sure it was going to be like history, we would still be unsure and, beyond the issue of whether historical precedents will be repeated, there is even more uncertainty.'

So, Mr President, other than the assurance that the pandemic will arrive here, no-one from the Minister of Health to the Medical Officer of Health to the World Health Organisation, the United Nations, actually know what will occur. So these organisations are guessing.

And when the Minister basically challenges and says 'do you think you know better than the World Health Organisation?' he knows that that is a false claim, aiming to deflect criticism that his Department could do more to protect potential damage within our population. Nobody knows.

The Department was quite correct in quickly obtaining sufficient anti-virals, as recommended by the World Health Organisation, but actually the World Health Organisation recommended enough to treat 25 per cent of adults and 25 per cent of children. In fact, the Department took a decision to purchase enough to cover 50 per cent of children, so they then decided that, perhaps, the World Health Organisation recommendation was actually a minimum and that we could do better, basically because we can afford it.

I would accept that the Isle of Man is better prepared than other parts of the world. There are other parts of the world, unfortunately, that cannot afford any anti-virals and it is those parts of the world where the virus is emanating from and that is why it is so dangerous, because they can not help to reduce the effects.

It is accepted that anti-virals will have the effect of reducing the deadliest risks of the flu virus, but whilst the judgement here on the Island has been made, that children may be worst affected of the age groups, that, again, is an unknown. The Spanish Flu of 1918 mainly affected the 20 to 40-year-old age groups.

The Minister quoted from the pandemic flu booklet issued by the United Kingdom Department of Health. Let me quote also from this document:

'How likely is a flu epidemic? Three epidemics occurred in the last century. Scientists predict that another pandemic will happen, although they cannot say exactly when that will be. What will this mean for the UK? Once in the UK, a flu pandemic will spread across the country in a matter of weeks'

If you substitute the Isle of Man, that will mean a matter of days and may cause high levels of influenza, intense pressure on health services, disruption to many aspects of daily life, many deaths. In anticipation of such occurrence, the United Kingdom Government has drawn up an influenza pandemic contingency plan, which I will touch on later. This recognises the exceptional demands that are likely to be placed on the National Health Service.

'Question: how likely am I to catch pandemic flu? You are more likely to catch it than ordinary flu because it spreads rapidly and very few people will have any immunity to it. Everyone will be at risk. Some groups of people may be more at risk than others, but every pandemic is different, so until the virus starts spreading it is very difficult to predict who these groups might be. With ordinary flu, the groups of people more likely to become seriously ill include the very young, people over 65.'

This has already been said. The last sentence says:

'though this may be different in a pandemic.'

Key facts about pandemic flu: Until the virus is identified, it is not possible to make a vaccine. By that time it could have spread through the whole of the population. Pandemic flu spreads very rapidly, because people have no immunity. Pandemic flu is likely to be more severe than ordinary flu. Groups at particular risk will not be known until the disease starts to circulate. They may be different from those in ordinary flu years, so whatever the Minister says, this is admitted that it may be different within the United Kingdom.

**Mr Henderson:** Eaghtyrane, can I just call a point of order, please.

I am sorry to interrupt the flow of the speaker's very well-informed speech. I am totally confused now, because we keep swapping; the motion is referring to the Avian Flu and we keep swapping to pandemic flu and I am not sure which is what. If we could have a little explanation, I would be most grateful.

**Mr Anderson:** Start again, Leonard!

**The President:** Presumably, the explanation will come and Members will make their minds up.

**Mr Singer:** The Avian Flu is referred to, basically, as a pandemic flu. The pandemic flu is one that spreads very quickly through the whole of the world, that is the meaning of 'pandemic', but it is an Avian Flu mutation, whatever it is likely to be.

Finally, anti-virals are being stockpiled, but their effectiveness will not be known until the virus is circulating, which is also very true. The fact is that we know that anti-virals do reduce the effects of the flu.

So, as I say, anti-virals do have their limitations. Yes, we do know they have their side-effects and the Minister has talked about nausea, but, up to now, they have been freely available to purchase from pharmacies over the counter.

With every drug that is taken, you have possible side effects, but with an anticipated 80 deaths on this Island, the risk of administering anti-virals to possibly make the difference between life and death must be worthwhile, even though somebody may suffer from nausea.

Mr President, it has been said by Mrs Cannell that we know that anybody who has been given the anti-viral can still spread the virus and, of course, the Department must make all the necessary arrangements to prevent the pandemic flu virus being spread within the hospitals and the nursing homes and advising people to remain quarantined within their homes et cetera. There should be no doubt that if they need extra help on these grounds that that help must be forthcoming from Treasury.

The scientific experts have given a warning that a two-metre gap is required between individuals to prevent the virus spreading through droplets in the air. So the virus is going to spread very quickly through public places, shops, supermarkets.

This resolution, Mr President, is a positive way I believe that the Government can react to support and protect all the people of the Isle of Man, of all age groups, when the dire times that are forecast come to be.

I think that many people, possibly including some Hon. Members, do not realise the devastating effect that such a virus, a pandemic virus that spreads from human to human,

the damage that that will wreak within the community. It is proposed, it has been said, that persons are prescribed the virals within 48 hours of showing the symptoms. What happens if the educated guess recommendations from the World Health Organisation are insufficient and the actual mutated virus infects greater numbers? These people will receive no viral protection and will be demanding treatment for themselves and their families.

Mrs Cannell and myself are not attempting to cause panic within the community, but this possible civil unrest has been recognised by the United Kingdom Government within their response planning, if a pandemic reaches Britain. Police will be given the key public order role and would guard supplies of anti-viral drugs and vaccines.

Any of this risk would be eliminated, if the proposal before Members today, and for a relatively small cost, compared with some of the votes that have gone through this Court these last couple of months, if the Court accepts this recommendation. If the worst scenario does occur, then we will have done the best for the Isle of Man community. We know, for example, that the USA, and it has been said, it has only got antivirals to cover 1 per cent of their population. As I have also said, other countries cannot afford to purchase the treatment and that is the reason that any pandemic will spread so quickly, because, nowadays, in half a day you can be across half the world in the aeroplane and you can come back and bring the pandemic back with you, the infection with you.

A single course of antiviral treatment I believe, buying it at large quantity rates, will probably be about £12. Therefore, we would probably need, if and when we could get the extra virus to cover the whole of the population, probably about £500,000. That position I think is approximately right. We understand the present position, that new orders for antivirals may take 12 to 15 months to deliver, but then the Isle of Man would be fully covered, with the antiviral having at least a five-year shelf life. I would endorse what the mover said that we would have invested in a very cheap insurance policy.

I would ask Members to carefully consider the argument and the consequences if the worst scenario occurs, bringing a serious crisis to this Island.

So, in conclusion, Mr President, I have outlined what we do not know; can I reiterate what we do know? We know that the Avian Flu virus will mutate to be passed from humans to humans; there is clear evidence of that happening now in areas of the Far East. The highly infectious virus will be carried in airborne droplets, will be easily passed from human to human and, with it being a new strain – and new strains are mutating on a regular basis – there is very little human resistance. The virus will come here as a pandemic. Antivirals can reduce the devastating effects of the Flu and is said can make the difference between life and death.

So far, 70 per cent of people who have been affected, have contracted Avian Flu from birds and 70 per cent of those people have died. The first human trials of a vaccine against the H5N1 vaccine, the Bird Flu, that is being tried out in the United States, it is expected that that will be unsuccessful.

In the United Kingdom, emergency management officials are planning for an anticipated Avian Flu epidemic that kills 750,000 people. They are looking for morgue sites that hold over 1,000 bodies each.

All this information is in the public domain and is not scaremongering, but we cannot afford, Mr President, to become complacent. The Department, we accept, has already

gone beyond the recommendations and I believe we can get full cover, if necessary, for a reasonable sum. So that, whatever happens, we will be sure that anyone on this Island who exhibited symptoms of the Avian Flu virus and requested treatment would be treated; that the treatment would not be limited to prevent the position I anticipated, that if you are not on the list or that we have used up all the viruses, then you would be turned away.

I hope Members will think carefully about this motion and that its long-term intention is to prevent and treat and help the people on the Isle of Man, from what will be, when it comes, a devastating virus, pandemic Avian Flu.

Thank you, Mr President.

**The President:** Mrs Cannell, to reply.

**Mrs Craine:** Oh, Mr President.

**The President:** Hon. Member, Mrs Craine?

**Mrs Craine:** Yes, just...

**The President:** Be quicker, Hon. Members, or I will move on.

**Mrs Craine:** Just briefly then, Mr President.

I would just like to clarify the situation with regard to Avian Flu. Avian Flu is a flu-like infection affecting birds and is rarely transmitted to humans. Pandemic flu is a flu affecting large numbers of people across the world. The fear is that the Avian Flu may mutate and become infectious to humans and hence become a pandemic, but a pandemic may not emerge from Avian Flu virus. It is better to use the term pandemic than Avian Flu to avoid confusion.

There is an Avian Flu co-ordinator, which is the World Health Organisation appointment, and that person is specifically appointed to keep an eye on the H5N1 situation in the Far East and across the world.

I do have concern, Mr President, that we are alarmist here, whether we try to indicate that we are not. There are people out there who are listening and anxious and I do think that we need to send the message out that we do have every faith in our Public Health Directorate (**A Member:** Hear, hear.) and that they are monitoring the situation and that we have every confidence in them.

This is *not* something to become alarmed about and when it does get here, we will deal with it.

**The President:** Mrs Cannell, to reply.

**Mrs Cannell:** Thank you, Mr President.

First of all, I would like to thank my seconder, the Hon. Member, Mr Singer, of the Legislative Council for the very great deal of research and work he has actually put into his contribution today – all of it factual and borne out by fact. I would like to thank all those who have contributed so far.

If I can start with what the Minister said. He said at first he was disappointed when he saw the motion. Well, I know that he was disappointed, because we had rather heated words with each other (*Interjections*) a few days ago when he discovered it was on the Agenda.

**A Member:** Not like you, Brenda!

**Mrs Cannell:** I tried to reassure the Minister that the

motion was, in fact, to try and get Tynwald's support for an additional supply if it is required, when it becomes available. It was not designed to intimidate him or the Department at all.

The Minister said it is 'not necessary' and 'not medically necessary' and he also said there have been 150 deaths. I, Mr President, did not say there had been 150 deaths, I said there had been 150 reported cases, at least, of Avian Flu. I did not say how many people had died; I had not mentioned death figures at all. He also said that everybody who needs it, the antiviral treatment, will get it.

Now then, let us look at that; let us look at the scenarios that will flow from that statement. Anybody who develops the symptoms within a 48-hour period of time will get antiviral treatment. However, we have only got 25 per cent. Let us just deal with the adult population. We have only got 25 per cent vaccines for 25 per cent of the adult population, fine.

It is predicted that when it comes, it will come, maybe, in two or three waves. So, we have a 12 month period, we have 12 calendar months, and we might get a wave in the first one, two, three months and then we might get a dip and some peace and there might be another and there might be a third. We have only got 25 per cent for 25 per cent of the adult population.

The vulnerable groups who are usually affected by the annual flu, who are susceptible, I am one and I put my card on the table here, Mr President, I am an insulin-dependent diabetic. Therefore, I am privileged because I can get my flu jab every year, my annual flu jab. What if I, in the first wave that hits the Isle of Man, I do not suffer with any symptoms, but other people are and so they are given the treatment, but I begin to get my symptoms towards the end of the wave or the beginning of the second wave, but your 25 per cent has gone. I go to my doctor's surgery and say 'I now am developing the symptoms' but there has been such a huge demand with wave one, phase one, there are no additional supplies left. So, I might get turned away.

Those are scenarios that can develop. The Minister is shaking his head. I hope to goodness that the confidence he has and he is exhibiting today will actually bear fruit and he will be proven right. I really hope he will be proven right, but what I am looking for is a bit of extra padding here for the people. I hope it is not necessary, but we do not know because we do not know what we are dealing with. So, that is the first scenario.

What if the demand is higher than we anticipated in the first wave, such as the demand just in the ordinary flu jab that people go for each year? The demand has exceeded the stockpile that they had in to deal with that. We still have vulnerable groups within our community who are entitled to have their flu jab every year, not being able to have it at the moment, because we have not got any supplies left, because the demand was much higher than anticipated.

So, it is proven – human behaviour has proven – that when a panic creates within the community, when something like this is beginning to mutate, which develops into what they term a pandemic, which affects the world and spreads quickly, then human behaviour develops in the most extraordinary and peculiar way. What we have witnessed this year is that people have run out and asked for the flu jab, thinking, 'if I have that, I will be protected when this hits the United Kingdom or when it hits the Isle of Man.'

So, as a consequence, our supply has gone and we are having difficulty now trying to order additional supplies of that to treat our people with what they call the seasonal flu,

the annual flu, whatever you like to term it

That has already happened and we should take note of that experience and be better prepared. That is what I am seeking to achieve here. The Minister also quoted from a leaflet and the papers he has circulated to Hon. Members, most of it was actually taken from this little leaflet and it was enlarged onto A4 paper. He began to quote about antivirals, but he only got half way through the sentence, he did not finish the sentence. The sentence he chose to quote began by saying – and this is the United Kingdom talking, Mr President – and it is about antivirals, Tamiflu:

‘How many people we can treat will depend on when a flu pandemic occurs and how far the stockpile has been built up.’

That is the part the Minister left out: ‘how far the stockpile has been built up’ and this is talking about the treatment, which will help you with the symptoms. It is not the vaccine that will combat the actual flu, because that will take time to develop and it has to be trialled, it has to be tested, to make sure that we are not going to kill people by giving them the vaccine.

In the meantime, while the scientists and the eminent doctors are busy manufacturing that and testing it, which could be anything from six to nine months – with a fast track approach we are talking about three months, 12 weeks. We have 12 weeks to wait, when the first wave has hit the Isle of Man. What have we got? What weapons do we have at our disposal? Well, the only one that we have is 25 per cent for adults of an antiviral treatment that may help your symptoms. It will not cure you of the flu, it may help your symptoms. Also, we have got sufficient to treat 50 per cent of the children.

I would suggest we are probably armed for the first or second wave, probably. There is no surety, there is no guarantee and the Minister said there was no guarantee.

**A Member:** There is no guarantee, anyway.

**Mrs Cannell:** So, and he also said there were side effects. Well, yes, there are side effects, but with every medicine there is a side effect. For every condition that we are treated for, where we are dependent upon a drug, there is a side effect.

**Mr Delaney:** (*Sneezes.*) Avian Flu, over this side! (*Laughter*)

**Mrs Cannell:** I sincerely hope not, Hon. Member, for your benefit and ours. (**A Member:** Hear, hear.)

Mrs Christian, the Member of the Legislative Council, got up and seconded the amendment, which I would have anticipated, anyway, as the previous Minister of Health and, quite clearly, she has the same degree of knowledge as the present Minister in this area and the workings of the Department. (*Laughter*) She said: ‘Is it right to stockpile such finite resources?’ or words to that effect. Well, of course, South East Asia would say, ‘No, because we want some and we cannot afford it’. They would currently say: ‘Give us yours, or give us some of yours, so that we can begin treating some of our people’.

I am not asking for us to stockpile resources that are currently in shortage, because I said at the commencement of my opening comments that we know there is a problem and the manufacturer will not give us additional supplies,

because he knows we have some already, until he has fulfilled all the orders that are before him for other areas. Once he has supplied those orders, then he will look at supplying additional orders. So, I would say it was very timely, that the motion was timely.

We are armed for the first wave: it will come between two and three years. We are talking about 12, possibly 18 months, before we could get a second batch. So, I would say we will be truly armed.

The Hon. Member for Douglas South, Mr Duggan, asked about cost. I think my seconder, Mr Singer, covered that. He estimated that, by ordering in bulk, you were talking about approximately £½ million. £½ million for safeguarding the nation.

Mr President, we heard during this particular session of Tynwald Court that £18 million a year is spent by Government in renting buildings – £18 million is spent annually renting buildings. The Court approved £2.4 million additional for the Tynwald Chambers and for the opening of our own offices and, of course, the public library and the public facilities. We also approved £5½ million for Poortown Quarry.

So, compared with these sorts of votes and these sorts of figures, the cost of doing something like that could be looked upon as peanuts, if we put it in context. £½ million at most, to make sure that we are properly armed.

Mrs Craine, the Hon. Member for Ramsey, obviously was obliging her Minister, who passed a very swift note to her before she rose to her feet rather late.

**Mrs Hannan:** Why not? Why not? (*Laughter*)

**Mrs Cannell:** So I make no comment on that, because I would have expected it. I expect members of Departments to get up, rank and file, and support their Minister. (**A Member:** Hear, hear.)

We do not have free thinking in this Court. We do not. (*Interjections by Mr Delaney, Mr Houghton, Mr Anderson and Mrs Hannan*) Oh no, we do not. We do not have free thinking and nor do we have collective responsibility within Departments. Yet some of them are under the impression that they do and they are ever so faithful –

**Mr Houghton:** Ever so faithful!

**Mrs Hannan:** Faithful little lap dogs.

**Mrs Cannell:** Without more ado, I would just say one thing to Hon. Members.

**Mr Houghton:** Wish them all a Merry Christmas!

**A Member:** Absolutely.

**Mrs Cannell:** If you vote against the motion, or if you support the Minister’s amendment, then you are completely wiping out the motion and the intention of the motion, because the amendment says, ‘notes that adequate supplies of anti-viral treatment have been secured and are stockpiled here, and that Tynwald affirms its support for the measures being taken and being planned.’

So, in other words, you support this, you are saying, ‘Yes, you are doing everything right, you do not need to do any more, there is no requirement to do any more.’ You will have to exercise 100 per cent degree of surety in order to support

the amendment, that we have everything in place and that we will be able to cope.

If Hon. Members are 100 per cent sure that that is, in fact, the case, then they are more sure than I am. I do not have a crystal ball, Members do not have a crystal ball. I would rather know that I had an insurance policy to cover me in the event of... If in the event that we do not need it and we have got additional stockpiled, it has a shelf life of five years, and, to answer the concern of the Hon. Member of the Legislative Council, Mrs Christian, could we then not donate it to South East Asia, if we have additional supplies that we do not need? That is one way of dealing with the problem.

This amendment will completely... it is a negative amendment. It says: 'Support the status quo, we are doing everything that we should be doing.' I am not questioning what the Public Health is doing. I admire what they are doing and I admire what the acting Director of Public Health is doing, because he is eating, sleeping, singing, drinking this issue –

**A Member:** Playing the bagpipes.

**Mrs Cannell:** – every day of the week. (*Laughter*) I admire him for that. Thank goodness we have somebody like him, who is looking at these things as deeply as he is. (**A Member:** Hear, hear.) We just want to give him some more comfort, to know that there is Tynwald support for an additional supply. That is all.

If it is thought, in a year's time, that you do not need it, what is stopping the Minister, or the Minister of the day, coming back and saying, 'Tynwald supported this, but actually we don't need it', and making this statement to the Hon. Court.

I am coming to an end, Mr President, but I sense there is a degree of... I know we are getting into silly season Christmas, but it is also the season of goodwill to all men. (*Various interjections*) This is designed to provide goodwill to all men and women.

I beg to move.

**Mr Houghton:** Well done, Brenda!

**The President:** Hon. Members, the motion I put to the Court is printed at 37. To that you have got the amendment in the name of the Hon. Member for Garff, Minister for Health and Social Security. Putting to you first, Hon. Members, the amendment. Those in favour, please say aye; against no. The ayes have it.

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

*In the Keys – Ayes 14, Noes 5*

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

**The Speaker:** Mr President, the amendment carries in the House of Keys, with 14 votes for and 5 votes against.

*In the Council – Ayes 7, Noes 1*

FOR	AGAINST
The Lord Bishop	Mr Singer
Mr Lowey	
Mr Waft	
Mr Butt	
Mrs Christian	
Mr Gelling	
Mr Downie	

**The President:** With 7 for, 1 against in the Council, Hon. Members, the amendment, therefore, carries. I put to you now the motion, as amended. Those in favour, please say aye; against no. The ayes have it. The ayes have it.

Hon. Members, I just wish to make it plain that, in fact, I noticed some Members looking towards Mr Corkill, who was absent. He is currently attending a funeral, with my permission, Hon. Members. I would point out that Mrs Crowe is absent on Government business.

#### **Civil Service pay award Concern at failure to negotiate settlement Amended motion carried**

38. The Hon. Member for Michael (Mr Cannan) to move:

*Tynwald views with concern the failure of the Civil Service Commission to negotiate a settlement of the 2005 pay award with the Government Officers Association (representing all civil servants).*

**The President:** We turn to 38 Civil Service pay award and I call the Hon. Member for Michael, Mr Cannan.

**Mr Cannan:** Mr President, civil servants are employees of the public to administer the good governance of this Island. As representatives of the public, it is Tynwald's duty to see there are good employer/employee relations, in respect of civil servants and this duty has been delegated to the Civil Service Commission.

The purpose of this motion is to obtain from the Chairman of the Civil Service Commission an account of his stewardship in respect of the negotiations for the 2005 pay award. It is my understanding that the Civil Service review date was 1st August 2005 and, in fact, negotiations in respect of this pay review began in May 2005. Hon. Members, negotiations began seven months ago and surely it is unacceptable that a settlement has not been agreed by this month.

I must emphasise that this pay review is for civil servants from the lowest-paid clerk to senior middle management. Chief officers in the Civil Service are subject to separate pay negotiations and although their pay review date is 1st August 2005, negotiations have not yet commenced. Members may recall an Order amending the Civil Service Pension Scheme has twice been withdrawn from the Tynwald Order Paper.

So I want to emphasise that the lower and middle ranking civil servants are aggrieved that there is no settlement, while prices continue to rise. They are carrying out their duty, the terms of their employment say that there should be a pay review in the financial year for which the pay structure is

settled. Seven months down, there is still no settlement.

I believe that these matters require an explanation from the Chairman of the Civil Service Commission, because, as I have already said, Tynwald is responsible for the employment of the Civil Service to administer the good governance of this and any government... Political neutrality, but they are there to administer the policies of Government.

However, the most serious issue that has come to my notice is that the annual general meeting of the Government Officers Association, representing all civil servants, held at the Villa Marina on 24th November 2005, a meeting at which I understand there was standing room only, there was an emergency motion from the floor of a vote of no confidence in the Civil Service Commission and the motion was passed without dissent.

Hon. Members, I ask you to pause, and think of the implications of that. Many hundreds of civil servants no longer have confidence in the office charged by Tynwald to administer their affairs. I wonder what that does for employer/employee relations.

So, Mr President, following the seconding of this motion, if it is seconded, I call upon Mr Houghton, the Chairman of the Civil Service Commission, to respond and inform the Court of the state of the current negotiations and the state of relations between our employees, the public's employees and the Personnel Office.

Mr President, I move.

**Mr Duggan:** I beg to second, sir.

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

**Mr Gelling:** Yes, thank you, Mr President.

We have had for a very long time, a number of years, an important and independent body – I repeat that, an important and independent body – which deals with the terms and conditions of civil servants and that includes their pay. That joint body, Joint Negotiating Committee for the Civil Service was set up by this Hon. Court, as the hon. mover of the motion has said, when its constitution was approved by Tynwald in 1991. Under the constitution there is a jointly agreed mechanism for the resolution of any differences which might arise during negotiations over pay or, indeed, any other issues.

I would suggest, Mr President, that if Tynwald Court supports the Hon. Member's motion, it will, indeed, undermine that constitution and the due process that it actually provides for. I would, again, suggest that political intervention or pressure exerted on the Civil Service Commission in the manner indicated by the motion, is, indeed, contrary to the principles of good governance and must be avoided. Again, I would say particularly, as we, as Members, our pay is also linked to that of the Civil Service.

In these circumstances, Mr President, I would, again, say it would be wholly inappropriate for there to be any political influence in the conduct of that independent body. Therefore, Mr President, I have tabled an amendment to the Hon. Member's resolution, which amends it to read as follows:

*Delete the words after 'Tynwald' and replace with:  
'continues to support the Joint Negotiating Committee for the Civil Service set up by Tynwald on 16th October 1991 and the conclusion of a negotiated 2005 pay award for the Civil Service.'*

I can understand that staff and Members are frustrated

at the length of time it is taking to deal with this issue, but I hope it can be recognised that there is – and I repeat again – an established, independent mechanism in place for these pay negotiations and it is important that we allow that process to continue.

Therefore, Mr President, I beg to move the amendment which is being circulated at the present time standing in my name to the motion at Item 38, under Civil Service pay awards, sir.

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

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

I simply, at this point in time, beg to second the amendment in the name of the Chief Minister and reaffirm that the independence of the Joint Negotiating Committee for the Civil Service should be preserved and should continue to be supported by this Hon. Court.

Mr President, at any time, following the completion of such negotiations, I will be more than willing to offer a statement to this Hon. Court as to the background movement and the reasons why. Of course, such negotiations at certain times can be continuous and run for some period of time and I would be more than willing to do that, if I was ever called upon to do that, sir.

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

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

Far be it from me to disagree with my good friend the Chief Minister. This resolution is a declaratory resolution, it does not ask for affirmative action or any other action. It says, and I keep to the Order Paper:

*'Tynwald views with concern the failure of the Civil Service Commission to negotiate a settlement of the 2005 pay award with the Government Officers Association representing all civil servants.'*

It is not asking for any action, it is not asking to interfere with present negotiations. It is not asking for anything, it is a declaratory resolution. I think the Court is entitled to express an opinion of a situation, no matter how it is. So, I do not accept the premise that the Chief Minister has used in moving his amendment, so, I will not be supporting his amendment.

**The President:** Mr Cannan, to reply.

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

The Chief Minister responded by saying that there is an important and independent body charged to determine the industrial relations and the pay of the civil servants. I accept that and this motion is nothing about trying to interfere with the negotiations. Surely, if we appoint something, we have a right to express an opinion as to how it discusses its affairs... not discusses, determines its affairs.

What is the point of Tynwald establishing a body and then nobody is allowed to say anything, not so much against them, but to ask for an account of their stewardship. That is all this is asking for, an account of their stewardship. Hundreds of civil servants have, through their meeting, whether it was a secret ballot or a show of hands, I have no idea, but they have no confidence. Surely we should take cognisance of that; surely we should take cognisance of that?

Then there is the lowest paid on the scale, like

anybody else, feel it most when the review seems to go on endlessly.

I accept that there are mechanisms and I accept that it is not for political intervention, but to say that because our pay is linked to civil servants somehow, by implication, we want to influence it... Well then, by implication we are unable to discuss the income tax rates because we might want to influence them for our benefit. I just find that extraordinary.

I thought Members here would come for the interests of the people and the people we serve, (**Mr Henderson:** Hear, hear.) not for self-interest! Not for self-interest!

**Mr Henderson:** A disgraceful comment.

**Mr Cannan:** This motion is asking for an account of stewardship of the way things are going in the negotiations, not to influence them, not to say what the settlement would be. It was simply to ask the Chairman for an account of his stewardship.

The Chairman of the Civil Service Commission, Mr Houghton, is continually asking Ministers for an account of their stewardship, (**Mrs Hannan:** Yes.) continually asking Ministers. That is right and proper and I do it myself. So, what is wrong with him being unable, *unable* to give an account of his own stewardship? Because sometimes he harangues away at certain public officials –

**Mr Houghton:** Along with you!

**Mr Cannan:** Pardon?

**Mr Houghton:** With you!

**Mr Cannan:** Harangues away at certain public officials and at Ministers and yet when asked for just an account of his stewardship, fails to do so. I am not deeply concerned which way Tynwald votes, you will all make up your own minds, but for myself I am concerned. Concerned particularly for those at the bottom end of the pay scale in the Civil Service, who are not getting a pay award. To them, it seems an endless negotiation and a measure of last resort is Tynwald. It is a measure of last resort of Tynwald. In no way does this motion ask for political interference in determining what the award should be. It is, as Mr Lowey has so rightly said, a declaratory resolution to express an opinion.

The Chief Minister's response, that Tynwald continues to support the Joint Negotiating Committee for the Civil Service set up by Tynwald in October 1991 and the conclusion of the negotiated pay award for the Civil Service: it does not, it does not, tell us anything as to the state of play and nobody has told Tynwald what it is all about. Nobody has told Tynwald what the state of negotiations is and that was all that this motion asked for.

I will not support the amendment, because I do have concern that, after seven months, there is no settlement and, even more, that nobody in the Civil Service Commission, a statutory body established by Tynwald, is prepared to tell Tynwald an account of their stewardship.

Mr President, I move the motion.

**The President:** Hon. Members, the motion that I put to the Court is that at Item 38. To that you have the amendment in the name of the Chief Minister, the Hon. Member, Mr

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

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

*In the Keys – Ayes 9, Noes 6*

**FOR**

Mr Anderson  
Mr Teare  
Mr Rodan  
Mr Rimington  
Mr Houghton  
Mr Cretney  
Mr Bell  
Mr Earnshaw  
Capt. Douglas

**AGAINST**

Mr Cannan  
Mr Gill  
Mr Henderson  
Mr Duggan  
Mrs Hannan  
The Speaker

**The Speaker:** Mr President, the amendment carries in the House of Keys, with 9 votes for, 6 votes against.

*In the Council – Ayes 6, Noes 1*

**FOR**

The Lord Bishop  
Mr Waft  
Mr Butt  
Mrs Christian  
Mr Gelling  
Mr Downie

**AGAINST**

Mr Lowey

**The President:** With 6 for, 1 against in the Council, Hon. Members, the amendment, therefore, carries and I put to you the motion, as amended. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Election of the Chief Minister  
Council of Ministers to introduce Bill  
Motion lost**

39. The Hon. Member for Michael (Mr Cannan) to move:

*Tynwald requests the Council of Ministers to have drafted and presented to the House of Keys for first reading on 24th January 2006, a Bill amending the Council of Ministers Act 1990 and the Representation of the People Act 1995 to make a fresh provision with regard to the election of the Chief Minister of the Isle of Man by universal suffrage at the House of Keys General Election in November 2006.*

**The President:** We turn, then, to our final item and I call on the Hon. Member for Michael to move.

**Mr Cannan:** Mr President, I make no apology for bringing this matter to Tynwald, because I have a fundamental belief in democracy, that the people of this Island should be able to choose their leader.

Twice I have attempted to get agreement on this principle, the first occasion losing by 15 votes to 8, on the second occasion losing by 12 votes to 10. So, I have brought the matter to Tynwald, with the request that the Council of Ministers take responsibility for the progress of this legislation and so remove the personality hang-up that some

Hon. Members may have, if I were to be responsible for the legislation. I am convinced that the majority of people of this Island wish to be able to choose –

**A Member:** Victor Kneale.

**Mr Cannan:** – who they want to lead them into the rapidly changing world of the future. At the time I first came to this Hon. Court, there was no ministerial system, it was a Board system with an executive council and Tynwald elected a select board, which appointed Ministers and chose a chairman of the executive council. These then had to be endorsed by Tynwald – the selection committee’s nominations.

Then we had, in 1986, the change to the ministerial system where, after the election, a nomination or nominations for Chief Minister were put to Tynwald. A Chief Minister was appointed and then his Ministers were voted upon by Tynwald. So, at least then there was a little bit more democracy than there is now and times have changed. Twenty-four years ago the Isle of Man was not on the world stage: in fact it was a pretty poor place, in economic terms, with no real reserves, heavy unemployment and low wages.

Since then, we have moved forward and that is a wonderful thing. Now Ministers, in order to increase the profile of the Isle of Man, travel the world, are at presentations and the leader, the Chief Minister, is leading the Isle of Man. As we continue to move forward, people want a leader who they wish to choose, not a cabal agreeing amongst themselves, two or three factions, who they should put forward and the supporters of the winning faction, of course, are then appointed Ministers.

That is not democracy, that is not democracy. The public are allowed to vote at a general election for 24 Members of the House of Keys and the 24 Members elected, for the most part, are on individual manifestos. They have no idea, nor does the public, who is going to lead them, who is going to lead the Government and what the policy will be.

As I say, a leader is selected, a consensual policy identified, which is then taken to Tynwald and voted on and the policy may have no relation to the policies that certain Members were elected on, no relation at all.

So this motion, Mr President – and Members are fully aware what it is all about – is calling for public participation and transparency in the formation of the Government of the Island, following a general election. Not only should there be transparency in the election to Chief Minister, but the appointment of Ministers should receive Tynwald approval.

As I have said, Tynwald approval was originally in the Council of Ministers Act 1985-86, but this was later amended as the then Chief Minister found it difficult to get his chosen nominee for a Minister to be approved by Tynwald.

Hon. Members know exactly what I am talking about. Hon. Members know the reasons behind this and I will say, again, I am convinced that, as the Isle of Man has moved forward, as a 1,000 year old parliament, that was not even democratic to begin with until the 19th century – in the middle of the 19th century. Then towards the end of the 19th century, we had the female vote.

We have progressed, but I now believe – and I am convinced of this – that the majority of the people want some say in who is going to lead their Government at the time of

a general election. Indeed, I really know of no Government in the western world where people going to vote have no idea who the contenders are to lead them, following the election.

So, in conclusion, Hon. Members, I believe those who have ambition to be the Chief Minister, should have the courage to put their names forward and seek public endorsement and, in doing so, they will then have a parliament representing the people: government of the people, by the people, for the people.

All I have to say is, Hon. Members, do you wish to deny the electorate the democratic right to vote for their Chief Minister, or the alternative is to continue on the present system which has been described as ‘wheeling and dealing’ after the election to choose a Chief Minister and his Ministers. This motion is on the principle, not the detail: the detail is being left to the Council of Ministers. This motion is purely the principle, that people should have the right for their say in the choice of who they want to lead them.

I beg to move, sir.

**Mr Delaney:** I would like to second and reserve my remarks.

**The President:** Mr Speaker.

**The Speaker:** Yes, thank you, Mr President.

I have listened with interest to the debate in another place on this issue and again today the Hon. Member for Michael, who is putting forward a view of how we should go forward in getting the Chief Minister of the Isle of Man elected by popular vote on an all-Island basis and he has rightly this morning said he talks about the principle.

Mr President, I come from a different angle, which will not surprise the Hon. Member, in that we are a parliamentary system of democracy and that means that the executive branch of the Government – in our case, Council of Ministers, including the Chief Minister – is dependent on the direct or indirect support of Tynwald Court and its branches and unlike the majority of democracies or democratic parliaments, our executive does not control Tynwald or the branches, because the Chief Minister and the Ministers are, by statute and deliberately thought out, when it was set in motion, are a minority out of Tynwald, 10 out of 33.

I know the arguments about members of Departments having loyalty, Mr President, but the record has shown, since the introduction of the ministerial system, that, in fact, if Tynwald is not content with what is being promoted by the Council of Ministers it will reject it and has done so on many, many occasions.

In my view, if we were to adopt such a position as promoted by the Hon. Member for Michael, it would mean that any such person would be an extremely powerful person in a powerful position and, in fact, would neutralise totally the effects of the Members of Tynwald.

Such a person directly elected by popular vote, which quite clearly can seem to be attractive and, quite clearly, is easy to make a case, you have to look behind the scenes of the reality, because what it would mean is that Tynwald could not remove such a postholder, because they will have been elected by the people, with all the power that goes with that – akin to any presidential system – except that, of course, they will not have presidential powers in the same way and they will be called the Chief Minister.

Under a system of directly electing a Chief Minister by popular vote, I believe it would weaken, not strengthen – it would weaken – our democratic, parliamentary system, to the detriment of our people. Again, we would be neutralised as Members of Tynwald Court. How could we, elected in constituencies, hold to account anyone who has been elected by the whole Island to be the Chief Minister of this Island? That power would be enormous, that power would be unstoppable and such a person would, with that confidence, drive through policies which the people would not accept and nobody could do anything until the next general election.

We are not talking about creating a party system, where a party leader and his party gains power in Tynwald Court, we are talking about one individual gaining power with the electorate supporting him by a majority vote. I believe, quite clearly, that such a system would be dangerous to our Island.

Mr President, at present we have a system that is not perfect, but there is not any system in the world that is perfect, but what we do know is it is a democratic system where people are elected to the House of Keys and they then, on behalf of the Island, because of our uniqueness – and we have to accept that, we do not have party politics – we take the responsibility as Tynwald Court to elect somebody to represent our Island as the Chief Minister of this Island.

The Chief Minister's powers are extremely limited. The Chief Minister does not even have the powers of a Minister of a Department. The Chief Minister heads up the Government, he chairs Executive Council, he encourages policies and his main power is to hire and fire Ministers.

**Mr Cannan:** That is pretty powerful.

**The Speaker:** His other power is to influence the direction of the Isle of Man, to stand up, both publicly in Tynwald Court and in the appropriate branch, and in public, to defend the policies of his Government. But, again, in the Isle of Man context we do not have a government like any other government, because every Department of the Isle of Man Government is independent of each other and court rulings have judged that there is no such thing, collectively, as the Isle of Man Government.

They are Departments of the Isle of Man Government and if the Chief Minister encourages a Minister and his Department to do something and the Minister decides not to do it, the only sanction that the Chief Minister has, would be to sack his Minister, but also, very importantly, Mr President, within our system, built into it, to safeguard the position of Tynwald Court, we have the power to have a vote of no confidence in the Chief Minister and, therefore, dismiss him and his Council of Ministers, because, if he falls, his Ministers fall.

So there is ultimately, within the system, no matter how difficult, but within the system, Tynwald has the power to dismiss the Chief Minister. If we have a Chief Minister directly elected by the public, one could quite rightly argue, what authority could Tynwald Court have to dismiss that person from the position of Chief Minister? I would suggest none at all.

What would happen is you will have, if the Chief Minister got it wrong, civil unrest and you would have civil unrest as the only way to bring down that Chief Minister, because it would be the only way, the only way, that the people could demonstrate that they were unhappy with the postholder with

such power and authority from being in position, because once that power and authority is given, it will last the term of that office, i.e. the five years.

Mr President, we are a democracy within a Crown dependency. Our head of state is Her Majesty the Queen, Queen Elizabeth II, and very few, including myself, wish to erode that link. We are proud of that link because it provides us with a head of state of which we are content and what the name of the Queen's representative in the Isle of Man is, is not a matter in that relationship.

Mr President, under our present system of parliamentary democracy, we can, as I say, as has been witnessed recently, ensure that a Chief Minister can, at any time, relinquish that office. The Hon. Member for Michael made the point that, within the other parliaments, that cannot happen.

Within the United Kingdom Mrs Thatcher was deposed by the parliamentary party when she was Prime Minister and they replaced her with another representative of that party to be their leader, who then became the Prime Minister. The people did not have a say at that time in that new appointment and yet that person took over as Prime Minister of that country with far, far more powers than our Chief Minister has, a person who can actually send his country to war without the need to get parliamentary approval.

That cannot happen in the Isle of Man and I would urge Hon. Members to just be very careful about this very important issue. We are a small and somewhat delicate democracy. Because the numbers are so small, the balance change can be made so easily and what has to be here, has to be a system to safeguard the public, not us. In one way, we are not important, except we are here to ensure that democracy in the Isle of Man and the safety of our people and the peace they live in, is protected by us and we do that by legislation, we do that by debates in Tynwald Court, we do that by sometimes defeating Government policy, but it does not bring down the Government, because of the uniqueness of our system.

Mr President, the Hon. Member for Michael mentioned about the Board system and I was also a Member through the Board system and the Board system was a serious problem in democratic terms for us, because Tynwald was also the Government and we know why the changes were made and that is history. I believe, and record has shown, and the Hon. Member for Michael has said this on many occasions, that, since we have had a ministerial system, the Isle of Man has advanced, and he said that this morning, in how it deals on the international circuit and so on and so on.

What we must not do is destabilise our structural system. Yes, we can make changes, but this change, in my view, would be one that would be a disaster for our Island. At least with our system of Chief Minister we have, to use a term, the first among equals, because we are equal and we appoint him to be the leader of the executive government and, therefore, he is the first among equals and not the moon among the stars, in other words totally dominant.

Mr President, I oppose this motion for the reasons I have set out.

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

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

I would just like to make it clear that I have a full and total commitment to democracy and I am responding to the comment made by the mover of this motion, because he said

he had a full commitment to democracy and I certainly have a full commitment to democracy.

I also believe in Human Rights and fundamental freedoms, along with the responsibilities that that entails. We all have rights, we all have responsibilities, but we are not a free people, we are not citizens, we are, as Mr Speaker has spelt out quite clearly, subjects of the feudal lord, who is the British Crown. If we were a real democracy, the motion before us today would be to vote for a President and it would be a President in a Republic and that is how the people have their say in a Republic. It is totally different from a feudal lordship or a Crown situation.

I know of nowhere... and maybe the mover, when he is winding up, can spell out to us where Chief Ministers are actually elected and explain the system that he has based this idea on.

Chief Ministers are never directly elected by the people. In some countries people may know, at election time, who is leading the political party that they vote for, but even then that Member can change and I will just go through our closest – well one of our closest neighbours – in the UK. Blair was the leader of the Labour Party, but he has said he will not be there for the next election. So people voting knew that, sometime, if he was elected again, he would not be leader at the end.

Howard has just stood down and Cameron is now leader, so people who had voted for the Conservative Party, that leadership has now changed and the Liberals, they are getting rid, or least making moves – (*Laughter*)

**Mr Delaney:** Poor old Charlie Kennedy!

**Mrs Hannan:** – of their leader and this has all gone on between elections.

You have only got to look at Germany. Germany was electing their Chancellor, but they also have a President, but Germany was electing their Chancellor and the votes were more or less the same and one leader of the party stood down and the other, who did not get the total majority vote, is now the Chancellor of Germany. That is what has been worked out since, it is not what the people have elected, even for the Chancellor of Germany, but in other countries' parliaments, as the Speaker has said, parliamentary democracies elect Chief Ministers, usually from their elected body; it does not necessarily always have to be, but then that Chief Minister picks the team.

In presidential set-up, the Presidents pick the Chief Minister, or in some instances, which are a bit different to our Crown situation, the Kings or the Queens appoint a Chief Minister, but the people do not know at that time. As I said before, Eaghtyrane, I would like the mover of this motion to explain to us where he is basing this idea on, because I do not know of any and he is suggesting that the people in the Isle of Man elect someone here who is going to be in a much different position than anybody that we know of. In actual fact, we would be doing away with a parliamentary democracy, because it would be dictatorship, (**Two Members:** Hear, hear.) because the Chief Minister would be able to say, 'You do that' – and it would be to all of us – 'because I am stronger, I have got the backing of the people and you cannot remove me.'

I would suggest to the Member moving this, if the parliament suggested moving the Chief Minister, there would be ructions outside. The people have spoken and it is

a very, very dangerous situation to get into and should not be contemplated.

**The President:** Hon. Members, I have the inclination, or the feeling, that we can possibly see this one off before lunch. (**Several Members:** Hear, hear.) Just watch the clock, Hon. Members. Mrs Christian.

**Mrs Christian:** Thank you, Mr President.

It seems that the hon. mover has tested this notion in another place, but brings it to the Court today to, perhaps, get the views of the other Chamber and, in doing so, he has propounded the motion on the Order Paper, which is so vague as to be almost impossible for the Council of Ministers to work upon.

It does seem to me, Mr President, that the arguments that he has put forward have suggested that the people need to know what the manifesto of the Chief Minister is going to be and what the policies are going to be that are going to be pursued. If we look at other countries, Mr President, with party politics – and essentially that must be, in my view a first step to any process of this kind – even there, as the Hon. Member for Peel has indicated, the leader can change within the course of a parliament. Indeed, the manifesto, quite clearly, can change during the course of any particular parliament.

So I do not think that this is the be-all and the end-all in terms of expressing to the people what the policies of the next few years might be. If we do actually look at Hon. Members' manifestos, there are not huge variations between them and, indeed, manifestos, by their very nature, are headline documents, generally speaking. We all know that when you are in a position in Government, having been elected, that there are many matters of detail, or indeed policy change, which come before you during the course of the five years of your elected term, that you may not have mentioned in your manifesto and you have not expressed a view on to the public. So that the notion that you have a manifesto before the people at the time of the election, which is going to make everything clear about where we are going for the next five years, does not, in my view... is not met by this proposal.

Mr Speaker has indicated that a person elected by universal suffrage by the population of the Island would be extremely powerful. In my view, unless we have major tinkering with the constitution of the Island and here the motion is deficient, in that it does not make it clear whether this person stands only to be elected as Chief Minister, or whether they also have to be elected by a constituency... If it is the former, where do they fit into our structure now and, indeed, if it is the former and they are elected simply as Chief Minister and say they have a powerful mandate, but still need the support of Tynwald Court for anything that they wish to push through, you could be left with someone who is totally impotent, unless they take the Court with them and where does the Island find itself then? In a totally untenable position?

**A Member:** For five years.

**Mrs Christian:** Exactly, for five years, unless they chose to resign or there was a mechanism in for having further elections, so whilst, on the one hand, they could be extremely powerful, they could also be totally powerless.

The other scenario is where they have to stand as a representative for a constituency, which, in itself, could

bring a hiatus. Let us suppose they are elected to be the Chief Minister by the population at large but not elected by the constituency. Which, then, will take precedence? Do you have a small section of the population over-ruling the majority, or a small section of the population saying, 'we do not want this person representing us.' Again, these are the issues which would have to be considered by the Council of Ministers if they were to try and draft legislation in accord with this motion.

I do think, Mr President, that the whole notion is without any reasonable foundation. As Mr Speaker has said, no system is perfect, but this seems to me to be a degree worse than anything we have had so far.

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

**Mrs Cannell:** Thank you, Mr President and please, Mr President, you anticipated that I would catch your eye, though I have not done so yet, sir, although I have been taking notes.

**The President:** Well, you did before, Mrs Cannell, I assumed that you wanted to speak when Mrs Christian was speaking.

**Mrs Cannell:** Thank you for calling me, Mr President.

Perhaps the whole of the Court is not aware and, indeed, the Members of the Legislative Council may not be aware that this issue has been considered in the House of Keys on two occasions just in the last twelve months and that the vote in support of legislation has grown and it is now standing at ten votes in support. That has grown from very little support at the beginning, it has continued to grow, so I think Members of the Legislative Council, Mr President, should really take that on board, that there is a growing support within the House of Keys, in the other Chamber, for such legislation to come into force.

We hear today – and I am pleased that Mr Speaker has added to the debate because, of course, in the House of Keys he is unable to do so – but having heard what he has said, his views have not changed from earlier debates on a similar subject matter, the views have not changed.

He said, Ministers are a minority of Tynwald: that was done on purpose. Well, Ministers might be a minority of a thirty-two Member Chamber, but let us not forget, Ministers also have members on their Departments and, as I said in the previous debate, members of Departments are usually loyal to their Ministers. So you cannot just say, 'well, there are nine Ministers, plus the Chief Minister', there are also nine Ministers, plus the Chief Minister, plus three, nine by three, that were carrying the vote, so you take that into the equation. What is left is not democracy at all because what is left is a very small number of opposition and let us not forget that the votes in that way are basically stitched up and that is the problem. That is the problem.

He said Tynwald could not get rid of a very powerful person. Well, the way I see it, at the moment the people have no say on what the policies of the next Government are going to be. All they have is a say on who they would like to represent their particular patch and what that individual stands for in terms of policy.

We have no idea when we are going out to our people seeking election, who we will support as Chief Minister, because no candidate has put his or her name forward at that

moment in time, or policies, and I think it would be fair that when we go out for election, our people are able to say to us, 'Now I have looked at the policy proposals of XYZ: who would you support? If I elect you to go into the Chamber, who will you support of the three or four candidates, whose policies are out in the public domain, who would you support as a leader of the next Government?' That is denied them at present.

I think all candidates should be asked by their electorate about the policies of the next Government, but they have no idea because the policies are not before them and so, therefore, the policies are not before the people, so there is no choice.

So, we have a Government that is elected, or a leader that is elected, with no policies that have been tested by the electorate, no leadership because we have consensus. As a consequence of that, we have indecisiveness, we have infighting within the political cabinet, the ministerial cabinet and so on and so forth and that does not bode well for the 21st century.

We are going out there, playing in the big world, playing as one of the big boys and girls, one of the world stage players trying to deal business in other countries, but we cannot say for sure to those people 'Well, yes, we can do it this way' and 'Yes, we can help you in that way', because, first of all, we have to go back to the cabinet, we have to go back to Tynwald and that is the way it is, so we are not as dynamic as we should be.

If we are going to get on the world stage and sell the Isle of Man as a market to the rest of the world and do well for the economy, we have to have leadership and we have to have a dynamic Government and a dynamic parliament. We have not got that. What we have got is something that has evolved from the committee system.

It was also suggested that such a person elected in such a way as the Hon. Member for Michael is asking Council of Ministers to look at, would be very powerful. He said with the present system, the Chief Minister has no power, other than to hire and fire Ministers. Well, that is part of the problem, I am afraid, that is part of the problem.

Ministers, in their own right, are actually more powerful than the Chief Minister, so it begs the question, Mr President, why then, after a general election and the House is returned and we assemble for the first sitting of Tynwald, why, then, do we consider a statement that is circulated by the candidates standing for Chief Minister, why do we do that?

If that person who we support, because we like what he or she has written in terms of the paper they circulate to us, which is supposed to be their principal policies, if that has no force and has no power because the Chief Minister has no power, then why do we even bother to look at a paper produced by the candidate? It is meaningless, it is meaningless, unless the team that he or she selects is openly supportive of all of those policies, not just prepared to vote for him or her, but is openly, publicly, stating they support all of those policies in this place and, in addition to that, they are personally elected by this place and removed by this place. That would actually put in a fairer balance.

Currently we have a system where we can go for a vote of no confidence in the Chief Minister or any other Minister and I do not see why that could not change. I do not see why legislation could not have provisions within it for the removal of a Chief Minister, or if he or she wishes to retire or resign or if they become ill or infirm. All of those mechanisms ought

to be, and should be, inserted into such legislation.

The Hon. Member, Mrs Hannan, went on about the political parties and the individuals and she spoke about the individual leaders in those parties and what has currently and previously been happening there, but the one thing I am not interested in, is the particular leader or personality of the leader, other than the capability of the individual to fulfil the promises, to fulfil the policies that have been supported and voted upon by the public. That is what we do not have and that is what I would like to see.

Mrs Christian, the Member of the Legislative Council, said the leader can change. Yes, and the policies can sometimes change, yes. But at least the members of the public have had a say in those initial, prime policies, the principal policies. They have had a say in the beginning and if they do not like any changes that have occurred during a five-year term of office of a political party in leadership, then they empty them out and they switch their vote to another party, it is as simple as that.

So, basically, what we have heard is those who do not want to see change –

**Mrs Hannan:** Oh no, not at all.

**Mrs Cannell:** – and, quite frankly, most of the time and this is part of the political game, I suspect, is that most parliaments, most assemblies do not like change and Tynwald, in particular, does not like change. Tynwald in particular, in the way we have evolved in the Isle of Man moves very, very slowly and we are forever criticised for moving slowly, not only by ourselves, but our people, because we miss advantages, we miss opportunities out there in the marketplace on occasion and with other initiatives that are out there in the world for the taking, we miss it.

So I would give the Hon. Member support. The wording of the motion might not be as I would have preferred it. I did not have any input into the wording of it but I believe in the principle of the people having a say in the policies of the next Government and I will never move away from that principle. It is in my heart, it will always be in my head and I will always support it.

**The President:** Mr Corkill.

**Mr Corkill:** Just very briefly and taking your guidance about the clock, Mr President, I think the mover's comments today, in my opinion – and I said this in another place – highlight the fact that we have a lack of party politics in the Isle of Man and that, of course, party politics gives people at the ballot box an opportunity in a sort of co-ordinated and coherent way to express their ballot on policy matters.

We have individual manifestos, as we all know, but in a coherent and co-ordinated way, party politics is constructive and we do not have that. My strong point of view, Mr President, is that the public will decide when they need or want those party politics (**A Member:** Hear, hear.) and I do not believe it is an 'if', I think, in my view it will be a 'when'. But it will be a matter for the public to decide.

From my own point of view, Mr President, I hope that that is not too far away. I do see that that will be the opportunity for the Isle of Man to develop and be more mature in its political outlook and I think that will help with the outside world, if that system were to develop, but it is not a matter of top down, it is a matter of the public will decide when

they need those party systems.

I would just like to ask the mover how he envisages, under the motion suggested, although there is hardly any detail within it as to what the legislation may look like, but how the mover would think that an elected Chief Minister would be in any better position to choose his Ministers after an election in a way that is different from now?

I find it a rather strange connection, that because the Chief Minister is elected by the people that that, when he comes to Tynwald, will make his selection of Ministers any more easy than what it is now. For a start he will not know who those people may or may not be at the beginning of a session and that will not change, as it is the same as it is now.

I think my fear would be, Mr President, that an Island-elected Chief Minister coming to this Hon. Court would, I believe, be effectively very isolated within this Court, put on a pedestal and in a position that he would be unable to operate politically within this forum. I think that it would be a destructive thing to happen.

I think it is a bit disingenuous with the motion to pass all the detail across to the Council of Ministers to sort out –

**Two Members:** Yes, quite.

**Mr Corkill:** – because there is no real structure within the motion to give them anything to work to and it is a 'pass the parcel' exercise in my view, Mr President, and very much this is the Member for Michael's parcel and I think the parcel should stay with the Member for Michael. (**A Member:** Hear, hear.) I will be opposing the motion, but if it were to be successful, I think there is no reason why the Hon. Member should not produce a Private Member's Bill. Why ask the Council of Ministers to do that?

I have to say, in conclusion, that my belief is that the current structure is robust and it is the politics within this structure that need to mature and develop further. I think it has gone a long way in recent years, since the ministerial system came in. I am one of the Members who came in after the Board system, but I was in business and I lived in this Island under the old system and I know how frustrating it was, because you did not have a proper interface with the world of Government at all. I believe the system we have now is more understandable by the public.

So, in terms of the politics within this, what I believe is a robust structure, they need to mature and I would say with my final comment, Mr President, that there are no barriers to that actually happening, politics developing within our structure. The only barriers, I believe, to that happening are the Members themselves – us. We can develop whatever politics we want within this structure and I believe that is true democracy, representing the people who vote for us. That expansion, that can happen, we do not need to change the structure to allow that to happen.

I think we need to have more confidence as Members and, as I have said at the beginning of these comments, I think it is a matter of *when* the public are ready for party politics that that will emerge and if that does happen, this structure will encompass that and allow it to flower, so those are my comments, Mr President, I will be opposing the motion.

**The President:** Mr Cannan, to reply.

**Mr Cannan:** I will open my response by saying that if the motion is successful, it will be an issue at the General

Election. If it is not successful, it will also be an issue at the General Election, because, as I said, I believe the people are convinced they want an input into who will lead them into the future.

I will respond first to the Speaker, who is totally opposed to it and produced a lot of red herrings. He had listened in the House of Keys to two debates and he knew what was said and, even if there is an elected Chief Minister, he will still have to have Tynwald approval for his policies. He will still have to have them, they come from the Council of Ministers, no different from now and the detail...

Then the Speaker says, 'Oh, the Chief Minister would be there and he would have unlimited power' et cetera, but in my addresses to the House of Keys I said the detail of legislation would say that, on a two thirds majority, Tynwald could pass a vote of no confidence. There have to be checks and balances.

To say that a Chief Minister voted by the people would be all-powerful, when he is in a parliamentary setting is wrong and misleading. The Speaker says the Minister has the power to hire and fire and they exercise that power to hire and fire.

**Mr Henderson:** They sure do. (*Laughter*)

**Mrs Hannan:** Not often.

**Mr Cannan:** Oh yes, and yourself, Mrs Christian, in Legislative Council, Mrs Crowe, oh yes, oh yes. So what?

He has that power now and when I hear provocative statements like 'civil unrest', parliament will determine the policies of Government, just as parliament determines the policies in all democratic governments. Even in the United States, where they have a President, he has to have congressional approval. Oh yes, he has to have congressional... and if in the Congress the party... he represents one party and the Congress is another one, he has difficulties in governing, checks and balances.

And then he says we have to safeguard the public. Of course we have to safeguard the public, but having an elected leader who will still safeguard the public, because Tynwald will be the checks and balances.

I am afraid that the Member for Peel went off at a tangent, sort of frighten the horses, republic, no party system, no parliamentary democracy... It is nonsense, absolute (**A Member:** Hear, hear.) nonsense! She went off to frighten the horses.

And then we have Mrs Christian, who is opposed to it. Now there is the voice of democracy. (*Laughter and interjections*) Now there is the voice of democracy! There is one of two issues at the next general election: we will be voting for the Legislative Council *and* voting for the Chief Minister, I am convinced of it, and certainly voting for the Legislative Council. Then we hear that there are no party politics.

When I first came into Tynwald many, many moons ago there was party politics. There were two parties, the farmers' party and the businessmen's party and the rural seats, and I was an odd ball out. (*Laughter and interjections*) Yes, because they were all farmers in the rural seats. They were farmers in the rural seats.

**A Member:** Aren't farmers businessmen?

**Another Member:** Now we have got tea planters.

**Mrs Hannan:** No, obviously not as far as he is concerned. (*Laughter*) He is looking for their votes, though.

**Mr Cannan:** So what was the... I ask again and the Hon. Member of Council talked about Members' manifestos. I am desperately trying to remember the Hon. Member's manifesto myself.

I thank Mrs Cannell for her support, but Tynwald has always been against progress. If any of you – and I have said this so many times – go down to the old House of Keys in Castletown and you see the speaking portraits and there are the old guard that, 'Oh, we do not want to give the people the vote' –

**Mrs Hannan:** He is the person that supports progress? I don't think so.

**Mr Cannan:** They do not want to give the people the vote – 'Oh, you could not trust them' – and there are other progressive Members who say 'We want to give people the vote' and then we went on to give the female vote. They always have that, you will always have that.

Then we have Mr Corkill again about the same arguments about party system and why I passed it to the Council of Ministers. If he had been present in the House of Keys, he would have known the detail. I passed it to the Council of Ministers to remove personality out of it and let the Council of Ministers determine, knowing what had been said in two previous debates in the House of Keys.

Politics developing... and then Mr Corkill says that when the people want change, they will institute change. Well I cannot understand how the people, if they want change can institute change, if it does not come from here. (**Mr Delaney:** Revolution!)

But the Speaker does not want civil unrest. When the people want change it has got to come from here, representing the views of the people and nothing else. Representing the views of the people.

As I have said, if Members do not want to support this and want to keep the status quo, I have no hang ups, it will be an election issue and the electorate will be able to ask Members how they are going to vote for a Chief Minister – and how they are going to vote for a Chief Minister, when nobody has declared themselves. Tell me how are you going to... The man in the hall there says, 'Mr Cannan, who are you going to vote for Chief Minister?' I say I cannot because nobody has had the courage to declare themselves.

**Mr Delaney:** Have a seance!

**Mr Cannan:** Then we have had so many red herrings. I said, again, that the person elected as Chief Minister had to have a constituency and it would be in the detail of the Bill – this is in principle – in the detail, that if he could not win his own constituency, it is very, very unlikely he will win a universal vote. Then the person coming in second, these would be the detail in the legislation.

We are not here today to examine the detail, we are here to –

**A Member:** To pass the parcel.

**Mr Cannan:** – go for the principle of whether Tynwald wants a Chief Minister, in the words of Mr Karran, who is not here, has so often said, determined in some corner of a room

or whatever, or do we want it to be open and transparent. It is as simple as that.

Mr President, I move.

**The President:** Hon. Members, the motion I put to the Court is printed at Item 39 on the Order Paper. Those in favour, please say aye; against, no. The noes have it.

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

*In the Keys – Ayes 6, Noes 13*

**FOR**

Mr Cannan  
Mr Rodan  
Mr Henderson  
Mr Cretney  
Mrs Cannell  
Mr Delaney

**AGAINST**

Mr Anderson  
Mr Teare  
Mr Rimington  
Mr Gill  
Mr Houghton  
Mr Duggan  
Mr Shimmin  
Mrs Hannan  
Mr Bell  
Mr Corkill  
Mr Earnshaw  
Capt. Douglas  
The Speaker

**The Speaker:** Mr President, the motion fails to carry in the House of Keys, with 6 votes for, 13 votes against.

*In the Council – Ayes 0, Noes 7*

**FOR**

None

**AGAINST**

Mr Lowey  
Mr Waft  
Mr Singer  
Mr Butt  
Mrs Christian  
Mr Gelling  
Mr Downie

**The President:** With 7 against, none for in the Council, Hon. Members, the motion, therefore, fails to carry.

**Season's Good Wishes  
Statement by the President**

Now, Hon. Members, I appreciate that we have kept you a little bit late for your lunch break today, but, nevertheless, that concludes the business on our Order Paper.

Hon. Members, I would take this opportunity to wish you all and your families a very happy Christmas and a good New Year into that season, as well.

Thank you, Hon. Members. Mr Speaker will now deal with such matters as he wishes to put before the House. Thank you, Hon. Members.

*The Council withdrew.*

## House of Keys

**The Speaker:** Hon. Members, if I can just echo the words of Mr President and wish you all, your families, a very good Christmas and a good New Year and also extend that to all our staff who look after us so well. (**Members:** Hear, hear.)

Hon. Members, the House will now stand adjourned until 17th January 2006 at 10.30 a.m. in Tynwald Court. Thank you, Hon. Members.

*The House adjourned at 1.24 p.m.*