



**TYNWALD COURT  
OFFICIAL REPORT**

**RECORTYS OIKOIL  
QUAIYL TINVAAL**

**PROCEEDINGS**

**DAALTYN**

**(HANSARD)**

**Douglas, Thursday, 22nd June 2006**

**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 P Karran, Mr R K Corkill and Mr A J Earnshaw (Onchan); Mr G M Quayle (Middle); Mr J R Houghton and Mr R W Henderson (Douglas North); Hon. D C Cretney and Mr A C Duggan (Douglas South); Hon. R P Braidwood and Mrs B J Cannell (Douglas East); Hon. J P Shimmin (Douglas West); Capt. A C Douglas (Malew and Santon); Hon. J Rimington, Mr Q B Gill and Hon. P A Gawne (Rushen); with Mr M Cornwell-Kelly, Clerk of Tynwald.

**Business transacted**

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*The House adjourned at 12.57 p.m.*

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## 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, the Hon. Member of Council, Mrs Crowe, has permission to be absent this morning on Government business; and the Hon. Member for Ramsey, Mrs Craine, will be joining us later. She is attending a funeral this morning, Hon. Members.

## Orders of the Day

### Motor Vehicles (International Circulation) Act 1955 Road Vehicles (International Circulation) Order 2006 approved

16. The Minister for Transport to move:

*That the Road Vehicles (International Circulation) Order 2006 be approved. [SD No 455/06]*

**The President:** We had completed our Order Paper as far as Item 15, yesterday, so we now move on to the Orders, Hon. Members. I call on the Minister for Transport to move Item 16. Mr Braidwood, please.

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

This Order is the first and most important in an inter-related package of Statutory Documents which are intended to give continued effect to the powers of the Geneva Conventions on Road Traffic 1926 and 1949, but in ways which better serve the interests of the Island.

The purpose of the Conventions and of the package which gives them effect is to facilitate the international circulation of road vehicles, an expression which is used to describe vehicles taken temporarily outside the Island by Manx residents and ones brought or used temporarily in the Island by persons resident outside.

The 1926 Convention caters for the issue and recognition of international driving permits issued by contracting parties, whereas the 1949 Convention caters additionally for the recognition of domestic driving licences issued in the contracting state.

Having summarised the background to the package, I shall now, if I may, turn to the provisions of the Order.

As far as the arrangements for issuing Manx residents with international driving permits are concerned, there are no changes, but it will now be an offence to forge documents or to make false statements when applying for them.

As to persons temporarily visiting the Island, the Order uses the latitude allowed by the Conventions to make material changes to the arrangements.

Firstly, severe limitations as set out in Article 6(1) to (4) are imposed on the ability of such persons to drive large Manx registered vehicles, but not passenger cars – limitations which, for example, are designed to protect the interests of Manx residents by requiring that the Control of Employment Act and the Road Transport Act be complied with, and that visiting drivers meet the same driving standards as apply in the Island.

Secondly, Manx operators will be protected by a severe limitation placed on the use of visiting vehicles for cabotage, transport operations, which are intra-island commercial operations in which visiting vehicles carry goods or passengers, but not passengers temporarily visiting the Island, from one place to another in the Island.

Thirdly, the Order simplifies, in an administratively workable way, the provisions relating to visiting vehicles' exemption from vehicle duty. Article 10(1) and (2) now provide that visiting vehicles shall be exempt from such duty for so long as their foreign vehicle licences remain valid. Such provision ensures that visiting vehicles will always have a valid vehicle licence, whether it be a foreign one or Manx one, and will do away with the present situation in which visiting vehicles may run round the Island without a vehicle licence, after their foreign licence expires. As with expired vehicle licences on Manx vehicles, such an arrangement will be easily enforceable by the Police.

Finally, Article 13 caters for effect being given at a future date to the Vienna Convention 1968.

Mr President, I beg to move the motion standing in my name.

**The President:** Hon. Member for Malew and Santon.

**Capt. Douglas:** I beg to second, sir, and reserve my remarks.

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

### Motor Vehicles (International Circulation) Act 1955 Road Vehicles (International Circulation) Regulations 2006 approved

17. The Minister for Transport to move:

*That the Road Vehicles (International Circulation) Regulations 2006 be approved. [SD No 456/06]*

**The President:** Item 17. Minister for Transport.

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

These Regulations supplement the Road Vehicles (International Circulation) Order 2006 and are made in

### Leave of absence granted

Motor Vehicles (International Circulation) Act 1955 – Road Vehicles (International Circulation) Order 2006 approved  
Motor Vehicles (International Circulation) Act 1955 – Road Vehicles (International Circulation) Regulations 2006 approved

exercise of powers conferred or modified by Article 10 of that Order.

The Regulations, which affect only visiting drivers and vehicles, relate to certain aspects of enforcement, registration, licensing, the keeping of certain records and the display of registration marks and nationality signs.

The principal changes brought about by the Regulations are threefold.

Firstly, they confer new powers on the Police, the Department of Transport, and the Road Transport Licensing Committee with respect to visiting drivers, so as to enable them to require the production of evidence of insurance and registration.

Secondly, they supplement the Order by prescribing arrangements for licensing and registering a visiting vehicle from the date on which it ceases to be exempt from vehicle duty, in other words from the date on which its foreign vehicle licence expires.

Thirdly, they regularise the display of nationality letters in a panel on the left of the number plate while continuing to permit them to be displayed separately.

However, an exemption from displaying nationality letters is afforded to visiting vehicles from the United Kingdom or Channel Islands given, on the one hand, that such vehicles coming to the Island often do not display them and, on the other, their registration numbers easily identify their place of origin.

Other changes brought about by the Regulations are of a minor nature.

Mr President, I beg to move the motion standing in my name.

**The President:** Member for Malew and Santon.

**Capt. Douglas:** I beg to second, sir, and reserve my remarks.

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

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

I would just like to refer the Minister to page 3 of the explanatory memorandum to begin with. I think he referred to this on the previous Item, as well. It just seems quite an astonishing statement to me, sir, to say that it will now be an offence to forge documents or to make false statements. This seems quite an amazing shortcoming to me, if this is in the existing legislation.

I would just like comments on this if it is not embraced in the existing legislation and if any other legislation is affected.

I do have another point as well, which is on page 12 of the explanatory note that was put out with Item 17 and this is under 8(b) – I give the Minister a moment to find that... the very back page. (**The Minister:** Four?) At 8(b) on page 12, and it refers to, ‘additional persons to whom particulars of records shall be supplied free of charge on request’. I just wondered how that sat with the Data Protection Regulations?

**The President:** Minister to reply.

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

I do not know why the previous Regulations had missed this out. At least, it has been highlighted in these Regulations,

sir, and it shows that we are being vigilant and that it will be an offence to forge the document.

On the proviso on the Data Protection, I think I mentioned in another place, if the person is registered with the Data Protection Officer in the Isle of Man and it is a recognised individual or company, they will be able to receive the information by a prescribed fee which, I think, is now going up to £5.

**The President:** The motion, Hon. Members, is that printed at Item 17, that the Road Vehicles (International Circulation) Regulations 2006 be approved. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Road Transport Act 2001  
Public Passenger Vehicles (Visiting Drivers)  
(Exemption) Regulations 2006 approved**

18. The Minister for Transport to move:

*That the Public Passenger Vehicles (Visiting Drivers) (Exemption) Regulations 2006 be approved. [SD No 457/06]*

**The President:** Item 18. Minister for Transport.

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

The purpose of these Regulations is to disapply the licensing requirements of section 41 of the Road Transport Act 2001, insofar as visiting drivers of public passenger vehicles are concerned.

It is a requirement which, unless it is, in certain respects, re-applied by the Road Vehicles (International Circulation) Order 2006, is incompatible with the Paris Convention 1926 and the Geneva Convention 1949 on the International Circulation of Road Vehicles.

Mr President, I beg to move the motion standing in my name.

**The President:** Member for Malew and Santon.

**Capt. Douglas:** I beg to second, sir, and reserve my remarks.

**The President:** The motion, Hon. Members, is printed at Item 18 on your Order Paper. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Road Transport Act 2001  
Road Transport (Visiting Drivers or Vehicles)  
(Modification of Enactment etc)  
Regulations 2006 approved**

19. The Minister for Transport to move:

*That the Road Transport (Visiting Drivers or Vehicles) (Modification of Enactment etc) Regulations 2006 be approved. [SD No 458/06]*

**The President:** Item 19. Minister for Transport.

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

The principal purpose of these Regulations is to disapply certain provisions of the Road Transport Act 2001 in relation to visiting drivers and vehicles, provisions which, unless they are, in certain respects, re-applied by the Road Vehicles (International Circulation) Order 2006, are incompatible with the Paris Convention 1926 and the Geneva Convention 1949 on the International Circulation of Road Vehicles.

Additionally, Regulation 10 provides for prescribed documentation to be carried by visiting drivers of large goods vehicles and public passenger vehicles.

Mr President, I beg to move the motion standing in my name.

**The President:** Hon. Member for Malew and Santon.

**Capt. Douglas:** I beg to second, sir, and reserve my remarks.

**The President:** The motion, Hon. Members, is that at Item 19. All those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Licensing and Registration of Vehicles Act 1985  
Vehicle Duty (Amendment) Order 2006 approved**

20. The Minister for Transport to move:

*That the Vehicle Duty (Amendment) Order 2006 be approved. [SD No 459/06]*

**The President:** Item 20. Minister for Transport.

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

Mr President, this Order supplements Regulation 6 of the Road Vehicles (International Circulation) Regulations 2006, a provision which permits the taking out of vehicle licences for periods of less than 12 months in the case of visiting vehicles whose foreign vehicle licence expires while they are staying in the Island.

Under the Licensing and Registration and Vehicles Act 1985, such lesser periods, together with the rates of duty applying thereto, have to be prescribed by Order. Such is the effect of the Order now before us.

Mr President, I beg to move the motion standing in my name.

**The President:** Hon. Member for Malew and Santon.

**Capt. Douglas:** I beg to second, sir, and reserve my remarks.

**The President:** Again, Hon. Members, I put to you the motion printed at Item 20, that the Vehicle Duty (Amendment) Order 2006 be approved. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Representation of the People Act 1995  
Election Fees Order 2006 approved**

21. The Minister for the Treasury to move:

*That the Election Fees Order 2006 be approved. [SD No 341/06]*

**The President:** We turn now to Item 21, and I call on the Minister for the Treasury to move. Mr Bell.

**The Minister for the Treasury (Mr Bell):** Mr President, the election fees payable to officials performing duties at elections of Members of the House of Keys and the Isle of Man Board of Education were last increased with effect from 1st November 2004. Since then, the Manx RPI has increased by about 10 per cent.

In addition, recent legislative changes introduced for the 2006 General Election have increased polling station opening hours from 10 hours to 12 hours, a 20 per cent increase. This Order applies the 10 per cent inflation increase plus a further 20 per cent increase to reflect the increased opening hours of polling stations.

In addition, fees for certain junior election officials have been further increased, in line with market conditions. The overall budget for elections during 2006-07 is £188,700 and this includes election fees, hire of halls, advertising, travelling, and subsistence, etc.

The revised election fees will add around £20,000 to the cost of the General Election.

Mr President, I beg to move.

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

**Mr Earnshaw:** I beg to second, Eaghtyrane, and reserve my remarks.

**The President:** The motion, Hon. Members, is printed at Item 21. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Investment Business Acts 1991 to 1993  
Investment Business (Exemption)  
(Temporary Business Continuity Operations)  
Regulations 2006 approved**

22. The Minister for the Treasury to move:

*That the Investment Business (Exemption) (Temporary Business Continuity Operations) Regulations 2006 be approved. [SD No 292/06]*

**The President:** Item 22. Minister for the Treasury.

**The Minister for the Treasury (Mr Bell):** Mr President, the Investment Business (Exemption) (Temporary Business Continuity Operations) Regulations 2006 allow persons who are regulated in respect of investment business in another jurisdiction to set up a temporary disaster recovery operation in the Isle of Man, without being required to be licensed.

This might be necessary, for example, if there were to be a major incident affecting the infrastructure in that other jurisdiction, such as a hurricane.

As these Regulations replace existing Regulations, they do not affect any change in policy other than to correct a defect in relation to the vires of existing Regulations which was identified in the course of drafting the Fiduciary Services (Exemption)(Temporary Business Continuity Operations) Regulations 2006, which we will be coming to shortly, at Item 24.

Mr President, I beg to move.

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

**Mr Earnshaw:** Thank you, Eaghtyrane. I beg to second and reserve my remarks.

**The President:** Again, Hon. Members, I put to you the motion printed at Item 22 on the Order Paper. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Fiduciary Services Acts 2000 and 2005  
Fiduciary Services (Exemptions)  
Regulations 2006 approved**

23. The Minister for the Treasury to move:

*That the Fiduciary Services (Exemptions) Regulations 2006 be approved. [SD No 87/06]*

**The President:** Item 23. Minister for the Treasury.

**The Minister for the Treasury (Mr Bell):** Mr President, the Fiduciary Services (Exemptions) Regulations 2006 amend and add to the exemptions from the requirement for a fiduciary to hold a trust service provider's licence.

These Regulations extend the existing exemption which allows an individual who falls within the definition of 'specified person' – namely, an advocate, registered legal practitioner, chartered accountant or certified accountant – to undertake regulated activities for up to 10 trusts, without being required to hold a fiduciary licence.

The Regulations amend the definition of 'specified person', to include professional firms, and the *de minimis* exemption will allow such firms to provide services for up to 10 trusts, without having to hold a fiduciary licence.

The exemption has been extended at the request of the industry, and after extensive consultation with the representative associations and professional firms. The Financial Supervision Commission does not believe that the extension poses a regulatory risk, as it affects only a very small number of firms, and the relevant trust work will be only a very small part of their accountancy or legal practice.

Therefore, I beg to move, Mr President.

**The President:** Mr Earnshaw, Hon. Member for Onchan.

**Mr Earnshaw:** I beg to second, Eaghtyrane, and reserve my remarks.

**The President:** Mrs Christian, Hon. Member of the Council.

**Mrs Christian:** Mr President, I wonder if the Minister would define 'professional firms' in this context.

**The President:** Minister to reply.

**The Minister:** Professional firms, as my understanding is, Mr President, particularly relates to CSPs and trust service providers.

**The President:** Hon. Members, the motion that I put to the Court is that the Fiduciary Services (Exemptions) Regulations 2006 be approved. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Fiduciary Services Acts 2000 and 2005  
Fiduciary Services (Exemption) (Temporary Business  
Continuity Operations) Regulations 2006 approved**

**Banking Act 1998  
Banking (Exemption) (Temporary Business Continuity  
Operations) Regulations 2006 approved**

24&25. The Minister for the Treasury to move:

*24. That the Fiduciary Services (Exemption) (Temporary Business Continuity Operations) Regulations 2006 be approved. [SD No 291/06]*

*25. That the Banking (Exemption) (Temporary Business Continuity Operations) Regulations 2006 be approved. [SD No 290/06]*

**The President:** Perhaps we could move 24 and 25 together, Mr Bell.

**The Minister for the Treasury (Mr Bell):** Thank you, Mr President.

The Fiduciary Services (Exemption) (Temporary Business Continuity Operations) Regulations 2006 and the Banking (Exemption) (Temporary Business Continuity Operations) Regulations 2006 allow persons who are regulated in respect of fiduciary services and banking in another jurisdiction to set up a temporary disaster recovery operation on the Isle of Man, without being required to be licensed.

This might be necessary, again, Mr President, for example, if there were a major incident affecting the infrastructure of that other jurisdiction.

As these Regulations replace existing Regulations, they do not effect any change in policy, other than to extend the existing Corporate Services (Exemption) (Temporary Business Continuity Operations) Regulations 2002, to include trust service providers, who are now, also, regulated by the Financial Supervision Commission, under the Fiduciary Services Acts 2000 and 2005, and to correct a defect in relation to the vires of the existing Regulations, which was identified in the course of drafting these Regulations.

So, Mr President, I beg to move Items 24 and 25.

**The President:** Mr Earnshaw.

**Mr Earnshaw:** Thank you, Eaghtyrane. I beg to second Items 24 and 25, and reserve my remarks.

**The President:** Hon. Members, I put to you the motion that Item 24 be approved. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

And again, Item 25, Hon. Members: those in favour, please say aye; against, no. The ayes have it. The ayes have it.

### **Farm and Horticultural Improvement Scheme 2006 approved**

26. The Minister for Agriculture Fisheries and Forestry to move:

*That the Farm and Horticultural Improvement Scheme 2006 be approved. [GC No 20/06]*

**The President:** We move on to Item 26. I call on the Minister for Agriculture, Fisheries and Forestry to move.

**The Minister for Agriculture, Fisheries and Forestry (Mr Gawne):** Gura mie eu, Eaghtyrane.

Up until 1999, there used to be two separate support Schemes: one dealing with improvements in agriculture; the other in horticulture. These were brought together in a single Scheme, the Farm and Horticultural Improvement Scheme, in 1999.

An amendment was made to the Scheme with effect from July 2003. The 2003 amendment clearly made the Scheme more attractive to the industry. The number of applications increased and a greater proportion of applications were in respect of more extensive projects than had been previously the case.

However, this coincided with a time of underspending elsewhere in my Department's overall budget, so it was possible to accommodate a high level of commitment. Because of this, the Farm and Horticultural Improvement Scheme came to be looked on as an open-ended Scheme. However, this was not the case.

In the 2005-06 financial year, there was no underspending from elsewhere to draw on within the Department. Consequently, my Department quickly reached a level of commitment that would require all of the Scheme's budget for the rest of the year.

It was not possible for my Department to take on any further commitments under the Scheme, and a moratorium had to be imposed on new applications, with effect from November 2005.

The moratorium was unwelcome to the agricultural industry, and the more so when there was concern that it might not be possible to meet existing commitments which would fall due for payment between October 2005 and March 2006. This would have been of considerable concern to farmers, because it would affect their cashflow.

However, this did not prove to be the case and all outstanding claims which were due for payment were met.

It was, however, clear that the level of expectation was unrealistic: my Department has to work within its budget. The level of applications under the Scheme, as it stood, would use up the annual budget within a few months.

The situation was, therefore, the subject of detailed discussion with the industry, chiefly through the Manx National Farmers' Union. It was recognised that the Scheme could not be considered as open ended. Commitments had to be kept within budget levels.

During the course of consultation, it was accepted that it would be preferable for assistance to remain available throughout the year, rather than for it to be expended within a short time, and for more applicants to benefit generally from the Scheme, rather than for a small number to be assisted in respect of particularly large projects.

Following consultation, my Department has come forward with this revised Scheme. The rates of assistance generally are reduced by between a fifth and a quarter across the board. The items eligible for support have also been reviewed to ensure that funding is focused on stimulating longer-term improvements through capital investment.

Assistance in respect of mobile gear, such as muck-spreaders, has been taken out of the Scheme, as has assistance in respect of grassland reseeding. However, there is still special provision for support to young farmers, who continue to be eligible for an extra 10 per cent on items under the Scheme.

The industry would, quite understandably, have preferred to keep the Scheme at its higher level of assistance and to have retained all the items formerly covered. However, it also recognised that there are budgetary constraints on my Department and that there is a need to be pragmatic about this situation.

I have given an undertaking to the industry that the Scheme will be subject to review every second year to gauge its effects and how it is working, particularly in view of other changes which will be needed in the agricultural industry within the next few years.

Other than changes to the rates, the Scheme before this Hon. Court today makes the same provisions as the previous Scheme, but in a more concise way which is intended to remove any possible ambiguities. In practice, some applicants have tried to interpret parts of the Scheme in a way which was not intended, and have had to revise their plans when this turned out to be the case. All this does is slow down the process. The amended wording will, hopefully, avoid that situation.

There are no extra resource implications in respect of this amended Scheme, because the whole point about the moratorium and amendment has been to ensure that my Department is able to remain within budget and to administer the Scheme in an efficient and effective way.

Eaghtyrane, the Scheme revises the percentage of support in respect of capital expenditure by agricultural and horticultural businesses, and removes some items, though special provision continues to be made for an enhanced rate of grant for young farmers, focuses the capital expenditure into areas of long-term benefit, and is reorganised and reworded to give effect to the same provisions as the previous Scheme, but in a more concise way.

I would, therefore, Eaghtyrane, move the resolution standing in my name.

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

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

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

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

I welcome and, obviously, support the new Scheme.

Just to explain that I was the person that introduced the previous changes. At that time, there was considered to be underinvestment in the industry and we changed the levels of grants available. Yes, in recognition, we changed them, probably, too much the other way, in that it has, obviously, gone beyond the resources of the Department to manage.

At that time, there were significant areas of underspend in various budget heads and we were in the process, which the hon. colleague and the Hon. Mr Henderson then took over, and those underspends were reduced, because the Schemes coming through were modified.

So, it is right that it should go through this process of fine tuning. It is a great assistance to the industry. There was, at the time, a serious concern of underinvestment in the industry and so, in a sense, it worked well. Unfortunately, it probably worked too well, and beyond the resources of the Department. This is the appropriate fine tuning of that, which I would support.

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

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

I will support this, but it is almost with a degree of reluctance, because, appreciating that the Department will have had consultation with the Manx National Farmers' Union, it does appear as though there have been some widespread problems caused by the earlier Scheme. With there being no more money available, or very little, then this is really as much as what they could realistically have gone along with.

I was grateful, actually, to have the opportunity to have the presentation yesterday from the Department, in conjunction with the Manx National Farmers' Union. There were a good number of attendants there from Hon. Members of Tynwald and, for those who missed it, the crucial point, I would say, is the average age of the farmer at the moment is 58, if I picked that up correctly.

If that does not say something about the state of the agricultural industry and the dire need to ensure that we do everything possible to try and create the situation for a viable future, then I would like to feel sure that all Members in this Hon. Court will give support to the agricultural industry, the Department working with the Manx National Farmers' Union, to secure a viable way forward and to hope that that high age of 58, the average age of the farmer, can be brought down by an injection of increasing young farmers coming into the industry, to sustain it into the future.

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

**Mrs Hannan:** Yes, could I just refer to the horticultural, but it relates to agricultural, as well.

Could I ask the Minister, with regard to organic crops, or organic farming in general, is there any added encouragement in investment in organic farming and horticulture? I see that, in the horticultural support, works with sterilisation of soil by heat treatment gets 35 per cent, but 25 per cent is also given to the sterilisation of soil by chemical treatment. So, while there is a little bit more for the heat treatment for soil sterilisation, there is still some included in for chemical treatment. I wonder why that is the case.

Why, if people want to use chemicals, which are

damaging not only to the environment, but also to the surrounding areas, and also bring in added chemicals that we have many of in our environment, are we still giving 25 per cent to that?

I would hope that, if the Department is able to give support in all of these areas, or continue to give support in all of these areas, further consideration can be given for organic agriculture and crops, when we know that it costs more to produce them. Surely, we want to encourage them in today's climate of global warming and use of all of these substances which damage the environment in the long term.

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

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

I rise to support the Orders. Could the Minister explain... He said in his opening remarks that these were designed to help and speed things up, and yet on page 6, item 5 says the Department may hold over applications to be considered in a batch, from time to time, as may be considered appropriate. What is wrong with dealing with applications when they come in, on a one-off basis?

I think the thing that really upsets people is that they put in an application and then wait and wait and really it should be dealt with. As they come in, they should be dealt with.

**The President:** Hon. Member for Malew and Santon.

**Capt. Douglas:** Thank you, Mr President.

I wonder if I could ask the Minister, sir, how funds are to be allocated or prioritised when applications exceed the budget?

Thank you.

**The President:** Minister to reply.

**The Minister:** Gura mie eu, Eaghtyrane.

I thank the Hon. Member for Onchan, Mr Karran, for seconding.

I am also happy to endorse the comments of the former former Minister for Agriculture, the Hon. Member for Rushen, Mr Rimington. He is absolutely right. It is important that we do encourage the agricultural industry to invest in the future and this is, really, the purpose of this particular Scheme. I think the Department is looking at other ways in which we can encourage investment, and encourage investment in change, because, as was clearly stated in the presentation, which the Hon. Member for Middle referred to – the presentation to Members yesterday, with the Union and the Department – we do have to do some quite radical change, if the industry is to have a vibrant future.

I noted that the Hon. Member for Middle suggested that the crucial point in the presentation was that the average age of farmers was 58. I would say that is, probably, more looking at the situation with the glass half empty than the glass half full. I felt that the most crucial point that the presentation delivered was that there is a vibrant future available to agriculture if we, in this Court, are prepared to support the industry in making the radical change that is required to meet the changing conditions ahead for agriculture.

I thank the Hon. Member for Middle for his compliments on the presentation and, also, thank him for giving – or suggesting, anyway – that he is going to give reluctant support to this. He is correct in stating that the Manx National

Farmers' Union, whilst not entirely happy, were also in the same position as himself. They have given reluctant support to this. Obviously, they would have preferred to see an extra £1 million put into the Scheme, so that everyone can continue to spend on all kinds of different projects. Unfortunately, that money is not available, so we are being pragmatic and making sure that the Scheme works as well as we possibly can.

Mrs Hannan mentioned organic, which is very timely, in that I was, actually, meeting with the Chief Executive of the Organic Farmers and Growers yesterday, before Tynwald, and this was a meeting which had been suggested by the Manx Organic Network.

We are working very closely with the Manx Organic Network, looking at areas of support that can be given to organic growers. The Manx Organic Network is looking at trying to form some kind of co-operative approach, particularly for vegetable and fruit growers which the Farmers and Growers' organisation is prepared to support. If this joint co-operative came forward to the Department for support under this Farm and Horticultural Improvement Scheme, they would be eligible, so, certainly, we are keen to encourage them in that way.

We are, also, exploring the possibility with the Manx Organic Network, of looking at a feasibility study for the long-term future of organic production in the Island. One thing that has been absolutely clear that has come out of the discussions of the 2010 Committee is that retailers and consumer groups believe that there is a market – a relatively large market – available for organic produce. So, we are trying to respond to that, in the Department, and to give as much support as we can to farmers and growers, to actually produce the organic produce that the consumer wishes to buy.

Mrs Hannan, also, pointed that there was a 35 per cent grant available for heat treatment of soil and 25 per cent for chemical treatment of soil. I accept that, perhaps, we could have looked at reducing the chemical treatment of soil, but, at the moment, we are trying to encourage people to change practice. I always believe that it is far better to encourage people to change their practices gently, rather than coming in too heavy handed. What we do not want to end up with is nobody producing any vegetables in the Isle of Man, so I think it is just getting the right balance on that.

But, certainly, it is a very valid point that Mrs Hannan makes, and something that I will bring back to the Department.

Then we get on to Mr Lowey's helpful question with regard to the – I think it was on page 5 – was it page 5 or page 6?

**Mr Lowey:** Page 6, no 5.

**The Minister:** With regard to batching, we have that provision in the Scheme, because one of the difficulties that we face, with the way in which the Scheme has been operating, is that we run out of money very early on in the year. Therefore, if you are having to put your application in at Christmas time, there is no money left, so we cannot deal with the application.

What we wanted is to, at least, have a system that we could use, if we need to, whereby, if the Scheme becomes over-subscribed, we can batch the applications, so we actually deal with things in quarters. In that case, we can

then give some degree of prioritisation to those applications which we feel are going to provide the biggest win to the industry as a whole, which then leads on to the question that Capt. Douglas had.

How do we actually prioritise? That then starts to become very difficult, because, obviously, one person's priority may not be the same as another person's. Really, we would look at the Department's existing policies; we will look at the recommendations that come out of the 2010 Committee; and we will, obviously, follow Tynwald policy, wherever that applies, and try to come up with the best solution for the agricultural industry which, I think, we all have a duty to do.

So, I thank Members for their comments and I hope I have answered all the queries that were raised. I beg to move.

**The President:** The motion, Hon. Members, that I put to the Court is printed at Item 26, that the Farm and Horticultural Improvement Scheme 2006 be approved. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

#### **Social Security Act 2000**

**Social Security Administration Act 1992 (Application) (Amendment) Order 2006 approved**

**Social Security Legislation (Application) (Amendment) (No. 3) Order 2006 approved**

**Budgeting Loans (Recovery by Deductions from Benefits) (Amendment) Regulations 2006 approved**

27, 28 & 37. The Minister for Health and Social Security to move:

27. *That the Social Security Administration Act 1992 (Application) (Amendment) Order 2006 be approved. [SD No 393/06]*

28. *That the Social Security Legislation (Application) (Amendment) (No. 3) Order 2006 be approved. [SD No 394/06]*

37. *That the Budgeting Loans (Recovery by Deductions from Benefits) (Amendment) Regulations 2006 be approved. [SD No 428/06]*

**The President:** Item 27. Minister for Health and Social Security, Mr Rodan, to move.

**The Minister for Health and Social Security (Mr Rodan):** Mr President, I wonder, with your permission, if I could take Items 27, 28 and 37 together and they be voted on separately, sir?

**The President:** Certainly, sir.

**The Minister:** Mr President, these Orders provide, in particular, for the Department to recover National Insurance debts which people owe by making deductions from their pensions entitlement, but only where they have given their authority for the Department to do so and at a rate not more than a specified amount.

An amendment is also made to the Regulations governing Social Security decisions and appeals matters, to make it clear what constitutes good service of notice or documents

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#### **Farm and Horticultural Improvement Scheme 2006 approved**

**Social Security Act 2000 – Social Security Administration Act 1992 (Application) (Amendment) Order 2006 approved**

**Social Security Legislation (Application) (Amendment) (No. 3) Order 2006 approved**

**Budgeting Loans (Recovery by Deductions from Benefits) (Amendment) Regulations 2006 approved**

required to be sent under the relevant Regulations. The position is explained in more detail in the memorandum which has been circulated to Hon. Members.

I beg to move.

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

**Mrs Hannan:** I beg to second and reserve my remarks.

**The President:** Hon. Members, are we clear that, in fact, the Minister has moved Items 27, 28 and 37, Is that right, Minister?

**The Minister:** Correct, sir.

**The President:** In that case, Hon. Members, what I put to the Court is the motion printed at Item 27 on your Order Paper. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Now, Item 28, Hon. Members. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

I turn then, Hon. Members to Item 37 on the Order Paper. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Social Security Act 2000  
Social Security Legislation (Application) (No. 9) Order  
2006 approved**

29. The Minister for Health and Social Security to move:

*That the Social Security Legislation (Application) (No. 9) Order 2006 be approved. [SD No 395/06]*

**The President:** Minister, Item 29.

**The Minister for Health and Social Security (Mr Rodan):** Mr President, this Order applies to the Island a United Kingdom Parliament Statutory Instrument which adds another category to the types of paid work which people are allowed to do, while still retaining their entitlement to incapacity benefits, and makes other related changes.

The position is explained in more detail in the memorandum which has been circulated. I beg to move.

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

**Mrs Hannan:** I beg to second, Eaghtyrane, and reserve my remarks.

**The President:** The motion, Hon. Members, is that the Social Security Legislation (Application) (No. 9) Order be approved. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Social Security Act 2000  
Social Security Legislation (Application) (No. 10)  
Order 2006 approved**

30. The Minister for Health and Social Security to move:

*That the Social Security Legislation (Application) (No. 10) Order 2006 be approved. [SD No 396/06]*

**The President:** Item 30, Minister, please.

**The Minister for Health and Social Security (Mr Rodan):** Mr President, this Order applies to the Island two United Kingdom Parliament Statutory Instruments relating to the April 2006 operating of those Social Security benefits, which fall within the scope of the reciprocal agreement on Social Security between the Isle of Man and the United Kingdom.

Each year, the United Kingdom Department for Work and Pensions obtains approval for the annual changes in benefit rates by means of an Order submitted to Parliament. The Department then applies the relevant parts of that Order to the Island by means of an Application Order, subject to the approval of this Hon. Court.

The United Kingdom Social Security Benefits Up-rating Order 2006 was not made in sufficient time for it to be applied to the Island prior to the date that the changes were due to take effect, and the standing authority given to the DHSS under the terms of a declaratory resolution of this Hon. Court in October 1993 enabled the Department to arrange for the changes to be implemented administratively from April, and to submit the appropriate legislation for approval at a later date.

The appropriate legislation is now contained in this Order. I beg to move.

**The President:** Mrs Hannan.

**Mrs Hannan:** I beg to second and reserve my remarks.

**The President:** Mr Henderson.

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

I realise that the Up-rating Orders have been in for some little time now, but I think I need to make public comment on the effect of those Orders and what they actually mean.

As far as I am concerned, Eaghtyrane, we had a shameful exercise yesterday where members of the public were denied putting their views and information to this Court. This morning, as far as I am concerned, these papers that are laid before us are another shameful exercise from this Government, the reasons for which I shall expand on, Eaghtyrane.

I notice from my Tynwald Papers that the basic retirement pension is to be increased and has been done so. But it makes stark reading when one sees it in tabular form, such as we have here: £82-ish to £84-ish – so, in real terms, what we are saying to our pensioners of this Island is that ‘You are only worth a £2 increase, this year’.

I, also, note that there is range of other benefits here which are very useful to see, the majority of which have received a modest £2 increase.

The reason I draw everybody’s attention to this, Eaghtyrane, is that this, obviously, affects the most sensitive and needy part of our community. We are talking about 20,000 people in round terms, Eaghtyrane, 20 per cent or so of our population will be affected by what this Order has already done, unfortunately, but nonetheless, it will receive the public comment it deserves now. Of those 20,000

people, somewhere in the region of 16,000 are pensioners or people drawing retirement pension. So, I think we can begin to understand the scale of the social picture I am building here.

In there, also, are benefit-dependent people who cannot be employed and we also have unpaid carers looking after family relatives. What we are saying here, today, is publicly printing that 'all you are worth is two quid extra on your pension or a couple of quid extra on your benefits'. I find that shameful, disgraceful and totally, totally unacceptable. **(A Member: Hear, hear.)**

I have, also, found, Eaghtyrane, by way of questioning and from Treasury revelations, that pensions have been outstripped by inflationary increases to certain commodities such as heating and lighting, and certain food items. There is a widening gap between the pension increase and what is happening in the inflationary world of commodities which pensioners have to buy. In other words, Eaghtyrane, as the press reported, pensioners now... Their pension is worth less than what it was 10 years ago, due to inflation and the fact that pensions have not kept proper track of inflation.

I will be very interested to see how the Minister responds to that and, also, very interested to understand how the social policies of this Government are being brought forward, Eaghtyrane, in the light of this.

I am very interested – well, I cannot grapple with the priorities of this Government – in the fact that, on the one hand we have got the Health Minister whingeing and crying to this Court on numerous occasions that he has not got the resources to do everything, he can only do a balancing act with what Treasury give him. Yet, on the other hand, Eaghtyrane, we can see the Department of Transport rustle up £8 million for a corner plot at the Sea Terminal building. Now –

**Mr Braidwood:** Point of order, Mr President.

I do not know why the Hon. Member for North Douglas keeps bringing this up. The £8 million was capital and we are getting back about £380,000 in revenue.

**The President:** Hon. Member, we are aware. Continue, Mr Henderson.

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

I will bring it up at every available opportunity, Eaghtyrane, and I will not have my debate deliberately interrupted by a Council of Ministers Member, because the point I am driving at is priorities. *(Interjection)* If we can spend... I do not care if it is a capital project and we are going to make x, y and z at the end of the year.

The point is we can rustle up £8 million to do that, yet, to me, the social priorities seem to be somewhat skewed now, whereby it should have been, in my opinion, money like that discussed at the Council of Ministers as a corporate policy – and other projects, too, that have been there, pushed through here on the nod, or the block vote got them through, filtered down to our community in a more meaningful way, via other means, via the DHSS benefits system, via the pensions system and via the tax credit system that the Treasury Minister has put in.

I realise that Government have been trying to address the widening social gap, which, it is quite obvious now, we are having under the veneer of success. There is a two-tier system in operation, and it is getting worse. I keep highlighting it,

Eaghtyrane, and for some reason, I get rubbished, but I carry on because of the people who make representations outside this place, the real people who live in our community, **(Mr Houghton: Hear, hear.)** the real people that live in our streets and the real people that are finding it very hard to make ends meet. **(Mr Houghton: Hear, hear.)**

That is the real reason, Eaghtyrane, and I will carry on, come what may, and if I am lucky enough to be returned after the November General Election, I will carry on further and introduce my own Private Member's legislation, in an attempt to address this, if necessary.

However, Eaghtyrane, I think I have made the point, fairly and blatantly clear, here, that I cannot live with a £2 increase for our pensioners. I have had representation after representation of people saying to me that they cannot make ends meet, and that inflation is outstripping what the pension increase is that they get every year, and here is the living proof. **(A Member: Hear, hear.)**

I am sorry the Hon. Member for Michael is not with us this morning, because his contribution to the minimum wage debate yesterday was absolutely spot on. If there is a 5 per cent increase in local authority and council housing rents, then not only will people on the minimum wage feel that pinch, but a £2 increase in the pension is immediately wiped out. *(Interjections)* He has appeared on cue, Eaghtyrane, and I am glad, because he may very well want to make some observations of his own on this.

I realise certain benefits do go up with local authority housing rent increases, but I think the point is made, because not only do people have to suffer the rent increase, they have to suffer all the other commodities that go up along with it on the year-in-year-out inflationary increases, and the staggering increases that heating has had to suffer, if I can put it that way, over the past three, four, five years, far in excess of any benefit payments or any pensions.

I would make a call here and now, Eaghtyrane, that the Council of Ministers need to seriously look at this situation. I am calling on the Health Minister to take this message back. There needs to be a proper corporate social policy on this particular point, and a full Government recognition of the fact that pensions and other benefits are now worth less than they were several years ago, and this Government is still only pushing things up inch by inch, a little bit, so they can justify their comments that they are trying to help.

But I am afraid it is lip service, Eaghtyrane, the same as the minimum wage last night – lip service, when we could have done much better, as revealed by the Hon. ex-Chief Minister and Treasury Minister, when he indicated that, in reality, if we did not have a minimum wage, it would probably be pitched at £5.40 anyway.

So, to me, that is sending out a clear signal we could be doing better and we could afford to do so, and it would not cause the moon to fall out of the sky. I think we can do the same here, Eaghtyrane, and it is shameful to see it.

**The President:** Minister to reply.

**The Minister:** Yes, Mr President.

The Hon. Member for Douglas North is calling on me, as Health Minister, to take back to the Council of Ministers the clear message that he has delivered about corporate and social policy. The Hon. Member, of course, was a Member of the Council of Ministers, and knows very well indeed, during the 14 months in which he was a Minister in this Government

– his Government – that the Council of Ministers has addressed and continues to address this issue.

He is not the only Member of this Hon. Court with a concern about social policy, a concern about the low paid in this Island, and he will know, and all Members of this Court know, that there is a Low Income Working Group tasked with addressing the problems that the Hon. Member has highlighted, again, this morning.

He will, also, know that, in the general scheme of things, the benefits situation in the Isle of Man runs ahead, in many respects, of that in the United Kingdom.

**Mr Henderson:** Not ahead of inflation.

**The Minister:** It certainly sounds good on the airwaves to the public listening to hear, ‘Pensioners, you are only worth £2 extra,’ or ‘That is shameful and disgraceful.’ Take your comments, Hon. Member, to Mr Gordon Brown, because it is the reciprocal agreement that we are discussing this morning and these rates, which, I agree, bear examination, are set in the United Kingdom.

We have had, for many years, for good reason, quite deliberately reciprocal arrangements with Social Security, with the United Kingdom, in respect of pensions and other benefits, but we also take action, independently, in the Isle of Man. It is one reason we took action a number of years ago on the Pensions Supplement Scheme, when the system of pension payments was changed in the UK, precisely to look after people in the Isle of Man, and to acknowledge that we ought not to be tied in to the UK system.

So, there is precedent and we do have a record of addressing these issues, and it continues to be addressed through the Low Income Working Group, special measures that we can and should be taking.

So, I do not disagree with what the Hon. Member for North Douglas has said, but I would just like him to appreciate that that concern is not confined to himself. It is shared in the Council of Ministers, and it is shared in Government and, certainly, shared in the DHSS.

I beg to move.

**The President:** Hon. Members, the motion I put to the Court is printed at Item 30 on your Order Paper. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Social Security Act 2000  
Social Security Legislation (Application) (No. 11)  
Order 2006 approved**

31. The Minister for Health and Social Security to move:

*That the Social Security Legislation (Application) (No. 11) Order 2006 be approved. [SD No 397/06]*

**The President:** Item 31, the Minister to move, please.

**The Minister for Health and Social Security (Mr Rodan):** Mr President, this Order applies to the Island two United Kingdom Parliament Statutory Instruments, one of which provides for the annual revaluation of earnings factors relevant to the calculation of additional state pension, whilst

the other sets the low earnings threshold for the 2006-07 tax year, for the purpose of calculating entitlement to the state second pension.

The position is explained in more detail in the memorandum circulated. I beg to move.

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

**Mrs Hannan:** I beg to second and reserve my remarks.

**The President:** Mr Henderson.

**Mr Henderson:** Thank you.

Eaghtyrane, I wish to ask the Health Minister, the Shirveishagh, in his summing up, if he could answer: what is the effect of this on somebody who is directly affected by what he is putting through this Court this morning? What is the effect on the person who this is aimed at?

**The President:** Minister to reply.

**The Minister:** Yes. The short answer is that the effect is set out in the explanatory memorandum, and I think it is very clear, if the Hon. Member reads it.

If he does not understand it, I will be very happy to go through it with him, perhaps after this sitting.

**The President:** The motion, Hon. Members, is that the Social Security Legislation (Application) (No. 11) Order 2006 be approved. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Social Security Act 2000  
Social Security Legislation (Application) (No. 12)  
Order 2006 approved**

32. The Minister for Health and Social Security to move:

*That the Social Security Legislation (Application) (No.12) Order 2006 be approved. [SD No 398/06]*

**The President:** Item 32, Minister, please.

**The Minister for Health and Social Security (Mr Rodan):** This Order, Mr President, applies to the Island a United Kingdom Parliament Statutory Instrument which specifies the various National Insurance earnings limits and thresholds for the tax year 2006-07, in respect of self-employed and non-employed persons. Each year the UK Treasury obtains approval for the changes in contribution rates and thresholds by means of an Order laid before Parliament.

This Department then applies to the Island the relevant parts of that Order by means of an Application Order. Subject to the approval of this Hon. Court, the United Kingdom Order was not made in sufficient time for it to be applied prior to the date that the changes were due to take effect, on 6th April 2006, and the appropriate legislation approval for this is now being sought in this particular Application Order.

The position is explained in detail in the memorandum circulated, and I beg to move, sir.

**The President:** Mrs Hannan.

**Mrs Hannan:** I beg to second and reserve my remarks.

**The President:** Mr Henderson.

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

What I wish to ask the Health Minister here – if he can get over his political aloofness and agree to answer in public, as he did not do in the previous query I put to him – I would like to know how many... I realise this is reciprocal legislation, and I realise that the pensions were reciprocal, but it would have been nice to hear some comfort what was going to happen to the Manx pension supplement.

I am not bothered about the airwaves, Eaghtyrane. I am here to do my job as an MHK. (**Mr Houghton and Mrs Cannell:** Hear, hear.)

The question is this small Order may have quite a substantial effect to self-employed people, and I would like the Minister to agree to circulate to Hon. Members – because I know he will not have the information to hand – what, in real terms, this will mean, as an increase, to self-employed people, and how many people may be affected by this Order.

We do not know the magnitude of what we are doing here. At least, I have not got a full appreciation of the voting for this, and what the actual effects mean to the, say, self-employed painter or the self-employed plumber.

**The President:** Minister.

**The Minister:** Certainly, Mr President, I can spell out for the Hon. Member what this means to the self-employed painter or people in that situation.

What the Order does is increase the rate of class 3 contributions in the 1992 Act from £7.35 to £7.55. That is the weekly rate of class 3 contributions for the self-employed.

It, also, increases the amount of earnings below which an earner may be exempted from liability for class 2 contributions from £4,345 to £4,465.

The Order, also, increases from £4,895 to £5,035 and from £32,760 to £33,540, respectively, the lower and upper limits of profits, of self-employed profits or gains in those sections, between which the class 4 contributions are actually payable.

This is, once again, a measure that we track the UK in, as far as the reciprocal agreement is concerned. I beg to move, sir.

**The President:** Now, Hon. Members, the motion that I put to the Court is the (No. 12) Order. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

#### **Pension Schemes Act 1995**

#### **Pension Schemes Legislation (Application) (No. 6) Order 2006 approved**

33. The Minister for Health and Social Security to move:

*That the Pension Schemes Legislation (Application) (No. 6) Order 2006 be approved. [SD No 399/06]*

**The President:** Item 33 on the Order Paper, Minister for Health and Social Security to move.

**The Minister for Health and Social Security (Mr Rodan):** Mr President, this Order applies three United Kingdom Parliament Statutory Instruments to the Isle of Man, relating to occupational and personal pension schemes.

The first Instrument exempts public service pension schemes from the provisions which allow the trustees of schemes to modify the scheme by resolution.

The second allows contributions invested in open-end investment companies to be held in contracted-out personal pension schemes. It, also, relaxes the investment rules for personal pension schemes, provided any contracted-out pension rights a scheme holds are held separately from any other pension rights.

The third Instrument makes minor amendments to existing pensions legislation, largely consequential on the introduction of new rights for persons leaving pension schemes after short periods of membership, from 6th April 2006.

The position is explained in more detail in the memorandum circulated.

I beg to move, sir.

**The President:** Now, Mrs Hannan.

**Mrs Hannan:** Thank you, Eaghtyrane.  
I beg to second and reserve my remarks.

**The President:** Item 33, Hon. Members, that the Pension Scheme Legislation (Application) (No. 6) Order be approved. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

#### **Pension Schemes Act 1995**

#### **Pension Schemes Legislation (Application) (No. 7) Order 2006 approved**

34. The Minister for Health and Social Security to move:

*That the Pension Schemes Legislation (Application) (No. 7) Order 2006 be approved. [SD No 400/06]*

**The President:** Item 34, Minister, please.

**The Minister for Health and Social Security (Mr Rodan):** Mr President, this Order applies to the Island two United Kingdom Parliament Statutory Instruments. The first relates to the annual revaluation of occupational pensions, whilst the second provides for the annual increase in guaranteed minimum pensions built up by members of defined benefit occupational schemes in the tax years 1988-89 to 1996-97.

Full details are set out in the memorandum circulated, and I beg to move, sir.

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

**Mrs Hannan:** I beg to second and reserve my remarks.

**The President:** I put to the Court the motion printed at Item 34. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Social Security Contributions and Benefits Act 1992  
Income Support (General) (Isle of Man) (Amendment)  
(No. 2) Regulations 2006 approved**

35. The Minister for Health and Social Security to move:

*That the Income Support (General) (Isle of Man) (Amendment) (No. 2) Regulations 2006 be approved. [SD No 401/06]*

**The President:** Item 35 on our Order Paper, Minister for Health and Social Security.

**The Minister for Health and Social Security (Mr Rodan):** Mr President, these Regulations introduce into the Income Support Regulations a special applicable amount for persons whose DHSS residential accommodation is provided pursuant to part 3 of the National Assistance (Isle of Man) Act 1951, other than by reason of their age.

They, also, remove a category of person who may qualify for income support from the legislation, since that provision is now redundant.

The position is explained in more detail in the memorandum which has been circulated to Hon. Members, and I beg to move, sir.

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

**Mrs Hannan:** Eaghtyrane, I beg to second and reserve my remarks.

**The President:** Again, Hon. Members, I put to the Court that Item 35 on the Order Paper be approved. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Social Security Contributions and Benefits Act 1992  
Income Support and Jobseeker's Allowance  
(Exceptional Needs Grants and Budgeting Loans)  
(Amendment) (No. 2) Regulations 2006 approved**

36. The Minister for Health and Social Security to move:

*That the Income Support and Jobseeker's Allowance (Exceptional Needs Grants and Budgeting Loans) (Amendment) (No. 2) Regulations 2006 be approved. [SD No 402/06]*

**The President:** Item 36, Minister for Health and Social Security.

**The Minister for Health and Social Security (Mr Rodan):** Mr President, these Regulations amend the legislation under which exceptional needs grants and budgeting loans are payable to enable grants to be paid to certain persons who have been awarded family income supplement or disability

working allowance, who are returning to work after being on maternity or adoption leave and who are awaiting payment of earnings from their employer.

The position is explained in more detail in the memorandum circulated, and I beg to move.

**The President:** Mrs Hannan.

**Mrs Hannan:** I beg to second and reserve my remarks.

**The President:** The motion I put to the Court is that printed at Item 36 be approved. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Commission of Inquiry into Care of Young People  
Report and recommendations  
Amended motion carried**

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

*That the Report of the Commission of Inquiry into the Care of Young People be received and its recommendations approved, and that the Council of Ministers provide a progress report to the sitting of Tynwald in July 2006 to include a timetable for the proposed implementation of the recommendations.*

**The President:** Having then completed our Social Security Items, Hon. Members, and completing Items 38 and 39 yesterday, we move on to Item 40. I call on the Hon. Member for Douglas East, Mrs Cannell, to move.

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

In Tynwald, on Tuesday 16th May 2006, a Supplementary Order Paper No 1 was presented to the Court, which laid the Report of the Commission of Inquiry into the Care of Young People. There was also a motion on the Agenda, at that particular sitting of Tynwald Court, that the Report be noted, basically, and that the Council of Ministers, who took the contents of the Report very seriously, would go away, look at it and then come back with progress in July.

That was, subsequently, withdrawn by the Chief Minister, because it was understood that during Question Time of that particular sitting there appeared to be a reluctance to have two debates on this very important issue, and so that is where the matter has rested thus far.

Mr President, on 22nd May, one month ago today, I wrote to the Chief Minister. I enclosed with that letter a draft notice of motion, and advised him that I was planning on moving the Commission of Inquiry Report at this particular sitting. Of course, in that letter, I also stressed that I would rather it was he who was moving the Report and that that was the only responsible thing that could be done. I hoped that, having looked at my letter and my draft motion, which is before Members today on the Agenda, he may consider moving the Report himself and, therefore, I could have withdrawn my motion.

To date, Mr President, I have not even received an acknowledgement to that letter, which was hand delivered to the Chief Minister's Office one month ago.

**Mr Henderson:** Cheshire has got it.

**Mr Houghton:** Yes.

**Mrs Cannell:** Mr President, we know there have been considerable costs, because Tynwald Court has approved the costs of enabling the Commission to undertake its work, and we also know that there is no final figure known of, as yet, following questions that have been raised on the issue in the Hon. Court.

Mr President, this is not the first Commission of Inquiry into young people. We have had two other inquiries. One was the McManus Report in 1992; the other was the Leslie Report in 1997.

We have had numerous Reports from the Council of Ministers on those recommendations which were earmarked on both those Reports, and yet still we are now looking at another Report where the findings are very troubling.

So, Members may ask themselves, and I am sure they feel as devastated and as disappointed as I am that we have come all the way down to 2006, since 1992, and yet we are still having problems with this particular area.

I attended most of the oral sessions of the Inquiry when it sat – not all, but most – and, quite frankly, I felt I was well informed before I went, having had experience of young Samantha Barton living in my constituency for a while.

But I was most disturbed and alarmed, hearing of some of the other detail, once the Commission began to probe and test those witnesses that came before it. I have the greatest respect for the personnel and for the Chairman and for all of his expertise in his personnel, for the way in which he conducted this Commission. I believe that he did Tynwald Court and the Isle of Man a very valuable service.

It was conducted in a different way from the Commission of Inquiry into Mount Murray, but then, it was dealing with some very difficult and very sensitive issues. I was very pleased with the professional way in which they probed and they tested.

The QC, Mr Mark Everall, did an interview shortly after he published the findings of the Report, the whole of the Report, and there were a number of worrying things that he said during his interview, which are replicated again within the actual Report itself. Just briefly, I will draw on a couple of those.

He said that the recent report by the NSPCC sets out the results of its audit of 47 current cases in Social Services. This was the latest situation as of, of course, last year, when the Commission was sitting.

It identified a number of areas of serious concern. It indicates a continuation of the same dire problems that were seen during part 1. Of course, Hon. Members will recall part 1 dealt with the events leading up to the deaths of young Samantha Barton and George Green in 2001, and it covered a period of their childhood, their early years.

So, he said that the same dire problems that were seen during 2001 are still happening today, and I think that is where we are concerned –

**Mr Houghton:** And it is no surprise.

**Mrs Cannell:** – and he gave, by way of example, poor records, poor record-keeping, few formal assessments, limited care plans and poor management oversight.

He said much more, but towards the end he said:

‘The Inquiry has concluded, as a result of what it heard in evidence in part 1 and has read in the NSPCC report, that there is a casual attitude to policies such as recording, care planning and the like, all of which potentially undermine the safety and wellbeing of children.’

I would not quibble with that, at all. Indeed, I would go further and say it also undermines the safety and protection of staff working with those young people, if these very simple requirements are not met.

Mr President, I am aware that there is going to be a move, shortly after I have resumed my seat, to adjourn the debate until July. In view of that, I will not be making as long a speech as I had intended, because no doubt the adjournment will carry, because I am aware that the Council of Ministers is not yet ready to deliver its conclusions, in terms of what they are going to do about all of these recommendations.

What I can say is that, as a Member of the Department of Education, I have had several meetings there with the senior officer to discuss how we, as a Department, are approaching the recommendations that are applicable to the Department of Education – and there are some 39. I have to say that that Department’s approach is laudable, because it is taking them seriously, it is attending weekly meetings with the Chief Secretary, who is chairing meetings on a weekly basis, as I understand it, with the three Departments that will need to work together on making things happen for the better for the future.

Many of the recommendations are already in train, or have been put in place to become effective towards the end of this year, and they have no problems in the recommendations applying to them. But there does, however, seem to be a problem with how Social Services is going to cope with all of the recommendations and the culture change that is required there.

Throughout the Report, I have to say, Social Services took a big bashing. They really did take a big bashing, and it is very unfortunate. I feel sure officers felt they were doing the best that they could, and I understand the issues here often require crisis management, but you have to have a firm foundation. You have to have a solid foundation for these issues, if you are going to provide the utmost care for our troubled young people, and you are going to provide the necessary protection for your staff and your key workers at grassroots level. You have the systems in place that can track and trace what a young person is doing with their life, in order to set the parameters, to have firm boundaries, to have proper care and supervision, and those of us who have had children who have grown up will know it is not easy dealing with young teenagers when they are going through their puberty years, the testosterone with the males and so on and so forth. It is not easy.

You have about three or four years of a difficult period of time in which they are growing, and we are trying to grow with them in order to continue to communicate with them. It is not an easy job and it is probably even more difficult if a family has given up, or cannot cope, and strangers have to come in and assume that responsibility. But it is not impossible.

**Mrs Hannan:** How do you know?

**Mrs Cannell:** It is not impossible to do.

There are some very concerning things in here, but there are also some hopes and that is what I am going to concentrate on this morning.

I hope Hon. Members have had time now to read through it, because we have had this Report almost two months. There is a huge section on service providers, and I would suggest that the policy of engaging service providers outwith Government has failed. I know there have been success stories, and I know some young people have benefited from some of these private care establishments that have been engaged by the Department, but, by and large, I would say that it has failed.

My own personal preference, and I was encouraged to see that is shared by many who work within Social Services, within the Department, is that the Department should take on the role, that it is Government that should assume that particular provision. I know that is going to be expensive, but it is expensive now: it costs us millions and millions of pounds. Yet we do not seem to have any control over how they operate, how they are trained, whether or not proper supervision orders, care plans and all the like are in place, and there is no uniformity across the board with the service providers in terms of the standard of operation that they have.

So there is much in here on page 185 on the service providers. Page 215, safeguarding of children and young people – and I say this because it is the future I am concentrating on, and I hope that whoever contributes to the debate – although it will be shorter than it would have been otherwise – that their views on what is said today will be considered, before Council of Ministers comes back with its view.

But on page 215 the Commission said:

‘The Isle of Man has much to be proud of in the achievements of its children and young people. It appears that real progress has been made in improving the quality of many of the services to children with emotional and behavioural problems since the deaths of Samantha and George. Further the Inquiry recognises that the Isle of Man is not alone in experiencing the sort of difficulties revealed throughout the Inquiry’s investigations.’

It continued and said:

‘However, the Inquiry believes that the Isle of Man has some distance to go before its citizens can be confident that children with emotional and behavioural difficulties will receive a consistent and high-quality service from all the agencies that should be working together to provide it. Some of the improvements needed will require new resources. Others will require a new way of looking at the problems and may not be resource intensive.

The Inquiry recognises that the potential demand for new resources could be never ending and strongly recommends that the search for resources should *not* divert attention from the opportunities for identifying efficiencies within and between services, as well as income-generating options. There may be incentives which can be described as spend to save which can reduce and control expenditure over an agreed period of time.’

I would not say that was damning; I would say all of that was very helpful, and we must take note of it. So, going through the Report which reflects the recommendations... and, of course, when you look at the recommendations, and you look further back into the Report, you can read the sections, and it enables you to appreciate why the Commission is saying this recommendation, because it will give you the reasoning, it will give you the case and it makes reference to what they learned throughout the process. Many of those recommendations are simple things, things we should have been doing all the time. Very simple things, but it has not been done.

The one thing I am quite concerned about, though, is... I am pleased at the response of the three Departments that need to work together. Social Services, Home Affairs, Department of Education have been rallied round a table, once a week, to go through the recommendations, to identify who is responsible for what area, how they will address it, what sort of task team will be put together. I am pleased that has been done.

But I am very worried that the two most senior officers in this area of Social Services, as I have been advised, since the Report was published, have been signed off with stress leave –

**Mrs Hannan:** Not so.

**Mrs Cannell:** I am advised the Director of Social Services has been signed off for something like three months and, also, the officer who was assisting him and gave a lot of evidence in here and was, at one time, responsible for the contracts to these agencies that Government engages is also signed off with stress, for something like two months.

I thought, how can we move forward if this is happening? But then I realised, going through the Report for the last time on Monday – and I have spent many hours on this – that it will not make any difference anyway, because accordingly in here on page 240, the Commission talks about the NSPCC report. This is the latest audit that has been done of this area, which was only the back end of last summer and, of course, we have not got the benefit of being able to see that Report. No doubt the Minister has seen it, and the members of that Department have, obviously, seen this Report, but they identified that they have a difficulty with the ability of the chief officers in Social Services being able to deliver the changes that are required.

When one thinks about that, one can appreciate that, because if those officers have been there throughout all of the administration process, which has been subject to three Commissions of Inquiry in this area, and still we have failings, then how could we expect the people who have administered those failings to look at it with a new approach, with a fresh approach, and work to remedy those failings? That is the question mark I have in my mind.

I have to say that I have always got on very well with the Director of Social Services, and I find him a most charming individual. I have never had a problem in dealing with him. He has been most helpful, but I am very concerned about what this Report is saying.

On page 241, the Inquiry says at 24.132:

‘The Inquiry makes no recommendations at any stage of its Report about disciplinary action to be taken at any level. That is a matter for Ministers and senior managers to decide. Nevertheless, it is clear to the Inquiry that poor practice from top to bottom cannot be allowed to continue without redress. A determination to improve the performance of management and professional practice lies at the heart of the future of children and family services on the Island.’

And on the same page at 24.134 it says:

‘The Inquiry is driven to conclude that in a number of significant areas, senior management has proved and continues to prove to be ineffective in providing care and support for young people with emotional and behavioural difficulties.’

I am not saying this, Mr President; this is what the Report is saying. These are some of the conclusions and the findings.

They were best placed to make judgements here and they, indeed, had an expert... Mark Everall had an expert with him, an expert of Social Services, who sat the entire time with him. I think the good thing about the way in which we commissioned this Inquiry was that, unlike others, we did not just ask them and charge them with looking at what happened, but we also charged them with looking to the future, to provide us with a lead on how we can improve things for the future. That resulted in part 2, which was a number of seminars.

I think that is wonderful, because we have now a clear path. It is not a report that is saying, you are bad here, you are poor there, but you are good here and you are good there. It is actually saying they sat down, they had the seminars with groups of people who are in this field and politicians were involved, also, and they discussed it and they had workshops on it, and they looked at planning a better future for us – a better future.

I think, Mr President, we will get criticism as we get closer to the General Election, but what we need is this: we need openness, we need transparency – the failings of Government. But, with an optimistic hat on, one could say, yes, there have been some very uncomfortable and sensitive issues to deal with this last five years – and this is only one of them – but the very fact that they have come out, they have been in the public arena, they have been debated in here and in another place, shows that we are not hiding, that we are brave enough, bold enough and wanting to be open enough, to bring them to the floor of Keys and Tynwald.

I think that is positive for the future of the Isle of Man Government. That is a very good feature. That is the seed of change beginning to grow, and I want to see that continue to grow, that we can embrace all of our failings. We will always have failings. We are not perfect. We can embrace them, we can take them and we can plan to correct them and improve them, and that is all I am attempting to ask Hon. Members to support me in doing today. That is all I am asking them to do today.

The actual motion says that to receive the Report, to approve the recommendations for the Council of Ministers to go away and come back in July with a progress report, including a timetable for the implementation of the recommendations.

That, to me, is a generous motion, because it is not saying, I want you to come back this month or that month with the timetable; I am saying come back with a timetable on implementation. It may take... Well, I know, with some of the recommendations, it will take five minutes to put them in place – that is what is so embarrassing. Some of them should have been running anyway – a five-minute job.

**A Member:** Be specific.

**Mrs Cannell:** Others are going to take months.

**Mr Henderson:** Which one?

**Mrs Cannell:** Others are going to take resources, others are going to take new laws. They will take time. If the Council of Ministers comes back and says, 'We can do this, we can do that, we can do the other, but this could take five years, this might take ten years', I could accept that, Hon. Members. I can accept that. I am no fool. You cannot pull a rabbit out of the hat, in terms of something as comprehensive

as this. I can accept a commitment to make it happen.

What I would be very, very sad to see, however, is a response to this similar to the response of the McManus and the Leslie Report. I have read through all of those, in my research. I read the responses at the time, and it cherry-picked. The Council of Ministers' Reports at the time cherry-picked, and they said, 'Recommendation (a), for example – we like that, we are going to do that. However, recommendation (b), (c) and (d), we disagree, we are not going to do that, or we might do part of it, but we are not going to do the rest of it.'

I would say what is in here is a plan and a map for young people's future, for a respectable government to do, and that is what we should be focusing our attention on.

Just finally, Mr President, the issue of childcare came up, by way of a debate in April of this year in this Hon. Court, at which I was not present, because I was recovering from surgery. Sad and as interested in politics as I am, I listened to the radio from start to finish for three days. I, Mr President, did not miss a thing that was said.

I was disappointed when the Minister, the Hon. Mr Rodan, got up and said – and I thought how awful this is – there is no problem with any of the care providers. There have been no complaints and everything is running smoothly – words to that effect.

He, also, said that the single units are working very well and we have had some success stories. Well, I thought, 'What a stumble!' because, a month later, the Inquiry has got a whole section here on the single occupancy units.

**Mr Rodan:** Point of order, Mr President. The Hon. Member misrepresents my words and what I said, and which can, in due course, be reconciled with the Report, sir.

**The President:** Continue, Mrs Cannell.

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

There is a whole section within the Report that deals with the single occupancy units and questions them greatly, and that is all that I will say on that.

But I think the Minister might like to know that there is a care home in my constituency, which opened in September 2004, and it is run by Manx Family Services. It lies at no. 6 Osborne Grove, in the constituency of East Douglas, and has caused nothing but problems from that day to this.

**Mr Corkill:** Still interfering.

**Mrs Cannell:** And, if he is interested, I can provide him with a diary of events, which has been maintained by the people who are suffering – the things that are going on there. It is shocking.

The most shocking thing about it, Mr President, is that I have gone through the normal channels of trying to get this sorted and not only have Social Services not come back and responded, but the Department of Local Government and the Environment, which should have demanded a change of use for this property, as it lies in a conservation area and does not come under permitted development, will not enforce the law.

So, it is there unlawfully in planning law, and yet, it still it continues to receive referrals from Social Services. Mr President, a young boy, just to... I am going to circulate this all to Hon. Members. It is a diary of events, and I am afraid

you are going to be shocked. I regret I have had to raise it here today. I have been trying to deal with this since 2004, going through the normal channels, writing the letters, having the meetings, having the telephone discussions, with people who can do something about this very unsavoury issue, and they have all run away, Mr President. My constituents are tearing their hair out.

A young boy, who was resident there, came home on 9th June 2006, concerned with drink, at 7 o'clock in the evening. He staggered –

**The President:** Hon. Member, with respect, your motion is dealing with the Commission's Report. I think, if you are going to circulate that diary, feel free so to do, but I do not think it is necessary to go into individual details now. Stick to the motion, please.

**Mrs Cannell:** Thank you, Mr President, for your guidance, but I felt that it was important to say that the Commission not only recognise that we still have got persistent failings today, but I and others recognise that it is happening right up to today, today, 2006. It is happening.

**The President:** I think you have made the point.

**Mrs Cannell:** It does not make for a very happy situation and I want the Minister to do his utmost to look into this.

Mr President, finally, can I just thank Hon. Members for giving me time to say what I wanted to say. It is, indeed, not all that I wanted to say, but I appreciate, as I said, at the commencement of my speech, that there is going to be a move to adjourn. Well, I understood that yesterday.

There was also an attempt to persuade me to withdraw. I did not want to withdraw and I will tell Hon. Members why, before I resume my seat. Up until May, we had a Report that had been laid. We also had a motion on the Agenda to note, which I was not happy with, and I was planning to move an amendment. That motion was withdrawn.

What we had was a very brief Statement after the lunch on that day, made by the Chief Minister, with the permission of Mr President, to say what his intention was, what he was going to do with this, and that he may come back in July or sooner, if it was possible. It was not on the table for debate. Today, it is on the table for debate. A decision will have to be taken as to whether to go with the debate today, to adjourn it or to do whatever, but it gives security to the fact that, at a point in time, we are going to properly consider the findings and the recommendations in this Report.

**Mr Houghton:** Always going to be the case.

**Mrs Cannell:** And that is all I wanted. There was fear out there that this was going to disappear into a big hole because the demands – (*Interjections*) (**A Member:** Rubbish.)

Well, I am pleased to hear that. I am pleased to hear that, but this is what the public have been saying to me. (*Interjections*) They were fearful that, because it had been put back, put back, it might disappear until the other side of the General Election. (*Interjections*) Well, that would not do at all.

So, I am pleased Hon. Members are dismissing that. Mr President, I beg to move.

**Mr Karran:** I will second and reserve my remarks.

**The President:** Seconded by the Hon. Member, Mr Karran. I call on the Hon. Member of Council, Mr Gelling, Chief Minister.

**The Chief Minister (Mr Gelling):** Yes, thank you, Mr President.

I am brought to my feet, obviously, because it is an Item that is on our Agenda, and it is fair to say, as the Hon. Member has partly said, that at the sitting last month, in answer to a question from the Hon. Member, Mr Karran, I asked the Hon. Court to take away the recommendations of the Commission of Inquiry and to come back in July, so that we could have a full debate. There was no suggestion of it being put back, being whatever. It was very definite, the reason.

The Council of Ministers have, indeed, tasked the Chief Secretary and the Chief Officers of Education, Health and Home Affairs to provide a progress report for the July Tynwald. The Council of Ministers will be considering that report this very day at the conclusion of this sitting and we will be able to give the reaction of the Council of Ministers to this Court in July, which is three weeks' time.

Mr President, I and my colleague Ministers take the recommendations of the Commission very seriously. They are very important. They are broad ranging and proper consideration of them is, I can tell Hon. Members, a big task. There are many complex and difficult areas to consider.

Some of the recommendations go right to the heart of Government and there has been need to consult widely. It is difficult to predict, but whilst there is a need to act quickly, there is also a need to ensure that any changes are right and proper for our Island.

The task team has met and the hon. mover has already suggested that and I am delighted that, in fact, she is aware of that within her own Department. They have met on several occasions and they are advising on what has been done, what can be done, whether there are legislative or financial implications, how it should be done, or who should be doing it, and how long it should take.

Mr President, the Government has not been standing still. During and after the Commission of Inquiry and during the preparation of the progress report, officers, relevant Ministers and Members have been working to drive forward anticipated recommendations. Anything that can be done has already been done. Changes have been completed in a number of areas whilst, in other areas, work has commenced. I do not think, Hon. Members, that we should underestimate the tremendous pressure that officers have been under and doing continuous work, of course, that they have to do from day to day.

All those working with troubled children, with emotional and behavioural problems, have a difficult task and they all deserve our understanding and support. The tragic deaths of Samantha and George had huge repercussions on other children in care, which officers had to deal with. The volume of evidence required for the Inquiry and the preparation work for the Inquiry and the Inquiry itself, were all on top, as I have already said, of the day-to-day work of these officers.

I want just to, perhaps, inform Hon. Members that the hon. mover has said that both the Head of the Division and the second in command are signed off on ill health. Yes, Mr David Cooke has been signed off for three months. Trevor Norton was signed off, but he is back at his desk and he is assisting in the preparation of the Report.

The other thing I just wanted to mention, within that,

was that the Hon. Member has gone through the Report and has pulled out certain areas, but two of the most important areas that Mr Everall quoted, which were totally overlooked – although the Hon. Member did touch on one or two of the good points – and I want to remind Hon. Members of two very important things that the Commission found and I quote:

‘The Inquiry is clear that none of the actions or failures of the Departments led directly to the deaths of these young people.’

**Several Members:** Hear, hear.

**The Chief Minister:** Secondly:

‘the Inquiry recognised that any social service would have had difficulty in managing Samantha’s behaviour.’

I just want to bring a little bit of balance back. This is very difficult. It is serious. It has not been put on a back burner, but we also want to get a little bit of balance into the fact that they admitted that it was an extremely difficult situation.

Mr President, I cannot stress too strongly that the Council of Ministers takes the findings of the Commission very seriously and has set a specific timetable for considering the Report. I am very conscious that there are wide-ranging considerations to be made and it would be premature and, possibly, prejudicial to discuss the findings in detail.

The July Tynwald will have the benefit of that progress report, which, I have already suggested, we will be discussing and debating immediately after this sitting has concluded. When Members have that, we will be able to debate the issues thoroughly with more knowledge than is currently available.

Mr President, I shall go no further than to, perhaps, suggest, as the Hon. Member has said, that there will be a move for an adjournment. That does concern me, inasmuch as the hon. mover has been able to speak for quite a long time in the Court on her feelings and her opinion of the Report. If an adjournment debate then is moved immediately at the conclusion of the hon. mover’s moving the motion, that inhibits everybody else in the Court from, actually, entering the debate.

So, what I would say to Hon. Members is, after consultation with the Hon. Clerk, taking into thoughts the Standing Orders of what we can do and what we cannot do, I thought, at first, we could receive and then go on to debate it next month, but that has its complications.

So, I have prepared an amendment to the motion of the Hon. Member, not in any form to delay. I have told Hon. Members we are on course. We can actually get to the July Tynwald. We will discuss it this afternoon. It absolutely horrifies me to think that the Hon. Member wanted to move it today, purely and simply, because it is going to be put on the back shelf or something.

What I would like, therefore, to move, Mr President, is:

*For the words following ‘Young People’ substitute:  
‘be noted and the Council of Ministers provide a report to the sitting of Tynwald in July 2006 to include the Council of Ministers’ proposals on each of the recommendations.’*

The reason for that is that we can then pick this up in July, the motion can be put on the Agenda and the debate

will be then, I would say, better informed.

The hon. mover of the motion has already said, within her Department, she knows how well the Department of Education are going along. Well, I would suggest that the other Departments have also done exactly the same thing: they have not been on the back foot, they have tried also to make that corporateness within this particular working group. Therefore, I would suggest that if we could support that amendment, let us then have the full debate in July – which I said in the May Tynwald would happen. I promised it would happen and I can assure you it will happen.

Therefore, I would just feel that we would be better informed and Members could then discuss the whole of that Report with the benefit of the working party’s information on what we could put to one side as having been accomplished, what can be done immediately and what *may* have legislative or other implications.

So, Mr President, I beg to move the amendment standing in my name, sir.

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

**Mr Bell:** I beg to second, Mr President.

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

**Mr Rodan:** Yes, I was about to rise to second the amendment.

The Commission of Inquiry’s Report, Mr President, ran to a total of over 400 pages and contains 132 recommendations and some of those recommendations deal with operational, managerial and organisational topics, including matters related to budgets, performance management and youth justice, as well as many issues directly related to the supervision, support and education of children in care.

However, as Hon. Members will be aware, these were not the only areas addressed by the Report’s recommendations. There were significant recommendations addressing high-level, strategic topics, some of which quite clearly could be of a constitutional nature. For example, the Inquiry recommended the creation and the appointment of a post of Minister or Member for Children within the Isle of Man Government.

Also, adhering to all the recommendations in the Report is the issue of the resources that we currently apply, and would need to apply in future, to the many areas addressed by the recommendations and legislative changes, as the mover herself referred to. It is for these reasons, Mr President, that, like the Chief Minister, I do not believe we should support the Hon. Member’s intention that the recommendations within the Report be approved in the wholesale fashion today, which the terms of the motion would have us do.

I want to say at once, Mr President, that, in voicing that remark, I am not suggesting that I or anyone in the Department is opposed to the direction of travel set out by the recommendations; simply that they deserve and must have a full and considered assessment to maximise the value of the changes and the actions that they intend, and improvements that they intend to bring about.

As the Chief Minister has said, a working group of officials, including relevant professionals and three chief executives, is intending to report to the Council of Ministers very shortly in respect of the action plan derived from the recommendations. As we know has been explicitly made clear

by the Chief Minister, indeed, almost immediately after the publication of the Report, that a debate in this Hon. Court was intended and, indeed, is essential and it would take place in July, not at an indeterminate point in the future on the backburner, as the Hon. Member is suggesting.

Furthermore, Mr President, I have to say that the work of that group has not in any way been detracted by the absence of two particular senior officers from the Department. I found it regrettable and unnecessary for the Hon. Member to personalise a very difficult situation and to refer to the personal attributes of particular officers.

I, also, found it quite unnecessary for the Hon. Member to identify by address a particular care home in her constituency. These are valid issues of concern, but why it is necessary to stipulate them in such a pointed fashion, when work is taking place to resolve issues... I do not understand why she felt it necessary to do it today, Mr President.

On that basis, I certainly believe that the Hon. Member's motion, as tabled, is not the best way forward for the issue. It runs the risk of the value of the Report's recommendations not being fully exploited. There is a significant interaction between the recommendations and the activity of Government. A full understanding of the issues is certainly required by the officials whose responsibility it is to oversee or undertake the work. That understanding has to be in place by the Council of Ministers and, crucially, by this Hon. Court, and also by the users of the services and the public generally. The process of scrutinising and formulating a cogent response to the Report is underway. We should allow that process to continue, which, in turn, will allow for an informed and effective understanding by the Council and by this Hon. Court at the time of debate.

In short, Mr President, we can either have the debate today, without the benefit of a report which costs, timetables and identifies the implications of the recommendations, or we can have an informed debate in July, next month, as always intended.

Mr President, I do recognise that the Hon. Member has an interest in the matter and in the endeavours of the Inquiry, but I believe that we should support the amendment in the name of the Chief Minister and not the motion, as tabled, as the amended motion represents the best way forward for the future in how we consider what are absolutely vital Government services.

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

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

There are a just a number of issues that I would like to cover. First of all, I would like to mention that I have been a member of the Department of Health and Social Security since 1992, and a member on the Department of Social Services during that time. I have to say that, prior to my membership of Social Services, there was a number of members – and it seemed to be a moving feast of members – going in and leaving, and there being no actual consistency of membership. I think that does actually relate to the workings of any Division, and I think that these sorts of issues should be remembered in any discussions like this.

But I would just like to continue on some of the comments that have been made. I think the Report, obviously, was adversarial; the Inquiry was not expected to be extremely adversarial. What we really need to do is to get the bottom of items, of issues, and not necessarily try to make them very interesting in a necessarily public way. That is what a public inquiry is about and I think there are different ways of trying

to find out information at a public inquiry.

What I am saying is that my attendance at the public inquiry did not leave me with the impression that it was information, it was more of a performance, and I think that is to be regretted. I think when we pay large sums of money for an inquiry that could have been spent on the Social Services section instead, but it has been spent on an inquiry such as this, I think it is to be regretted.

I think many of the items in the Report are helpful, some are not, but we take a report all in all and we have to learn from it.

One of the issues mentioned in it, and not mentioned by the mover of this motion, is that the Inquiry particularly welcomed the training programmes' inclusion of the voluntary sector and church groups. This is all to do with training. The Inquiry could not identify if there was any general training offered to politicians on childcare issues of a strategic nature.

Such training is important, and I hope the politicians will remember that and I hope, after the next election there will be training put on for Members so that Members can understand the difficulties of the issues that not only Social Services have to deal with, but Education and, also, the Police, and many other agencies as well.

So that is just something that was not covered by the mover and I believe that is important.

With regard to the NSPCC, why were the NSPCC involved? We have got a public inquiry involved, so why were the NSPCC involved? Well, I will tell you why: they were invited in by Social Services to advise Social Services on the number of cases which were waiting to be divided out between social workers and various areas involved, because we were concerned about the unallocated workload.

What has come out of this Report is that they have said we should raise our threshold, instead of getting involved with lower issues, some, maybe, that many other social services would not get involved in, that we should not get involved in those areas. That is one of the issues that they were saying: raise the threshold.

I find that concerning, because somebody referring something to the Division, I believe, should be taken seriously and should be looked at, even if it is only to be recorded that no action needs to be taken. So, that is why NSPCC were brought in and they were brought in to look at and to help with certain very difficult cases at that particular time.

They did make other comments and we welcome other comments. This was an audit, and we will work to that audit, and we will continue with training, we will continue to develop the services and we will continue to improve on that particular one.

On page 215 there is mention of the morale of staff. Any organisation which has the number of inquiries, as mentioned by the mover of this motion, the Leslie Inquiry and the McManus Inquiry... Various things have come out of those inquiries, various things not mentioned by the Member: legislation which brought in children's and young persons' legislation, which we are working to, which allowed us to open a secure unit and put it on a statutory footing. Many areas there that the Department has actually worked up during the last five years.

I think the Chief Minister has covered the issue with regard to senior officers being off, but could I just inform this Hon. Court that senior officers in the Division did not go off after delivery of this Report. It was later, and so it is not in relation to this Report that senior officers are off, and

I would hope that senior officers can take time off, if they have health problems, which is not suggested by the mover. The suggestion by the mover is that they could not face this Report and that is not true at all.

I think that this Government and Departments of Government should take care of their officers, (**Several Members:** Hear, hear.) and they should not be criticised in this place. There are other places and other areas where anything should take place with regard to officers, and certainly not here.

I will just mention the comment that was mentioned by the mover with regard to the care home in her area. This is a leaving care project and I think, if you read the Report, there is a need in this Report to give much more support to young people leaving care, just as we would give to any of our families – just as we would give. We would not cast somebody out at 16 or 17. We would continue to support them. This is where we come back to corporate parenting and it should go on much longer.

In education circles, a young person is considered a child under the support that is given until that person is 25, and is expected to be supported by parents. So, let us get real. Why should children who have the huge difficulties and problems in their lives, for whatever reason, why should they be cast out when it comes to 16? Eaghtyrane, we have got to support these young people and we have got to try to support them much later. This particular one that is mentioned by address, by the mover of this, is a leaving care project and I would hope that the whole of this Court can support continuing care of children that we have looked after.

I have homes in my constituency where children are being looked after and I think we all have, and I think, let us get real. It is not just East Douglas.

Many changes have taken place in the Division of Social Services. The mover gave the impression that the Leslie Inquiry, that the McManus Inquiry... nothing had happened. I cannot disagree with that comment more. The actions that have been taken since then have been absolutely remarkable, and have been done through, not only the Social Services, but the Health Services and other areas as well.

Since 2002, we have had the children legislation implemented; we have had the secure unit opened, which has made a major difference to being able to take care of our children, both criminally and on welfare grounds. It is being used. At the time of the Report, it was not. My last report was that it was full. So, it is working for us.

We have got a Youth Justice Team which has done remarkable work in the very limited area in which it is represented, but that has come about by across Government working, mainly with the Police and with Social Services. It does need to develop into other areas and I welcome the comments in this Report that the youth work and teachers have now got Health on board, but those sorts of areas should be involved, and also, probably, Probation. I would hope that Probation work extremely quickly and get somebody into the Youth Justice Team, because that can cut people off at the pass from continuing to offend.

We have had the Mental Health section brought into Social Services, which has made a major change to Social Services and the way that interdivision works. We have drug and alcohol developments. We have got the Ard Aalin site, which I hope, in the future, as the Minister mentioned yesterday, we can get the in-patient up and running this year. It is absolutely necessary that we do that. It is one of our Division's gold...

number one of our gold inclusions in the Budget. That is essential, not only for working with young people, but also for working with people with addictions.

We have had great changes in the ESMI side. We have had Southlands opened. We have not progressed the ESMI unit in the central area, but we all know about that. We have had planning problems there. Over the whole of the Division, there have been major, major changes and not least in child care and the improvements there have been considerable.

There is one area that I am still concerned – well, a couple of areas – but the main area that I am extremely concerned about, mentioned in here, was fostering. We are not able, because of the demonisation of our children, to get people to foster children and this is one of the difficulties. And they have been demonised. One of the comments that has been made... the comments that have been made in the press do not make any difference.

I have been into these homes and I have talked to the carers in the homes and they have said, yes, it does make a difference. It does make a difference when it is on the front of the paper that children have taken cars and done... because it raises their profile. When they are demonised again, and they do read the papers... We have educated these children to read newspapers and they do. They are not some who should be locked away and forgotten about, but they do, and it does affect them. They have been demonised and they have been demonised to the public. Again, this morning, by the mover of this motion, and they should not be demonised. They are children and they are there for us to look after.

**Mrs Cannell:** I am not demonising them.

**Mrs Hannan:** They can be delivered into the Director of Social Services' office and dumped there by parents and who has to cope with it? Social Services has to cope with it. There are parents out there, even today, who cannot cope with their children and, in some areas...

It says in here about family planning. What we should move to is every child being a wanted child and every child, not just for Christmas, because they are this lovely bundle of joy – and they are – but they then become terrible twos, and they then go to school and get a bit of independence. They then become terrible teenagers, and we have to deal with all of that, as the mover has suggested.

Sometimes, it is not the parents that have to deal with it, but the schools, the Social Services, and all of these other areas.

I would hope that Members, reading this Report, can read it and recognise that it has to be taken in a balanced view and not as the Member moving it today has picked out those areas.

I will accept that we have to make changes and I would accept that the next five years, again, are going to be difficult for Social Services, but unless we recognise that demonising our children and continuing to do so, it is not the best way forward.

Thank you.

**A Member:** Hear, hear.

**The President:** Mr Downie, Hon. Member, No? Okay. Mrs Cannell to wind up the debate.

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

Can I start by saying that not once have I attempted to demonise children –

**A Member:** Yes, you have.

**Mrs Cannell:** – or young children in the debate. (**Mr Henderson:** Hear, hear.) Mr President, not once have I demonised. Not once have I demonised the children or the young people. (*Interjection*) And *Hansard* will prove that, Hon. Members, not once.

I have criticised the system. (*Interjections*) And, obviously, those involved with the system have defended it as well as they can, and I would expect them to do that. I think we have a right to criticise, but I have also given praise. I have balanced it by giving praise and, yes, I have just plucked out sections and the reason for that, Mr President, was that I was aware that this Court did not want to debate it properly today.

I could have been stubborn in respect of this, and given every Member the full benefit of what I wished to say, and you would have still been here at six o'clock this evening, but I have saved you from that, this time – this time.

Mr President, the Chief Minister got up. Up until we departed yesterday, my information coming back via the Chief Minister through other Members was that an adjournment was going to be moved. The Chief Minister has said that he has checked with the Clerk and there could be problems there. Indeed, I can appreciate what the problems will be. The problems will be that the Ministers would have to face the same worded motion next month and they would have to battle to try and get rid of that.

**The Chief Minister:** On a point of order, Mr President, there was never any intention... The motion or amendment to adjourn that was coming was from the lady who has moved the motion's left hand side, sir.

**Mrs Cannell:** Mr President, while I am here, irrespective of what sex I am, I am a Member. I am not a lady in here, sir. (**A Member:** Hear, hear.) (*Laughter and Interjections*) Mr President, the Chief Minister has moved an amendment. He has made references to sections I had already covered and he said that other Departments are trying to work within a corporate way. I do know that there is a huge concern of the ability to work in a corporate way and, really, somebody is going to have to start cracking the whip, I am afraid, to make sure that it is functioning together and that they are working as a team.

You see, the problem is that there is still the old-fashioned culture in certain areas that looks upon the Division, the Department, as a separate empire, despite the fact of the other marshalled corporate image that the Council of Ministers like to portray. I am afraid certain sections in some Departments are unwilling to work in that way.

**Mr Hannan:** Name them.

**Mrs Cannell:** I am totally ignoring the heckling I am getting from the Member for Peel, because I appreciate that she feels that she has to defend everything at the moment. But there is a concern, so we, really, need to keep our eye on that one because, otherwise, nothing is going to happen. There will be no improvement.

When the Report came out, in fact, all the way through the evidence-gathering exercise and the hearings, the public were kept well aware of what was being heard at the Inquiry. The newspapers were brilliant. In every newspaper, they published, they gave an update, they gave information, they

did not demonise. They printed the facts to let the public know. We were also able to take advantage of that. The radio attempted to do very short reports on a daily basis.

Nevertheless, we have had two solid years of this, have we not? And what we have had now is a combination of all of that, put together and condensed into this weighty Report. It is now in our hands. It is in our hands and we have to do something about it.

I am disappointed in the amendment moved by the Chief Minister, because, first of all, it reflects the beginning of the motion that he had down for the May sitting of Tynwald, 'that the Commission of Inquiry into the Care of Young People be noted'. I think that is discourteous. It is disrespectful to the weight of this Report and the importance of this Report, to merely note something. It is almost saying, yes, we see it, it is there, but we are looking this way. The Report is that way. We see it. We have noted it is there.

Then, the amendment goes on to say that, 'to provide a report to the sitting of Tynwald in July, to include the Council of Ministers' proposals on each of the recommendations'. There is no commitment to embrace all the recommendations in here. There is no commitment to put in place a timetable so it takes those elements out of the original motion. It just says 'note'. Come back in July, we will tell you what we think. That is what we have had in the past. That is the way this sort of thing has been treated in the past and I am not satisfied with that, Mr President. That is not good enough, because what will happen, as I predicted earlier, it will come back and there will be a cherry-picking exercise in a report and say, 'This is what we think'.

Why do I say that? I say that because we have had an indication of that from the Minister, the Hon. Member, Mr Rodan, because he said – the first thing that gave me an indication of why there seems to be some concern with some of the recommendations – and I knew as soon as I read the recommendations when the Report was first published, this will be the one that Members, or at least Ministers, may get hung up on, and that was 'Minister or Member of Children'. 'Oooh, we do not want a Minister – another Minister! We do not want to set up another Department.'

Mr President, I do not see a problem with that. At the moment, we have a Member with delegated responsibility for Social Services. The current Member tells us that she has been on the Department since 1992 and, indeed, I think she headed up Social Services from 2001 onwards, but I might be mistaken there. I know that the Member heads up Social Services now.

So, what is wrong with delegating, designating formally a Member to have responsibility for children and young people, to have a political responsibility (*Interjection*) that comes under a ministry somewhere that works across the three Divisions (*Interjection*) and pulls it together?

What you need here, if you are going to have corporate Government, Chief Minister, is you need somebody with guts and bottle to pull it together. You need somebody who is dynamic, you need somebody who cares and you need somebody who is not going to be fobbed off by officers saying, 'Oh, we cannot do it this way.' 'Why?' 'Because we've always done it that way.' I am sorry, now is the time for change and I hope the public out there will change us, many of us, in this General Election. (**Members:** Hear, hear.) because that is what is required here. That is the only way we can move forward to a brighter, better future (**Mr Cannan:** Hear, hear.) for the Isle of Man. (**Several Members:** Hear,

hear.) (*Interjection by Mr Cannan*)

The Minister is disappointed in some of my... He said it was unnecessary to personalise. Well, I am sorry, the Report is in the public arena. The Report has been published. It is there for the public to see and all I have done is quote sections of a public Report. (**Mr Henderson:** Hear, hear.) I have done nothing untoward, I have not broken Standing Orders, and with regard to identifying an address, why have I done that? Because in September 2004, I tried to do it the Minister's way –

**Mr Henderson:** And nothing happened.

**Mrs Cannell:** – and nothing has happened.

**Mr Henderson:** That is right.

**Mrs Cannell:** And why did I do that? I did not do it lightly, Hon. Minister. I took legal advice from two separate sources, because I felt uncomfortable about having to do that, but if it comes to having to do that to make the situation manageable, then I will do it time and time and time again, for my people.

The Hon. Member for Peel stood up and she mentioned about the issue to do with politicians. Yes, there is a section in here that deals with politicians, but it is minute, compared to the rest of it, and it is suggesting that there should be a code there and that if a Member has a problem, they should go first to the Chief Executive or the Deputy Chief Executive. I have no problem with that. I have always dealt in that way, anyway.

**Mrs Hannan:** No, you have not!

**Mrs Cannell:** Prove it, Member.

**Mrs Hannan:** It is in the Report!

**Mrs Cannell:** Whittle, whittle. (**Several Members:** Ooh!) (**A Member:** Miaow!)

Mr President, there is nothing worse than having unintelligent heckling which does not actually (**Several Members:** Oh!) steer you towards a particular relevant point. (**Mr Bell:** Vote!) You have had your say, Member. It is my turn now.

**Mr Corkill:** No, next month.

**Mrs Cannell:** I appreciate morale of staff, because within Social Services, for all of the shortcomings, there are some very good people in there. There are some very good people employed by the private agencies that are worth their weight in gold, but they are not appreciated and many of them are treated appallingly. That is why I say that we have got to do a cost-effective exercise to see whether or not we could make savings if we took the services in-house, by employing some of those excellent people.

**Mr Karran:** That is what was originally planned.

**Mrs Cannell:** The Member said – and I am glad that she explained – that the property I mentioned in my constituency is a leaving care project. Yes, it is, and yes, I have read the section about we need to be doing more about that, because

once they leave the leaving care, they are on their own. That is it, they are on their own.

I think the Member would be horrified that the leaving care project shoved out a 17-year-old, drunken boy onto Windsor Road, who was stumbling and falling in front of traffic, and threw his drink out after him. Would a responsible person do that? If one of our teenagers came in like that, would we do that? No, we would not. What we would do, we would try to sober them up, put them to bed and speak to them the next day when they were sober. We would not stick them out on the street.

But I will give the Hon. Member the information that I have. I am sure she will be as concerned as I am.

The Member, also, said there have been lots of improvements. Yes, there are and I am not quibbling over that. There have been huge improvements and there are things that we do that are good, but we can do better and that is all this Report is saying: this is how you can do better.

I believe the foster care aspect within the Report... When I read about the foster care, the Commission said there was far too much reliance upon outside agencies. We are heavily reliant on that, and there is not enough, in terms of foster care, going on. They make suggestions of how we can improve that to enhance the packages to foster care.

But then the Member for Peel was talking about foster care and then she went in to kids are demonised. I am sorry, those who are with foster parents are not demonised. Those within foster... It was a little bit confusing, because she was talking of foster care and then she was talking about being demonised, 'these poor children are demonised'.

They will continue to be demonised, Hon. Members, unless we take the bull by the horns, make the change, bring in the culture change and a great big brush to sweep out the rot.

I beg to move.

**The President:** Hon. Members, the motion that I put to the Court is printed at Item 40 on your Order Paper. To that, Hon. Members, you have had circulated, in the name of the Hon. Chief Minister, the amendment.

I put to you, first, Hon. Members, the amendment in the name of Mr Gelling. 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 19, Noes 3*

**FOR**

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

**AGAINST**

Mr Henderson  
Mr Duggan  
Mrs Cannell

**The Speaker:** Mr President, the amendment carries, in the House of Keys, with 19 votes for and 3 votes against.

*In the Council - Ayes 8, Noes 0*

**FOR**

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

**AGAINST**

None

**The President:** With 8 for and 0 against in the Council, Hon. Members, the amendment, therefore, carries.

I put to you the motion, as amended. Those in favour, please say aye; against, no. The ayes have it.

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

*In the Keys – Ayes 21, Noes 1*

**FOR**

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

**AGAINST**

Mrs Cannell

**The Speaker:** Mr President, the motion, as amended, carries in the House of Keys, with 21 votes for and 1 vote against.

*In the Council - Ayes 8, Noes 0*

**FOR**

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

**AGAINST**

None

**The President:** With 8 for and 0 against, in the Council,

Hon. Members, the motion, as amended, therefore, carries.

**Principal Civil Service Pension Schemes  
Motion withdrawn**

41. The Hon. Member of the Council (Mr Lowey) to move:

*Further to the widespread concern and uncertainty relating to the Principal Civil Service Pension Schemes that Tynwald appoints a Committee of three members with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 to investigate the issues and report back at the October 2006 sitting.*

**The President:** As I understand it, Hon. Members, the Hon. Member, Mr Lowey, is, at this stage, withdrawing his motion.

**Employment of teachers  
Motion withdrawn**

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

*That Tynwald requests the Department of Education to remove the clause in the Conditions of Tenure and Sick Pay for the Employment of Teachers (page 41, clause 5.2 (h)) that forbids them to discuss matters of concern with Members of Tynwald.*

**The President:** The Hon. Member for Michael, Mr Cannan, also, is withdrawing.

**E-commerce and the internet  
Motion withdrawn**

43. The Hon. Member for Onchan (Mr Karran) to move:

*Tynwald recognising the importance of diversifying the Manx economy calls on the Council of Ministers (i) to give real meaning to e-commerce on the Island by setting up an open working party to develop a standard form of internet contract based on Manx law, with arbitration with an international internet legal body where parties can sign up to a Manx Internet Treaty to resolve disputes in this sector and (ii) to investigate the development of the same process for other areas, where a neutral base is required for resolving disputes to do with specialist areas.*

**The President:** Mr Karran, similarly, is withdrawing. In that case, Hon. Members, that draws to a conclusion our Order Paper.

**Queen's Pier, Ramsey  
Statement by the Chief Minister**

**The President:** Before we do rise, can I call on the Chief Minister to make a Statement.

**The Chief Minister (Mr Gelling):** Yes, thank you, Mr President.

By way of information to Hon. Members, at the first and the earliest time we could, following the debate on the situation of the Pier at Ramsey and the debate that was concluded yesterday, at our meeting at half past eight this morning, the Council of Ministers considered the situation. It was quite obvious there was a feeling in the Court that this should be progressed.

So, all I want to do, Mr President, is inform Hon. Members that the Council of Ministers will be proceeding in the same manner as was suggested we would, and that would be to consider the situation and come back to the Hon. Court, as was suggested, in February, sir.

**The President:** Hon. Members, with that Statement from the Chief Minister, that does conclude...

**The President of Tynwald  
Tribute paid by the Speaker  
upon expiry of term of office**

**The President:** Mr Speaker.

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

I think it is appropriate, before we adjourn this sitting, that as your statutory term as President of Tynwald comes to a close, with this being your last sitting during this term of office, I wish to record – I am sure not only on my behalf, but also on the behalf of Tynwald Court – your contribution to the stewardship of the presidency as President of Tynwald, over the last five years.

You have, Mr President, endeavoured to ensure that the work of the Court has progressed as smoothly as possible, within the turmoils of the political world, and you have provided support and encouragement to many Members and officers during your term. (**A Member:** Hear, hear.)

The election of a new President of Tynwald will take place at our sitting to be held on 11th July, at which, of course, you may be a candidate.

I would, however, on behalf of Tynwald Court and its

Members, wish to put on record our appreciation for your presidency. I, also, extend our appreciation – I am sure this is something we all extend – to your wife, Mary, (**Members:** Hear, hear.) who has been at your side during this time and has been a great ambassador, with yourself, for our Island.

Mr President, as I say, whatever the future holds for you, may I, on behalf of Tynwald Court, wish you well for the future.

**Members:** Hear, hear.

**The President:** Thank you, Mr Speaker. I can assure you I am not dead yet. (*Laughter*)

**Good wishes to Parish Walkers**

**The President:** Hon. Members, I would just like to say, on a personal level, some of your colleagues will be trudging along the road on Saturday. I am sure that those who are intent on finishing – and I know of at least two within this Court who are intent on completing the whole of the 85 miles around the parishes – if you happen to be in the area of Maughold, approaching Laxey in the early hours of Sunday morning, I am sure they would be delighted to see you, so give them your encouragement. Well done, and certainly I think, personally, they are heroes, so I am very pleased that, in fact, there are Members of Tynwald who can actually achieve that aim.

The Council will now withdraw, Hon. Members, and leave the House of Keys to transact such business as the Speaker may wish to put before you.

*The Council withdrew.*

## House of Keys

**The Speaker:** Hon. Members, the House of Keys will stand adjourned now until Monday, 26th June at 10.00 a.m. in our own House.

Thank you, Hon. Members.

*The House adjourned at 12.57 p.m.*