



**HOUSE OF KEYS  
OFFICIAL REPORT**

**RECORTYS OIKOIL  
Y CHIARE AS FEED**

**PROCEEDINGS  
DAALTYN  
(HANSARD)**

**Douglas, Tuesday, 8th May 2007**

**Present:**

The Speaker (Hon. S C Rodan) (Garff);  
 The Chief Minister (The Hon. J A Brown) (Castletown);  
 Hon. A V Craine and Hon. A R Bell (Ramsey); Hon. W E Teare (Ayre);  
 Mr J D Q Cannan (Michael); Mr T Crookall (Peel); Mr P Karran, Hon. A J Earnshaw and Mr D J Quirk (Onchan);  
 Hon. G M Quayle (Middle); Mr R W Henderson and Mr J R Houghton (Douglas North);  
 Hon. D C Cretney and Mr W M Malarkey (Douglas South); Mr R P Braidwood and Mrs B J Cannell (Douglas East);  
 Mr C G Corkish MBE and Hon. J P Shimmin (Douglas West); Mr G D Cregeen (Malew and Santon);  
 Mr J P Watterson, Hon. P A Gawne and Mr Q B Gill (Rushen);  
 with Mr M Cornwell-Kelly, Secretary of the House

**Business transacted**

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*The House adjourned at 12.37 p.m.*

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## House of Keys

*The House met at 10.00 a.m.*

[MR SPEAKER *in the Chair*]

### PRAYERS

*The Speaker of the House of Keys*

### LEAVE OF ABSENCE GRANTED

**The Speaker:** Now, Hon. Members, I have given leave of absence from today's sitting to the Hon. Member for Glenfaba, Mr Anderson.

## Questions for Oral Answer

### CHIEF MINISTER

#### Public housing Reducing waiting lists

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

*What initiatives are your Government preparing to reduce the waiting lists for public housing accommodation and provide decent affordable homes for ordinary working people?*

**The Speaker:** We turn now to Item 1 on our Order Paper, Questions for Oral Answer and I call on the Hon. Member for Onchan, Mr Karran.

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

**The Speaker:** Chief Minister, Hon. Member for Castletown, Mr Brown.

**The Chief Minister (Mr Brown):** Thank you, Mr Speaker.

I can confirm that my Government continues to be fully committed to providing decent and affordable homes for our people. The investments and initiatives undertaken in recent years, which I support, continues apace and as Hon. Members will recall, the recent substantial funding, which has been approved by Tynwald in the first four months of this year, has resulted in £11.13 million being made available for specific new Government housing schemes.

In relation to Government's ongoing initiatives to reduce waiting lists and to provide affordable homes, I can confirm that in the 2007-08 Budget, approved by Tynwald

in March this year, there is a commitment to provide around £145 million for housing over the next five years, as part of Government's ongoing commitment for housing.

In relation to the Government's housing programme, I can advise that a further 440 first-time buyer houses will have been completed by Government by 2009, adding to the 330 new first-time buyer housing properties that have already been completed and sold in recent years.

Also, over the last five years, more than 400 public sector houses will have been refurbished or replaced with new properties, with a further 620 new public sector properties to be completed over the next five years.

Mr Speaker, whilst the public sector housing list has risen by 200 since 2003, mainly due to the acceptance of single applicants under 40 years of age, the impact of the Government's first-time buyer housing programme, along with the House Purchase Assistance Scheme, has resulted in a decrease of 411 in the number on the first-time buyers' register. Therefore, Government's recent and ongoing housing programme has resulted in some 1,770 new or refurbished homes for our people being completed. However, Government expects the demand for first-time buyers to remain strong and that is why Government continues to have an ongoing commitment to housing, as outlined in this year's Budget.

Mr Speaker, much continues to be done by Government in relation to meeting housing needs, by way of a number of housing schemes and the provision of housing remains a high priority. I can advise the House that Government, through the Department of Local Government and the Environment, will continue to consider how it may provide even more housing opportunities for our people, both through the provision of public sector housing and home ownership.

Thank you, Mr Speaker.

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

**Mr Karran:** Vainstyr Loayreyder, would the Ard-shirveishagh not agree that there is a great danger that his Government is going to follow the same policy as the previous administrations, where it is too little, too late?

Would he not also agree, in mentioning the situation as far as single persons are concerned, they almost have to be re-incarnated before they would actually be entitled to get a local authority house, unless they are in dire situations at the present time?

Does he not think that his new administration should be coming up with a total review in order to stop trying to paper over the cracks of the housing crisis we have at the present time?

Could the Ard-shirveishagh also inform this House what legislative initiatives has he got to do, to stop the abuse of this basic commodity of life by people wanting extortionate rents?

**The Speaker:** Chief Minister, Mr Brown.

**The Chief Minister:** Mr Speaker, can I first say that I think that the figures speak for themselves: £145 million for housing over the next five years, as well as the extensive programme that has already been undertaken, which is benefiting many of our people and providing not only new houses for them to buy at rates that are very favourable, but also upgrading public sector houses, rightly, to a standard

that we should provide for our people.

As far as the issue of 'too little, too late,' Mr Speaker, it is always a balance and certainly the Hon. Member and other Hon. Members know my views on the provision of housing for our people has been one of my highest priorities. The issue, of course, is getting them built at a time, in a timely manner, so people have houses for them, but the ongoing programme, I believe, is doing that.

As far as single persons on the waiting list is concerned, yes, that is a concern, because, of course, priority will always be given, unless there are exceptional circumstances, to people with families and therefore, that is where the greatest pressure is always likely to be.

As far as the rents issue is concerned and the provision of legislation, there is already legislation in being, in relation to people who are concerned about the levels of rent. Certainly, I do not support Government fixing rent levels for the private market, but I do believe that there is a need to overcome part of this by building more and more houses or providing more public sector houses so that our people can be housed in a timely manner, in appropriate accommodation. That is Government's policy, which is ongoing.

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

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

Would the Chief Minister agree with me that the public sector housing demand has really increased over the last five years, particularly in view of the fact that now single people are included as being eligible to go on the waiting list?

Does the Chief Minister accept the current situation where the waiting list is so long that for a Douglas Corporation property you are not waiting two to three years, as was the case, but you are now having to wait three to four years before you come up for consideration for a public sector house?

Can the Chief Minister advise, of the £145 million allocated towards housing, what proportion of that is going to be towards creating new public sector build?

**The Speaker:** Chief Minister, Mr Brown.

**The Chief Minister:** Yes, Mr Speaker.

Can I say that the public sector housing list has increased, as I indicated in my initial Answer, but it has increased by 200 since 2003 and that is predominantly due to the acceptance of single applicants on the list – that is, single applicants under the age of 40.

Prior to that, of course, you had to be 45 years of age to go on to a public sector list for housing. That is generally; there was an odd authority which actually did allow people under that age, but it was not Government policy – unless there were special circumstances. Then Government would, of course, allow such persons to go on, but as there is now a general policy accepted throughout the Island, that has increased the number on the list.

Can I say that, as far as the actual programme is concerned, Mr Speaker, if Members look at page 70 of this year's Isle of Man Budget, which was approved by Tynwald in March 2007, they will see an extensive programme there of housing, over that period, for public sector, 100 per cent funded by Government, so there is no cost to the ratepayers at all and they will see there that something in the region of £148,809,000 is programmed in over the next five years. So I think that is

quite a strong commitment, not only to refurbishments, but also to new build.

Of course, one of the big things that is important, which is something I am very clear on, is that we should not stop and start. Also, not only should we provide opportunities for people to buy their own home, we should provide public sector houses to meet the need and we should also refurbish public sector houses, so that those already living in them have a reasonable or good standard of living within those houses. That is the policy and that will continue, sir.

**The Speaker:** Hon. Member for Onchan, Mr Quirk.

**Mr Quirk:** Thank you, Mr Speaker.

Can I ask the Chief Minister, is he aware that some of the local authorities have been requesting support from the Department? I know the Department is trying to satisfy the needs, but a number of local authorities have been requesting support from the Department, under his Government, to satisfy the single unit need?

**The Speaker:** Chief Minister.

**The Chief Minister:** Yes, thank you, Mr Speaker.

As far as that is concerned, there is a housing authority, a joint body, where they meet with the Department of Local Government and the Environment and, of course, the local authorities themselves determine their priorities and put those forward to Government for them to consider within the programme.

Again, if it is a local authority's view that their highest priority is single-person accommodation over accommodation for families, then of course, that would be taken into account by the Department, who would then programme it into the five-year capital programme. As far as the issue of meeting that need, then I am sure the Department would be certainly very receptive to any views in that way.

Mr Speaker, could I just go back. The Hon. Member for Douglas East asked about the waiting lists and the fact that people used to wait about two years, now it is three to four. As well as an extensive house programme, I think we have to recognise – and certainly, I know that in my area and I am sure it is reflected throughout the Island – that there is less movement now in the public sector housing lists, of people leaving public sector housing, often because, thankfully, they are living longer. But that in itself puts pressure onto the amount of housing that is required.

Quite clearly, as I have indicated by the figures we are talking about, Government, with the support of Hon. Members, through Tynwald, is providing a substantial, capital programme for people for housing.

I would also make the point that we are spending something like six times per head of population more than the UK Government on our housing. So, there is no lack of commitment and I am sure that will continue. I am sure we will endeavour to recognise problems through this period, as things change.

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

**Mr Karran:** Vainstyr Loayreyder, would the Ard-shirveishagh not agree that the £140 million-worth of proposed development is just a matter of money that has been backlogged over the last decade, where the previous

administrations have allowed the developers to make the agenda?

Would the Ard-shirveishagh also agree that to talk about the present law, as far as rent controls, is actually a joke, as far as the protection of individuals against unreasonable rents, allowing for the ordinary people's wages is concerned?

Would he not agree that the absence of anything in the legislative initiative, as far as the next three years, apart from amending the 1989 Property Services Charges Act, just shows that really he has not got a new administration looking at the issues, taking up new legislative issues, such as the Part Equity Mortgage Scheme, to help people out of council houses, such as restricting certain houses that do not just end up in the nest egg category, instead of the nest category, by making the new houses not able to be rented out in the future?

**The Speaker:** Chief Minister to reply.

**The Chief Minister:** Yes, thank you, Mr Speaker.

No matter what the Hon. Member for Onchan thinks and feels, I am pretty sure that there would be reasonable recognition that spending £148 million over five years –

**Mr Karran:** Decades too late.

**The Chief Minister:** – into public sector housing is a substantial amount of investment by the Isle of Man Government, totally contrary to the rest of the British Isles, where there has been virtually no building programme for public sector housing.

I do accept that the previous situation some years ago, where Government actually slowed down its building programme, about six years ago, was an error. I was the Minister of Local Government and the Environment (**Mr Cretney:** Hear, hear.) in 1989 through to 1994 who picked up the situation again and warned Tynwald that they should not stop and to start their building programme; (**Mr Cretney:** Hear, hear.) they should have a building programme and a refurbishment programme which went right across the board, to ensure we could meet the needs of our people.

You might slow it down a bit, but you should not stop and start it, because you cannot switch on building houses very quickly. From the day you decide you want to build, Mr Speaker, by the time you get planning permission, by the time you have built the property, you are talking about anything between 18 months and two and a half years before you see a property come out of the ground, so I am very conscious of that.

The Hon. Member continues to make the point about the developers making the agenda. I have some sympathy for that view, Mr Speaker, and my view is straightforward on that. Government has not been active enough in the last 10 years in getting out there, buying up the land and the developers have. It is as simple as that. If we commit ourselves to purchase land, if we commit our resources to ensure that we have a far-sighted view, as we did with Crossag Farm, then in fact we would have land available for the future. As far as I am concerned, that is something that we will be looking at: not only buying for today, but buying for the long-term future to secure land for the Government of the Isle of Man in the future to be able to provide housing, whether it be first-time buyer housing or whether it be public sector.

As far as the issue of rents is concerned, we all have

serious concerns about the levels of rent in the private sector, but they are based on the market. What we have to do – and I am convinced of this – is we have to make provision of housing, so that people can get out of that sort of high-rented housing and get into housing where they can be supported, whether it be public sector if they cannot afford to buy or first-time buyer.

The other point is that there is provision, through the family income supplement system now in the Isle of Man, again uniquely, to provide support for rent for people who are having difficulty paying their rent, sir.

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

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Would the Ard-shirveishagh agree to re-look at the Empty Properties Initiative that was launched in Tynwald a few years ago by myself? Would he agree to re-energise that with his colleague and Minister for the Department of Local Government –

**Mrs Craine:** It was a waste of time.

**Mr Henderson:** – to recognise that there are still a considerable amount of empty properties in the private sector which could, with encouragement, be brought on stream for short-term rental; and also address the issue where there are empty public sector houses and assist the local authorities to get those turned round for rental as quickly as possible?

**The Speaker:** Chief Minister.

**The Chief Minister:** Yes, thank you, Mr Speaker.

The Minister for Local Government and the Environment is in the House and I am sure he has listened to what the Hon. Member has said. Certainly I am happy for him to look at the Empty Properties Initiative and report to me on that situation, to see if anything else can be done in that area. I do not know the update on that, but I am sure that is something the Minister will come back to me on. We will then look to advise Members through a letter, so that they are aware of that situation with an update.

As far as empty public sector housing units is concerned, Mr Speaker, quite clearly – and I know the Department has done quite a lot on this – we need to ensure the turnaround of public sector houses is undertaken as efficiently as possible. There is a need to ensure that the houses, when they are empty, are upgraded, if that is necessary and it depends on the level of that upgrade.

Certainly, I would be very concerned if public sector houses are lying empty – unless of course they are earmarked for demolition – unnecessarily while people are waiting for housing. I am sure again that is a message the Minister will get through to the local authorities at appropriate meetings.

**The Speaker:** Hon. Member for Rushen, Mr Watterson.

**Mr Watterson:** Thank you.

Would the Chief Minister agree that initiatives such as the 25 per cent rule and new estates such as Crossag Farm will help those on the waiting list achieve housing faster and

that the Government is actually being very proactive in this, in order to allow Manx people to put a roof over their head and in many cases put their first foot on the ladder?

Will he also join me in congratulating the former Minister and the Member for Housing, Mrs Craine, in laying such a firm foundation for the current building (**A Member:** Hear, hear.) programme and ensuring that it continues?

**The Speaker:** Chief Minister, Mr Brown.

**The Chief Minister:** Thank you, Mr Speaker.

Certainly the previous Ministers and the Minister who left at the last election and the Members for Housing who have all been involved have put a tremendous amount of commitment over the last five years or so, to try and bring up this programme to build houses, as have the officers of the Department, (**Mrs Craine and another Member:** Hear, hear.) who have been under considerable pressure, (**A Member:** Hear, hear.) both within the housing department and in the architectural department, to meet the demand and with the pressures from Tynwald Court to get that accelerated at a level that they were not geared up to do. So, again, I appreciate that and I extend thanks to them.

The 25 per cent initiative in terms of providing some houses for purchase at affordable prices within developments I think is a good way forward. I do think we have to keep that under assessment, though, to make sure it is practical, because in some cases there are difficulties. I understand the Minister and his housing section are keeping that under review.

As far as the sort of development itself is concerned and the amount of housing we have done, again as I say, I do not think there is any lack of commitment. Within the first four months of this year Tynwald has already approved £11.13 million to build and refurbish houses in the Isle of Man. That programme is extensive and ongoing, and there is a total commitment not only by Government but by Members of Tynwald to ensure we can do the best we can to help the people in the Isle of Man have opportunities to either buy a house or live in appropriate accommodation.

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

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

Can the Chief Minister advise on whether Government has in its ownership sufficient land for the building of new public sector housing? If so, can he further advise how many more new public sector units we can expect over the next five years?

**The Speaker:** Chief Minister.

**The Chief Minister:** Mr Speaker, as far as whether we have got enough land, I suspect the answer to that is no. I suspect in certain places we have quite a bit of land, but we do know that whilst Government has endeavoured to buy some land, it has not been as effective in competing against people who... For example, developers can decide very quickly to buy land or put an option on that land which they have been very effective at doing and write a cheque out. Government, because it is public money, has to go through quite lengthy procedures to seek approval from Treasury in an endeavour to enable us to purchase land.

It is certainly an issue which has briefly been raised. I will

be having meetings with the Minister for Local Government and the Environment in the near future in relation to a number of policy issues in that Department, one of which will be to do with housing and land purchase.

As far as the issue of number of units that are to be developed over the next five years, Mr Speaker, I do not actually have the amount of units, but what I can say is that there is an extensive programme, on pages 70 and 71, of local authority housing for public sector. In addition to that, the Department of Local Government and the Environment itself has a capital programme for building new houses and we also have to recognise it is not just a matter of throwing money at it, it is also a matter of the physical ability for builders to build them and for us to have land and for the services to meet those demands.

What we have seen in recent years has been a little bit of a slow-down where, for example – take Janet's Corner, take some other areas throughout the Island, Pulrose – we have actually seen a slight delay, I suppose, whilst houses are demolished and plans are put in to rebuild on that site. We have tried to keep that all flowing by building extra houses to transfer people into, whilst that has happened, and that in itself by its nature has slowed down what could have been just new houses going on the market.

Again I come back to the point, Mr Speaker, the view of Government is quite clear, people who are living in existing houses should not live in substandard houses, whilst we just build new. That policy is not acceptable. We need to move forward on a number of fronts and that is what Government is doing.

**The Speaker:** Hon. Member, Mr Quirk.

**Mr Quirk:** Thank you, Mr Speaker.

Can I ask the Chief Minister, is he aware that, regarding void properties in local authority dwellings, certain local authorities are using a diktat that was given by a former Minister of DoLGE some two terms ago, Mrs Crowe, and that has been still hanging on a wall in an office somewhere and used as a diktat not to turn round void houses properly?

**The Speaker:** Chief Minister, Mr Brown.

**The Chief Minister:** Thank you, Mr Speaker.

I am not aware of that and it is irrelevant, because I have made it absolutely clear now in the House that, as far as I am concerned – and I know the present Minister will be the same – the void houses, that is the empty public sector houses, should be attended to as quickly as possible (**Several Members:** Hear, hear.) so that they can be reallocated to families in need.

That does not mean, in doing up the properties to get them into good order, that they should cut corners; it means they should do it properly, as quickly and efficiently as possible, so that those houses can be made available again to a new family.

I would certainly ask the Minister for Local Government and the Environment to check into that and, if necessary, write to all local authorities and make it absolutely clear that we expect the turnaround of public sector houses to be done quickly, efficiently and that they should ensure that they are done as quickly as possible.

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

**Mr Karran:** Vainstyr Loayreyder, would the Ard-shirveishagh inform this Hon. House: of this great new initiative of 25 per cent that developers have to do, what sort of percentage of them are not one- and two-bedroom flats? Would he not agree that that sort of initiative for young couples is not the sort of development that we want for young couples who almost certainly will be wanting children?

Would he also not agree that when he talks about his £140 million, much of the money that has been spent on those developments are for projects that had been around for 10 or 15 years?

Would the Ard-shirveishagh also inform this Hon. House, when he talks of his generous rent allowances from Social Security, what they are and the fact that they do not reflect what is the market face for decent accommodation for children or adults either? If he does not do that, maybe he would like to circulate that at the end of the sitting by the relevant Department.

Would the Ard-shirveishagh not agree that the bottom line is that all you have got is initiatives that have been around for the last 10 years that are coming out now, because it has been so long in the gestation period that it had to come out now? Will he look afresh with clear eyes to address this serious problem?

Would he also not agree that the United Kingdom is nowhere to be shouting about, as their record numbers of children being put into poverty because of their stupid policies over housing is not something that you want to be reflecting on?

**The Speaker:** Chief Minister.

**The Chief Minister:** Yes, thank you, Mr Speaker.

Certainly, Mr Speaker, I do not know where the Hon. Member gets his 10 years from, because I can remember very well after the General Election of 2001 there was considerable pressure put onto the Minister of Local Government and the Environment to activate an effective programme of housing. In fact, that pressure was put on by Tynwald onto Government and, yes, it started a couple of years earlier with the former Minister.

I would say that, with a lot of the schemes, this is ongoing. It is not just something that is stopping and starting; it is rolling on to keep this issue going. I would make the point that over 10 years the Isle of Man Government has built around 1,800 homes for a population of about 80,000 and if you take the housing population, the number of properties, in fact that is quite an extensive percentage of new build and refurbishments.

As far as the issue of people buying one- or two-bedroom units, I think all we can do is encourage the opportunities to be there for a varied type of housing, because there are people who want single units, there are people who only want two-bedroom units and there are people naturally who want larger units.

Also people do move on from one property to another, as has the Hon. Member, as I have, as have, I am sure, many other Members, when your first home is not necessarily the home that you require as your family develops.

As far as the issue of benefits from the Isle of Man, could I just say, Mr Speaker, the Government introduced – and I cannot remember when now; it is certainly five or seven years ago, I think – a provision within the family income supplement benefit system, that is where people are out

working and where already ours is more generous than in adjacent islands, which included a provision towards housing costs. That is unique, it helps in the Isle of Man. Nothing is absolutely perfect, but certainly one of the things that I can say is that it is something that the Departments are vigilant about and if necessary we will make adjustments to try and meet demand as best we can. What we will not do, however, is to provide a system that just puts money into the pockets of those who are owning properties.

**The Speaker:** Hon. Members, I have three more people wishing to ask supplementary questions. I remind the House this is not a housing debate and I will not permit lengthy supplementaries that are, in fact, speeches. Hon. Member for Malew and Santon, Mr Cregeen.

**Mr Cregeen:** Thank you, Mr Speaker.

Would the Chief Minister not agree that while pushing ahead with these new housing estates, we should ensure the correct infrastructure is in place – roads, schools, open spaces and facilities for children – and that we should also not lift these designs from the suburbs of the UK; they should be sympathetic to the Isle of Man?

**The Speaker:** Chief Minister.

**The Chief Minister:** I absolutely agree that any design should be sympathetic to the Isle of Man, but that is a matter for the Planning Committee and the appeals inspector, based on the policies that are adopted. What I can say is that certainly with regard to the architects in the Department of Local Government and the Environment and the schemes that I have seen recently, they are not just lifted from the suburbs of the United Kingdom – anything but. There is an additional cost sometimes because of the care we do take on some of the developments that we are undertaking as Government.

As far as the infrastructure is concerned, yes, we should endeavour to ensure the infrastructure is appropriate for whatever it is we are developing, but there is also a matter of not holding up housing need, while we wait and talk about whether or not we improve junctions or some other matters that go on.

So, I think we have to have a programme with these things all working together but we also have to take the pragmatic view. Our priority has to be to provide adequate housing for our people. That does not mean sacrificing everything, but it might well mean compromising.

**The Speaker:** Mrs Cannell.

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

Could I ask the Chief Minister, in terms of benefit, towards the housing allowance in particular, is he satisfied that the housing allowance that is provided by the Department to people who are, say, in the private sector paying extortionate rents, is only based on public sector rent and is not based on private sector rent? As a consequence, does he agree with me that in fact the assistance that we provide is, in this day and age, unrealistic?

**The Speaker:** Chief Minister.

**The Chief Minister:** Yes, Mr Speaker, as far as I am

aware, the housing component within the benefits system in different areas, whilst it is based on public sector housing rents, my understanding is – and I stand to be corrected – that there is also provision to actually increase it above that in circumstances where it is shown to be necessary. But it is to a fixed level and I do think we have to be careful, Mr Speaker, not to push up that benefits level, so that people then put up their rents to make even more money out of those who require support.

The most effective way we can combat that issue is to do what we are doing, which is to build more houses for our people to ensure we can reduce the pressure on the housing waiting lists and the pressure on the need for housing within the Island.

**The Speaker:** Final supplementaries from Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Ardshirveishagh not agree that when he talks about the benefits system, as far as the DHSS compared with the United Kingdom benefits system, there is a big discrepancy, in that there is a local authority benefits system as well, as far as housing allowances are concerned? (**Mr Shimmin:** Question?)

Would he also not agree that the fact is that no-one in this House wants to encourage profiteering, and that he has not really come up with anything new that was not already around before he became Chief Minister?

What we need to see is something more of the initiatives to really address this social cancer. Will he go back to the Council of Ministers and look at the likes of his legislative programme and look at ways of creating affordable housing that will long – ?

**The Speaker:** Hon. Member, I warned about the putting of speeches and I disallow that final supplementary.

## OFFICE OF FAIR TRADING

### TT centenary Preventing profiteering/overcharging

1.2. The Hon. Member for Onchan (Mr Karran) to ask the Chairman of the Office of Fair Trading:

*What steps are the Office of Fair Trading taking to avoid the Isle of Man's reputation being damaged by businesses, large and small, taking advantage of visitors for the TT centenary to profiteer and overcharge?*

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

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

**The Speaker:** I call on the Chairman of the Office of Fair Trading, the Hon. Member for Rushen, Mr Gill.

**The Chairman of the Office of Fair Trading (Mr Gill):** Thank you, Mr Speaker.

I want to thank the Hon. Member for this Question and giving me the opportunity to outline the forthcoming

programme of activity of the Office of Fair Trading in relation to this year's TT Festival.

The board of the Office of Fair Trading foresaw, some months ago, the possibility that the centenary TT could be seen by some traders as an opportunity to take advantage of consumers and trade unfairly. I was then, and remain, concerned about the potential for the Island's reputation to be damaged by such trading practices.

The OFT has responded to these concerns in a twofold manner. Firstly, we will advise all TT consumers of their rights; we will make sure that traders are aware that consumers have rights and are aware that consumers have been reminded of their rights by the OFT. Secondly, we will be ensuring that we use our staffing resource effectively over the TT period, so that consumers can call on the Office for advice and so that our enforcement staff are visibly engaged in monitoring trading practices and protecting consumers.

In particular, we will check that prices are properly displayed and not misleading. When a trader correctly and accurately displays the price of an item, all consumers, whether they are locals or visitors, are able to make an informed choice about the value offered and to decide whether or not they wish to make such a purchase.

The Hon. Member may have heard that on 1st May the Office of Fair Trading launched a press campaign based on these approaches. Our press release advised all traders that we would be targeting the following key areas: pricing, age-restricted sales, counterfeit goods, licensed premises, safety of consumer goods, unlicensed non-resident traders, special events and shoppers' rights. We have also encouraged businesses who wish to try out new approaches, such as special promotions, to contact us for advice on how they should comply with the law.

We have also announced the publication of a guide for consumers. The guidance leaflet is being published in English, French, German and Italian and will be available both at our own public counter and at the Sea Terminal. An example of the English version has already been placed on the OFT website. To back this up the OFT have decided to reproduce the key elements of the guide along with advice on problems to look out for in the *TT Essentials* publication being distributed to visitors as they arrive.

During TT fortnight, the staff of our consumer advice centre will be on hand to provide guidance to visitors who contact us either in person, by phone, by text message or by e-mail. Our enforcement staff will be checking to ensure that traders are complying with the duties imposed on them by law. We will check that prices are properly displayed and not misleading; that age-restricted products are not being sold to those who are too young to buy them; that traders, whether resident on the Island or not, are not taking advantage of the Festival to sell counterfeit goods; that licensed premises are serving full measures and not substituting cheap brands of spirits for well-known labels; and that consumer goods, particularly those relating to motorcycles, such as helmets and visors, are safe and meet the relevant standards. Our enforcement officers have a range of powers and will seize and detain any counterfeit or unsafe merchandise, as well as considering criminal proceedings.

Mr Speaker, I recognise that TT fortnight is a key time for local traders. The Office of Fair Trading wants to make sure that it protects local businesses and all consumers, irrespective of where they are from. We will be making sure that the Island's fair trading legislation is being followed and

we will be working with other agencies to try to make sure the centenary of TT is a successful event for everybody.

**The Speaker:** Hon. Member for Onchan, Mr Quirk.

**Mr Quirk:** Thank you, Mr Speaker.

Can I ask the Chairman of the Office of Fair Trading, is there a requirement for a registration certificate to be placed on a stall, for example, the back of the TT Grandstand, to identify the person and the contact and address?

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

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

I am not aware of this requirement to have a registration certificate actually displayed at the point of sale, but I will certainly check that and advise Members accordingly, if that satisfies, Mr Speaker.

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

**Mr Karran:** Vainstyr Loayreyder, I would like to thank the Chairman for his reply. It would not have been in this House, if I had got a reply to my letters in the first place.

**The Speaker:** Mr Gill.

**The Chairman:** I take that as a question, sir. Has Mr Karran written to us? Yes, he has on a number of occasions. Is there any substance to those letters? Invariably none. Have we responded? Yes, we have in a timely manner. Has he made this question known to us previously? I am not aware of that. If he has that evidence, we would be very interested and I would certainly advise Members accordingly. Otherwise, sir, no we have not had the opportunity to circulate this information, but I am very happy that we now have.

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

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

May I ask the Chairman, notwithstanding the hard-working team of the Office of Fair Trading and the great diligence with which they apply themselves to the job, can the Chairman advise whether or not all of these services provided to the people over the TT fortnight will extend beyond the close of business i.e. at 5.00 p.m. or will the services and the cover only be 9.00 till 5.00, Monday to Friday? Has he got extra provision within his budget, so that we can have an out-of-hours hotline or some kind of facility for the public if they require it?

**The Speaker:** Mr Gill.

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

Firstly, could I thank the Member for her kind comments and prior to the last Election, of course, Mrs Cannell was the vice-chairman and indeed a member of that hard-working team she relates to. I will certainly pass on her observations.

As far as budget provision for additional services, certainly, sir, some of these services are specifically aimed at the TT Festival and the need for them will expire with the end of the Festival.

As far as budget provision for additional out-of-hours

services, it is not something that we have seen the need to come back to Council of Ministers to argue that, sir, but I will certainly ensure that that is an ongoing agenda item for consideration by the board now and into the future.

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

**Mr Karran:** Vainstyr Loayreyder, the Chairman of the Office of Fair Trading, I will be happy to circulate the letters that I wrote to you beforehand and that is the only reason why the Question was put down.

**The Speaker:** That was not a question.

That brings us to the end of Questions for Oral Answer. Item 2 on our Order Paper is a Question for Written Answer which will now be circulated.

## Question for Written Answer

### LOCAL GOVERNMENT AND THE ENVIRONMENT

#### Local authority chief executives Breakdown of remuneration and expenses

2.1. The Hon. Member for Douglas South (Mr Malarkey) to ask the Minister for Local Government and the Environment:

*Will you break down the remuneration of the local authority chief executives as provided in reply to the Written Question of the Hon. Member for Onchan (Mr Karran) on 24th April 2007 separating basic pay from expenses claimed?*

**Answer:** The Answer to the Question from the Hon. Member is provided in Table 2.1.A.

Members should note that the gross remuneration figures for the clerks to Bride, German, Laxey, Malew and Patrick Commissioners are higher than the figures provided in relation to the Question from the Hon. Member for Onchan during last week's sitting of this Hon. House. This is because the expenses had unintentionally been excluded by the clerks.

Please note also that the clerk to Rushen Commissioners has asked that Members be informed about the differences between the salaries of clerks in respect of town, village and parish local authorities. In the circumstances, I have decided to include the following summary of some information recently received from Rushen's clerk:

'It is obvious from the article in the "Examiner" that the MHKs have not been given a true picture regarding "salaries". The mileage allowance I receive is for the use of the clerk's car and the clerk pays for petrol, insurance, maintenance, etc for that vehicle out of that allowance. It cannot be regarded as part of the salary. In my case I only claim for some of the miles done on behalf of the Commissioners.'

The same goes for the 'salaries' of some parish clerks – all clerks are different in what they provide as part of the remuneration they receive. I will clarify what my 'salary' includes:

Working from home and availability 24 hours a day, 7 days a week. Also, provision of one room for an office, extra room for storage of archived records, some office furniture, lighting, heating, cleaning, provision of car, insurance and maintenance. Salary also includes provision of storage of wheelie bin stock, storage of litter and dog bin stock, beach cleaning items (bags and gloves), etc., and storage of other items only used occasionally.

So, if you compare the above with a clerk who just "goes to work" and provides nothing at home then you will see that you just do not get a true comparison.

Please clarify to the MHKs the true picture regarding parish clerks.'

**Table 2.1.A**

**Total Remuneration received by Local Authority Clerks during Financial Year ended 31st March 2007**

	Total Basic Salary (£)	Expenses	Gross Remuneration (£)
Andreas	7,000	Nil	7,000
Arbory	5,250	Nil	5,250
Ballaugh	7,000	Nil	7,000
Braddan	50,415	33,214	83,629
Bride	5,600	71	5,671
Castletown	39,255	201	39,456
Douglas	77,808	Nil	77,808
German	6,552	894	7,446
Jurby	5,200	Nil	5,200
Laxey	24,703	189	24,892
Lezayre	7,280	Nil	7,280*
Lonan	7,500	Nil	7,500
Malew	34,986	2,084	37,070
Marown	8,000	Nil	8,000*
Maughold	7,593	Nil	7,593
Michael	10,521	Nil	10,521
Onchan	47,505	Nil	47,505*
Patrick	5,100	73	5,173
Peel	47,478	Nil	47,478
Port Erin	36,198	898	37,096
Port St. Mary	39,500	Nil	39,500*
Ramsey	54,259	Nil	54,259
Rushen	8,400	306	8,706
Santon	5,035	Nil	5,035

\*Clerk was appointed part way through the financial year. Therefore, figure represents the basic gross salary for financial year ended 31st March 2008 and, as such, does not include any expenses.

## Orders of the Day

### ELECTION TO LEGISLATIVE COUNCIL

#### Ruling by the Speaker

**The Speaker:** We now turn to Item 3, which is the election of one person to serve as a Member of the Legislative Council. As we move to this Item, Hon. Members, I wish to make a Ruling on this matter. A copy of the Ruling will be circulated to Hon. Members.

Hon. Members, you will recall that at the sitting of the House on 13th February, one of the two seats on the Legislative Council, whose vacancy had been notified by Mr President, was filled by the election of Mr Edward Alan Crowe. There were at that time two vacancies of differing lengths of term to be filled.

In order to clarify how it is determined which elected candidate fills which length of term, I gave the matter careful

consideration and on 27th February I made a Ruling on it. My Ruling was that I interpreted our Standing Orders to provide that when the second of these vacancies was filled, it would then be clear from the votes cast which candidate had received the higher number of votes and which one it was therefore the will of the House should fill the longer term of office.

This was plainly envisaged by Standing Order 8.3(8) and I quote:

'If the vacancies to be filled differ in length of term, the person receiving the greatest number of votes shall fill the vacancy for the longer term of office.'

I gave three very clear reasons for reaching that conclusion and I have to say, Hon. Members, that nothing which has been said or has occurred since has altered my mind that that was the correct interpretation of Standing Orders.

Hon. Members will recall that among the reasons that I gave was the consideration that these two vacancies had been put before the House to be filled at the same time, that is to say what was designed as a single election. As I put it at the time, the legitimate expectation of the House has been that this matter would, as is usual, be dealt with as a whole and not in parts.

If it is desired to alter the rule and to provide for the candidates to be elected separately, then clearly it is possible to structure the election in such a way that a vote is taken for each vacancy separately. That may be an option for the future, but it is not the case now.

As Hon. Members are well aware, there have now been seven further rounds of this election and no candidate has yet been elected to fill the second vacancy. No-one, I believe, envisaged that there would be such a delay in completing the election and it has created, as a result, a new situation, of which the reality must now be recognised.

There was one occasion in the life of the last House when a similar very considerable delay occurred in filling a vacancy to the Council and it caused difficulties with regard to the pension entitlement, under the Tynwald Members' Pension Scheme, of the outgoing Member who was, in the event, finally re-elected. That difficulty was resolved by an amendment to the Scheme, which proceeded on the basis that a period of two months was a reasonable period in which to envisage the House completing an election.

Hon. Members, the arrangements in the pension scheme have, of course, no effect on the conduct of these elections, but I am mindful of the need for a consistent approach to similar situations. I have concluded that the same sort of thinking is appropriate in deciding when it is reasonable to regard a composite election as having been completed and a new one begun.

Two months from the end of February takes us to the end of April. This is the first time after the end of April that fresh nominations to the Council are to be voted on and I judge that it is proper to draw a line at the beginning of this month and to treat the election to be held today, and any further election to the Council, as separate from the composite election which has taken place up to now.

The corollary of this, Hon. Members, is that it must be confirmed that Mr Edward Alan Crowe is therefore elected to the longer of the two terms, that ending on 28th February 2010. The election today is therefore to fill the term ending on 29th February 2008.

Thank you, Hon. Members.

**Mrs Craine:** Mr Speaker, is there an ability to comment on the statement, sir?

**The Speaker:** Hon. Member, no. The Standing Orders do not permit a challenge at this sitting to... This is Standing Order 3.31: the Speaker shall not be challenged at the sitting on his Ruling.

#### **Election to Legislative Council No Member elected**

4. Election of one person to serve as a Member of the Legislative Council for a period expiring on 29th February 2008:

<i>Nominee</i>	<i>Proposer</i>
<i>Mr Derek Nicholson</i>	<i>Mr Houghton</i>
<i>Mr David Saunders</i>	<i>Mr Gawne</i>
<i>Mr Juan Turner</i>	<i>Mr Gill</i>

**The Speaker:** Hon. Members, the next Item on our Order Paper, therefore, is to elect one Member to the Legislative Council. In view of what I have just said, the term expiring on 29th February 2008 only remains to be filled.

In accordance with the statutory requirements in section 2 of the Isle of Man Constitution (Elections to Council) Act 1971, I called at the sitting on 24th April for nominations to be made and those on your Order Paper resulted. The nominations were accompanied by the required statements of qualification and reasons in support and were circulated to Hon. Members by the Secretary of the House on 27th April. As also required by the Act, the sitting of the House today takes place no sooner than 10 days after the close of nominations.

I shall first call on each nominator to propose the candidate that Member has nominated and then call for a seconder.

I now call upon the Hon. Member for Douglas North, Mr Houghton.

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

I have great pleasure in nominating Mr Derek Nicholson of 12 Victoria Road, Castletown, for election to the Legislative Council. Mr Nicholson is well known to many Hon. Members and is a highly respected member of the community in Castletown and the south of the Island.

He had a distinguished career in the Isle of Man Constabulary, where he retired at the rank of inspector in 1988.

Mr Nicholson was a member of Castletown Commissioners from 1989-92 and again from 1994-97, and has also put his life and soul into the Southern 100 motorcycle races for over 17 years, where he is currently president of the club and organising committee.

I have known Mr Nicholson and his family all my life. He is a fervent believer in consensus government and strongly supports the public requirement for a democratically elected Legislative Council in the future.

Mr Speaker, until that day arrives, I believe that he will undertake an active and valuable role as a Member of Tynwald if he is elected today. Mr Nicholson is a man of integrity and is one who has a wealth of experience and great

knowledge of the workings of parliament and Government Departments. He has an active mind and has pursued a path of fairness and transparency all his life.

Mr Speaker, it is for all these reasons that I feel Mr Nicholson would prove himself to be a valued and highly respected Member of the Legislative Council and I ask all Hon. Members if they would place their trust in him this morning.

I beg to move, sir.

**The Speaker:** Do I have a seconder?

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

**The Speaker:** Hon. Member, thank you.

I now call on the Hon. Member for Rushen, Mr Gawne.

**Mr Gawne:** Gura mie eu, Loayreyder.

It is my pleasure to propose David Saunders for the remaining seat in the Legislative Council.

Mr Saunders has played an active role in the social and business life of the Isle of Man over the past four decades and he has, I believe, the skills and commitment to provide rigorous and effective scrutiny of the business of both Government and Tynwald. He is a man with firm beliefs who is not afraid of speaking his mind and I am sure he would prove a valuable addition to the Legislative Council, if elected.

Having spent his working life with the Isle of Man Bank, David Saunders has a strong understanding of politics, business and the unique way of life in the Isle of Man. His extensive experience at the heart of Manx business would provide an invaluable source of advice to Tynwald and Government and I am pleased he has agreed for his name to go forward.

While I understand that some Members are uncomfortable with our current system of electing Members to the Legislative Council – and I include myself in this – Isle of Man constitutional legislation places a duty on us to elect Members to the Legislative Council.

Hon. Members, it is clear that in the coming years the need for us to find new and innovative ways of maintaining our economy and growing Government income will be paramount. The skills which David Saunders can offer to the Legislative Council and to Tynwald are invaluable and so I have pleasure in proposing him.

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

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

It is with pleasure that I rise to second the nomination of David Saunders, a former colleague of mine from the Isle of Man Bank, whom I have known for a great many years. For a considerable number of those we worked closely together in a variety of different roles and I can therefore speak confidently when I say he would be a valuable Member of Tynwald and the Legislative Council, should you favour him with your support this morning.

David has, during his career with Isle of Man Bank, occupied very senior and responsible positions equipping him well, if elected, for whatever task would face him. His technical knowledge is sound, as is his level of energy and

enthusiasm. He is an accurate, decisive, hardworking man and a strategic thinker.

In his private life he has been involved in a significant amount of community work over the years, particularly with the Manx Deaf Society, a charity he has faithfully served for over 40 years. As a younger man, he was a leading sportsman, with cricket and football being his major love, playing for Cronkbourne and St George's respectively. Intermingled with this was a talent for singing, and he spent a good number of years as a leading Manx performer in this field.

To sum up, David has a strong personality and plenty of get-up-and-go about him and I shall not repeat everything the proposer has said, other than to convey to you my own personal view of him.

I believe, Hon. Members, this is an opportunity to appoint a very capable person to the position available – a man able and willing to take on challenging roles – and I urge Hon. Members to add their support to mine and that of Mr Gawne in voting for David Saunders in today's election.

Thank you, Mr Speaker.

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

**Mr Gill:** Thank you, Mr Speaker.

I will not make a speech on behalf of Mr Juan Turner's nomination for the vacancy in the Legislative Council, but I will, if I may, paraphrase some of the points that he made in his speech for Members at the presentation on Friday last.

The first point, Mr Speaker, is Mr Turner has offered himself. He has not allowed his name to go forward; he has actively requested to be supported in his desire to stand for Legislative Council.

Mr Turner is a young man; he is 33 years old. He is a father; he is an employer. He is a small business owner, well known in the business community through his work with Energy FM, and he knows the business community. All of this leads him to claim, entirely correctly, that he is in touch with the problems and day-to-day needs of local people, and I am sure that that is a quality that we would all welcome in a Member of the upper House.

Mr Turner makes the point that he has not been put up to this by any other person, certainly not a Member of this House. He feels it is important that you know that he has no political bias to any body or organisation. He is not a member or influenced by any profession or trade, social club or society.

I do know I concur with the comments of Mr Turner when he said he will give Legislative Council his full attention and will obviously have to relinquish editorial control over the output of Energy FM, or indeed any other media outlet he had any contact with. I can wholeheartedly concur that his comment that anybody who knows him will bear tribute to the fact that his level of commitment is 100 per cent to everything he takes on. He does have a can-do attitude. He is a team player, but he is also an individual who speaks his own mind but also values the requirement to be a team player. He is certainly a man who is trustworthy and a man of integrity, but he is nobody's fool and he would bring a great deal to the Legislative Council.

The final comment that I would paraphrase, Mr Speaker, if I may, is the common goal of every Member of Tynwald – and these are the words of Mr Turner – which is to make the Isle of Man a successful, vibrant, enjoyable place to work, live and to do business, and I believe that the vacancy in the Legislative Council, if it is filled by Mr Turner, would

afford us the qualities that he would bring and all those other qualities that I have listed in his application.

So I beg to move Mr Juan Turner as a nomination for the vacancy in the Legislative Council.

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

**Mrs Craine:** Thank you, Mr Speaker.

I beg to second the nomination of Mr Turner.

I find it personally refreshing that such a younger-than-average candidate would come forward to put himself for Legislative Council and yet we have someone here who is genuinely interested in Manx politics, who comes from a family deeply entrenched in the Island's community. Yet he brings with him a business acumen that is proven, and I believe that that will contribute to the role of a Member of the Legislative Council, where we are very familiar that this role in fact contributes... or the large part of the job is to revise legislation, and so I believe that he does have the ability and the desire to carry out that role.

He makes a genuine contribution to our community through his own personal interests and I believe, from what he tells us, that he is very committed to the reform of Legislative Council.

I believe that in Juan Turner we have a candidate who is enthusiastic and energetic, Mr Speaker. I have no hesitation in seconding his nomination and I urge fellow Members to do so.

Thank you.

**The Speaker:** Now, Hon. Members, the candidates having been duly proposed and seconded, I call on the Secretary to distribute the ballot papers.

Could I ask the Hon. Member for Douglas East, Mrs Cannell, to be a teller and the Hon. Member for Peel, Mr Crookall. Thank you.

*A ballot took place.*

**The Speaker:** Hon. Members, the result of the election is as follows. There were 23 valid voting papers, therefore a minimum of 12 votes would be required for a majority. The result is: there were 5 blank papers; no spoiled papers; Mr Nicholson received 3 votes; Mr Saunders received 4 votes; Mr Turner received 11 votes.

That means, Hon. Members, that the House has not this morning elected a candidate to the Legislative Council in accordance with statutory requirements. I must therefore call for fresh nominations to be made to the Deputy Secretary of the House by 5 p.m. on Friday 11th May, with a further round of this election to be held at the sitting of the House on 22nd May.

Thank you, Hon. Members.

## Constitution Bill

### Suspension of Standing Order 2.2

#### to take a Second Reading

#### Motion lost

**The Speaker:** Turning back to our Order Paper and, Hon. Members, before I turn to Item 4, Bills for Second Reading, there is a motion to be made to suspend Standing Orders in

connection with the Constitution Bill 2007, the Bill that is in the name of the Hon. Member for Middle. I call on the Hon. Member for Douglas East, Mrs Cannell, to move suspension of Standing Orders, Mrs Cannell.

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

I hope this morning that Hon. Members will give me a degree of latitude for asking them to support my request for suspending Standing Orders, because I do so for very good and valid reasons. The reason I am asking the House to suspend Standing Orders to consider the wording in the motion is to try and restore some kind of procedural behaviour back into this Chamber.

Notwithstanding the House deciding to suspend Standing Orders on 1st May and making the decision that they did, that, with respect, was on 1st May. We have now moved forward, we are now sitting here today and it is 8th May.

Why am I suspending Standing Orders or asking for your support? We have a procedure within the Keys and we have a procedure for considering Bills and requests from Members to bring forward Private Members' Bills. The procedure is a good one and it is there for very good reasons and it is to make sure that any Bill that comes before the House receives proper and due consideration and follows due process.

For those new Members in the House who may not be yet fully familiar with the procedure, (*Interjection*) what happens is that a Member will come to the House and there will be a motion on the agenda. That motion will say 'the Hon. Member for whichever constituency seeks support for leave to introduce a Bill to do XYZ'. At that stage, the Member has to get up and he or she has to make a case to convince the rest of us that there is valid and good reason why we should support that Member's request for leave to introduce a Bill.

What we do not have at that stage of the debate is any kind of printed draft Bill or an idea of a Bill before us. We have nothing written before us and so the Member has to gather support from the majority of the House for the principles which he or she wants to see in new law. Nine times out of ten the House will actually support that, because they have an underwritten principle that we should at least give the freedom to any Member of this hon. place to come forward with a draft Bill so that we can see what it is that they are wanting to move forward with, we can see what the intentions are and we can evaluate what the principles are contained within that proposed new law. Sometimes, in my experience, an Hon. Member has been refused leave to introduce. However, that is the first process.

So assuming the Member has had leave to introduce, he or she then comes forward at some point, not usually too long after the leave to introduce has been approved, with a draft Bill and that is what we get in the Green Bill.

Of course, when a Bill becomes law it is a White Paper, it is printed on white, but it comes as a Green Bill and then it is put on the Keys agenda for Second Reading. Well, what is Second Reading? Sorry, for First Reading it comes and it is on the agenda and it lets us know as Hon. Members that the Bill is now printed, we have a copy of it. We are not going to debate it until we get to Second Reading, but we can see it is there and it is scheduled.

Then a week or two later, we get on the agenda of the House of Keys the Bill for Second Reading. That is when we have the printed version in front of us and that is when we have the debate to accept or otherwise the principles

contained within that new Bill.

At that stage the Member moving it has a second debate, he or she has got to convince the House again, not only the first time and the leave to introduce that 'my intentions are good', but the second time to say, 'here is the Bill, these are my written intentions, this is how I wish to see the law proceed', we debate the principle of that and we either approve it or we do not.

Many Bills have fallen at that stage; others have been very successful and what happens, assuming it is successful, it then goes on to clauses. That is when we get down to the nitty gritty and we consider every word, every line, every intention as written and we can also propose amendments to tweak it to something that we consider is more appropriate.

After that has been done, it then comes forward for a final reading in this House and it is called Third Reading and that is when we either give it our final blessing or we do not. After we have dealt with it, it goes to another place for further scrutiny.

So you have the first stage, which is leave to introduce, and there is a debate; then we have First Reading which is just printed on the agenda paper but it means then that we have a printed Bill to look at; then we get to the second stage which is the 'in principle' of the printed Bill; then the clauses; and then Third Reading.

Mr Speaker, what the House decided on 1st May, when considering the issue surrounding the Constitution Bill which was before us in the printed form, and it was ready for consideration, they considered two amendments. Those two amendments described a different short title to a different Bill. However, the House considered what they considered and what we had then was that one of the amendments, which was moved by the Hon. Member for Middle, Mr Quayle, was supported by a slim majority and we were then informed and advised by you, Mr Speaker, that at the next sitting of the House following Tynwald, the Bill would come for clauses.

Never in my experience in this place and prior to coming into this place have I seen such a procedure. Not only have we missed leave to introduce, Second Reading, but we are going to go straight to clauses on a Bill which has only just become before us.

That is why I am asking Members to suspend Standing Orders. I regard that on 1st May, what we had – if we are to be fair to all Members, including Mr Quayle, the Hon. Member for Middle – we could regard as a 'leave to introduce a Bill' debate, because what we did not have was a printed Bill before us. What we had was a raft of amendments and a description of a short title which is what we debated. The description of a short title we could regard as leave to introduce a Bill to do what it said in the short title and that won by majority.

So if we consider 1st May was the leave to introduce, then it is right and proper that the next time the House considers the Bill which has only just been printed, we consider the Second Reading, because that will be the very first opportunity that Hon. Members in this House have had to see the Bill in printed form, to read it and to debate what is contained within it, in terms of its principal components, before we then go on to the nitty gritty of evaluating every word and line and intention.

So I hope Hon. Members will support me. I am not trying to derail anybody's ambition here; I am really trying to restore the proper procedure in this House and the proper

procedure is there for good reason. It is to make sure that Members have time to read and digest the principles contained within a draft Bill, they have time to prepare what they are going to say, if they are going to say anything on the Bill, they have time to prepare changes when it comes to clauses by proposing amendments. Those processes are there for very good reason. They are there to make sure that when we have finished dealing with a Bill and it goes elsewhere that we have done the very best in terms of ensuring that that Bill is right and fit for purpose, as far as the Members of the House of Keys are concerned.

To just take a Bill straight to clauses and bypass all of that, we do not a good service to democracy in the House or in the Isle of Man for our people. So all I am asking for is permission to suspend Standing Orders and the motion is worded:

‘That Standing Order 2.2 be suspended and that, notwithstanding the suspension of Standing Orders at the sitting on 1st May 2007 in relation to the passage of the Constitution Bill now before the House, the Bill be read a second time at the next sitting before its clauses stage is taken.’

I beg to move.

**The Speaker:** I call on the Hon. Member for Rushen, Mr Watterson.

**Mr Watterson:** Thank you, Mr Speaker.

I will not be seconding this motion, but I would – (*Interjections*)

**The Speaker:** If you are not seconding, I require a seconder. Hon. Member, Mr Houghton.

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

I am very happy to second this motion moved by the Hon. Member for East Douglas and I commend her for doing it. We are making a fool of ourselves time and time again in this Hon. House.

When the support changed from the Hon. Member for Michael, Mr Cannan’s Bill... that went through what I would call the proper procedures that I understand and everybody else outside understands, and then for that Bill to go forward for clauses... No, it then received three lots of amendments which changed the whole fortune of the Bill and we then had a brand new Bill out of those, voted for in the name of the Hon. Member, Mr Quayle.

So in other words, Mr Speaker, that Bill of Mr Cannan’s was simply hijacked. Whether you like Mr Cannan or not, the Bill that Mr Cannan put forward here for proper scrutiny was what had been worked up long and hard by the former Member for Ayre, Mr Quine, your good self, Mr Speaker, and then handed on to Mr Cannan with all the relevant amendments that had been made in the previous House, which obviously had to go before this House.

So it was not any wild ideas that were dreamt up by Mr Cannan. These had been hard worked, through long amounts of hours that I have sat here with many other colleagues in this House and listened to and supported and so on, only for it to be, like I say, hijacked by the Hon. Member, Mr Quayle, in moving it into a completely – in my political opinion – ridiculous direction.

So it really does want that second thought by a properly produced Bill which now, of course, it is – properly

produced – so it can be properly thought through and then amendments attached to that, as and where necessary.

We are back in a jumble, Mr Speaker, once again, with the whole thing. We have got no credibility outside whatsoever, we do not know what we are doing and it is quite clear that some Hon. Members may not wish to see anything actually being done about this, as far as an elected Tynwald is concerned, which is going against just about every Hon. Member’s pledge that they gave in the General Election.

So, Mr Speaker, I do agree that the principles of this particular Bill here need to be examined and I know what I will be doing with the Bill. I will be voting completely against it, because it does not fit in with the principles that I believe are the wishes of what the public require to see, but that is for another day, that debate.

The Hon. Member for East Douglas states quite clearly that the Bill needs to be fit for purpose and examined thoroughly and properly. That is the reason why I feel and why I support this motion before us today, that this Bill should be re-examined in a *proper* forum of a Second Reading debate and then, as quite clearly set out, any amendments and, if the Bill is kept alive and voted on in that way, then put forward in the appropriate manner.

Thank you, sir.

**The Speaker:** Hon. Members, the last two speakers have each used the phrase ‘proper procedure’ in reference to the procedures adopted by the House at the last sitting, inasmuch as the procedure adopted was somehow improper.

I just wish to make it perfectly clear that it may well have been an unconventional procedure, but there was nothing ‘improper’ about it. (**Mr Corkish:** Hear, hear.) It was the will of the House that an exceptional situation be dealt with in this particular way. The procedure was not improper in the sense that that word could be taken to mean. It was, however, unconventional.

I just want to put that on the record.

**Mrs Cannell:** Point of order, Mr Speaker.

**The Speaker:** Mrs Cannell.

**Mrs Cannell:** My apologies for misuse of the language. I ought to have said ‘normal procedure’.

**Mr Houghton:** Mine too.

**The Speaker:** That is fine. I just wish to make that clarification, in case there was any doubt that the House had somehow acted improperly. Thank you, Hon. Member, Mrs Cannell.

I now call on the Hon. Member for Rushen, Mr Watterson.

**Mr Watterson:** Thank you very much, Mr Speaker.

I would like to thank the proposer of this motion for her extensive and patronising class in constitutional law. I look forward to the public corollary in Royal Assent and promulgation that is bound to follow at some point in the future.

I think the House knew what it was getting into when it got into the debate on 1st May. We knew that this was a Second Reading debate – I think that was made perfectly clear by the Ruling that the Speaker made on the subject. The

Hon. Member has explained at length just what it was that we do in terms of putting a Bill through, and I am sorry if she did not understand that it was a Second Reading debate that was being undertaken at the time.

She talks about due process and having a proper debate about things and yet this amendment has appeared out of the blue. It has not appeared on the Order Paper for discussion and debate; it has just been thrown in at the last minute.

So, I hope that Hon. Members will join with me and look forward to... if we do want a debate on this subject, it will appear on the Order Paper and we will debate it properly, as opposed to just have this thrown in at the last moment.

**The Speaker:** Just for the avoidance of doubt on the part of Hon. Members, the motion that is being circulated does seek the suspension of Standing Order 2.2. It is that Standing Order that deals with the placing of motions on the Order Paper. It is precisely that Standing Order that we are wishing to suspend today.

I have no-one else down to speak; therefore I will call... Hon. Member, Mr Cannan.

**Mr Cannan:** Mr Speaker, I am supporting this because, after long experience in the House, I think that with the procedure that occurred, when there were a properly constituted Bill for clauses and two so-called amendments that totally changed the Bill and the long title, it could have been said that they were two new Bills. What we now have before us, so fundamental was the change in the long title, we do have a new Bill before us, which has only just been printed. It may be perceived by many that perhaps the House was being –

**Mr Quirk:** What about your language?

**Mr Cannan:** Pardon?

**The Speaker:** Carry on, Hon. Member.

**Mr Cannan:** – hurried in the procedure, where we now have a new Bill that has not had a Second Reading and we are going to clauses.

What the argument is – and I cannot see why the mover should object to it, because it is only going to be a delay of two to three weeks – is that he comes forward with what he has for Second Reading. I say this because the Constitution Bill is so important.

**Mr Karran:** I agree with you there.

**Mr Cannan:** It is so important. It is not some executive-type Bill that we all know has to be hurried through, such as a TT Road Races (Amendment) Bill, where we had three Readings in one day or whatever. We know that is important for the good running of Government and an event. But this is fundamental to the Isle of Man, the constitution of the Isle of Man, and I believe that the procedures should not only be correct, but be seen to be correct by the people of the Isle of Man. Never mind the personalities in here; set aside the personalities and think of the constitution of the Isle of Man and think of the proper procedures of the House of Keys.

The normal procedure is as has already been explained, but this is a Bill of such importance, Mr Speaker, that I believe all personalities, as I have just said, should be set

aside and that we have a new Bill before us, and it comes for Second Reading a fortnight today and thereafter the clauses.

Why are we trying to circumvent something so important?

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

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

I do not under any circumstances object to any Hon. Member coming forward with a motion, but I do object to the fact that it seems to be suggested that there has been undue haste here and that Hon. Members are proceeding with something that they have not thought through.

I think it was quite clear that the Hon. Member for Douglas East, Mrs Cannell, claimed that we had debated this only seven days ago on 1st May. In fact, we actually debated this on 24th April. That is when we debated the three long titles. Members had the proposals.

In fact, for the Hon. Member for Michael just now to say that the Bill has only just been published and Members have only had the details in the last few days, the proposals in my name, now printed in a Green Bill, were tabled at the sitting of the Keys on 24th April. That means that they were in the hands of Members on 18th April, the Wednesday preceding 24th April, so this is not a case of rushing anything through. It is quite clear, instead of saying that we debated this on 1st May, that is incorrect – we debated it, in fact, on 24th April.

These are wholly exceptional circumstances: the election of a popularly-elected Legislative Council has eluded success of the House of Keys. On 24th April, we debated at length the best way forward and reached a consensus. Effectively, we debated three separate Bills, all three different long titles, not referring to them as short titles, as the Hon. Member for Douglas East, Mrs Cannell, referred to just previously.

The vote for the change of the long title tabled by myself was won by 14 votes to 10: I do not agree with the Hon. Member for East Douglas, Mrs Cannell, that that is a slim majority. I think that was quite decisive, when we know that for Mr Cannan, Hon. Member for Michael, his original Bill and long title for a 32-Member House of Keys with a Speaker, the Bishop and so on and the Attorney General, was defeated with 9 votes for and 15 against.

The Hon. Member for Onchan, Mr Karran's long title, allowing for a Legislative Council to be elected in one constituency, was defeated 8 votes for and 16 votes against. So, I think Hon. Members are quite clear in the way that they have looked at this.

I would say that in terms of 24th April, when we did debate this, there was also a move by the Hon. Member for Douglas East, Mrs Cannell, for the Bill to go to a committee. If Members were thinking that this was all rather a rush and maybe it needed the consideration of a committee, that was the time to delay things and hold things up; but in fact that was defeated heavily, with eight Members voting for it to go to a committee and 16 votes against.

If we are here to further dither and delay, then that is a matter for the House, but I really do think that we have got this on the Order Paper now. In fact, these clauses could have been considered today, and as a courtesy to some Hon. Members who were off Island on parliamentary business and to give extra time, I have deferred the tabling of the clauses to 22nd May. So, I think that gives the required time for people

to have moved amendments, which should be to the clauses then by five o'clock on Monday, 14th May.

After 24th April, when the long title was then established to go forward, I invited all Hon. Members to a meeting to put forward any views and to express any concerns that may be addressed by way of discussion or possible amendments, at that meeting. I am grateful for those who attended and those who gave their apologies, saying that they supported the Bill as it stood and wished to make progress.

I would conclude, Mr Speaker, by saying this has had a large amount of coverage on Manx Radio and the press. There were interviews with the Hon. Member for Michael, Mr Cannan, Mrs Crowe and, in fact, myself as well. I would congratulate the Hon. Member for Michael, Mr Cannan, in all the work that he has done, but the House of Keys has established a way forward, as unorthodox as it may have been, but they were wholly exceptional circumstances.

I think that we do now need to make further progress and move to the clauses on 22nd May.

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

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

I will be fairly brief on this, because I agree with the Hon. Member for East Douglas, Mrs Cannell, on this. There is no hurry in my view, no need to hurry this legislation through. I can recall other Members who were present in the last Government: we ended up with quite a degree of confusion regarding the Bill that was before us at that time. In the end, nothing moved forward.

So, I think the emphasis this time should be to avoid that confusion and to bring greater clarity to the situation. Just to let them know that I will be supporting her on this and I am pleased that she has brought the suspension of Standing Orders forward.

I want to be clear about what I shall be voting for, regarding any changes in this respect and I think to see a properly printed Bill moved in the conventional manner will be helpful from my point of view and perhaps from the point of view of others.

**The Speaker:** I call on the Hon. Member for Douglas East, Mrs Cannell. Perhaps you would like, firstly, to deal with what has become evident of a technicality regarding your motion, Mrs Cannell.

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

If you so accept, and Members accept, an amendment to the actual printed motion before Hon. Members to correct the date, which was in fact a 'typo', it should read:

*That Standing Order 2.2 be suspended and that, notwithstanding the suspension of Standing Orders at the sitting on 24th April 2007 in relation to the passage of the Constitution Bill now before the House, the Bill be read a second time at the next sitting before its clauses stage is taken.*

rather than 1st May. If Members so accept...

**The Speaker:** Is that agreed, Hon. Members? (Members: Agreed.) Thank you.

Proceed, thank you, Mrs Cannell.

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

I just wish to thank my seconder, Mr Houghton, Hon. Member for North Douglas, and really thank those who have contributed: the Hon. Member for Rushen, Mr Watterson; Member for Michael, Mr Cannan; the Member for Middle, Mr Quayle; and latterly, the Member for Onchan, Mr Earnshaw.

I am not really going to rise up to some of the language that was used by the Hon. Member for Rushen, Mr Watterson, other than to say (A Member: Hear, hear.) I apologise if he felt I was patronising him. That is not my intention. I do not wish to patronise anybody in here, and I do not think others generally wish to patronise me or anybody else, but in a debating chamber one can get quite passionate and quite heated, when one is on one's hind legs. That is the nature and the animal of politics. Politics is the art of the possible, (*Interjection*) and I was merely using my vantage point on my feet to try and get the support of the majority of those present at the moment. So my apologies if he felt I was patronising him.

My thanks to Mr Speaker for setting the record straight in terms of the motion. Any Member can come forward with a motion at the last minute to actually suspend Standing Orders, to suspend the rules of debate to take that matter that the Member is seeking support for.

I am not going to rise to the comments made by the Hon. Member for Middle, Mr Quayle, either, because all I am asking the House to do is to suspend Standing Orders so that we can return to normal procedure, to custom and practice of taking a new Bill for its Second Reading. That is all I am trying to do. I am expressing no opinion on the value or otherwise of what he is wishing to do or any other Member is wishing to do with amendments at some future sitting. I am merely trying to restore the normal way in which we deal with a new Bill and I hope Hon. Members will support my move.

**The Speaker:** Now Hon. Members, the motion before us requires, to suspend Standing Orders, 16 votes in favour. Sixteen votes are required to suspend Standing Orders for this motion to succeed. Those in favour, say aye; against no. The ayes have it.

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

**FOR**

Mr Earnshaw  
Mr Karran  
Mr Brown  
Mrs Craine  
Mr Bell  
Mr Cannan  
Mr Houghton  
Mr Henderson  
Mr Malarkey  
Mrs Cannell  
Mr Braidwood  
Mr Shimmin  
Mr Cretney  
Mr Gawne  
Mr Gill

**AGAINST**

Mr Quirk  
Mr Crookall  
Mr Quayle  
Mr Teare  
Mr Cregeen  
Mr Corkish  
Mr Watterson  
The Speaker

**The Speaker:** With 15 votes for and 8 votes against, the motion fails to carry.

**BILLS FOR SECOND READING****Constitution (Amendment) Bill****Second Reading approved**

4.1. Mr Gawne to move:

*That the Constitution (Amendment) Bill be read the second time.*

**The Speaker:** We now turn to Item 4, Bills for Second Reading, and I call on the Hon. Member for Rushen, Mr Gawne, Second Reading of the Constitution (Amendment) Bill, Mr Gawne, please.

**Mr Gawne:** Gura mie eu, Loayreyder.

Hon. Members will recall, when I was granted leave to introduce this particular Bill, that my intention with this Bill is very clear. It is not a bold and principled endeavour to radically alter or even modestly alter our constitution in terms of getting Members of Legislative Council directly elected by the public. This is purely about trying to resolve the impasse that we seem to have reached with regard to elections to the Legislative Council using our existing systems.

I do believe that it is important that we do resolve this particular matter, even if the existing Constitution Bill that Mr Quayle is now endeavouring to move through this House is successful. We will still have an election in February of next year for the Legislative Council and I do believe that we have amply demonstrated that the existing system for elections to Legislative Council needs reform.

The Bill, I believe, is fairly straightforward. It modifies the Isle of Man Constitution (Elections to Council) Act 1971. It retains – and this is very important – the requirement for a successful candidate to receive 13 votes. I do believe that that is of utmost importance. If a Member of the Legislative Council were elected without having the majority of Members of the House of Keys supporting them, I do not believe that that would be a good position for us to get into, so the vote for Members would still have to be 13.

However, what I have endeavoured to do with this Constitution (Amendment) Bill is to improve the whole electoral process. As Members can see from the Bill itself and the explanatory notes, I would endeavour to introduce a mechanism by which nominations would be put to the Speaker; there would be a month in which such nominations could be put. This would have the effect of ensuring that everybody in this House would have the opportunity to have nominated candidates who they are able to support at an election, whereas in the existing system there seems to be a very cagey, almost poker-like, game being played as to whose name is going to go forward at which stage.

Under the system that I am proposing, or this Bill proposes, we would have most, if not all of the names actually out there, so that we all knew who was standing, we would all be able to properly assess that. Then following the closure of nominations we would then have two weeks to consider all of the names that had been put forward and then, on ideally one day, we would vote on the Members for the Legislative Council, and ideally be successful in electing them all on the one day.

Unfortunately, it has not been possible to require in this Bill that we elect everybody on that one day, so inevitably there may well be difficulties that will arise, which would

result in us not being able to elect all Members on one day. So, we have to have a fall-back position which would be that the election would then take place or that the same process would take place, as I just outlined.

The one thing, though, this would do, I believe, is ensure that all the serious candidates' names would be declared in advance of the election. The Bill also allows for the names of Members of the House of Keys or recently retired Members of the Legislative Council to be put forward on the floor during the election process. I believe that, as well, is a useful reintroduction of what I understood was previous practice.

Also Members will note that the Bill allows for a 'No' vote. As I said, I believe that a 'No' vote would become less necessary because Members would have the opportunity to nominate over a course of four weeks the appropriate number of candidates for the seats available. So I would imagine that the circumstances in which Members would wish to vote 'No' would be limited; however, we have made clear in this Bill that a 'No' vote would be possible.

I do believe it is a necessary revision, this Bill. I do hope that we only actually need to use the provisions of this Bill at the election in February 2008 and beyond that Members of Legislative Council will be elected directly by the public. However as those more experienced than I will no doubt know, attempts to achieve direct elections by the public to Legislative Council have come and gone. I do hope that on this particular round we will be successful in that. However, as I said, my Constitution (Amendment) Bill 2007 is purely about revising the old system and making it more workable.

I therefore beg to move.

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

**Mr Earnshaw:** Yes, thank you, Mr Speaker.

I am happy to second the Second Reading of this Bill and I think, speaking personally, I welcome legislation to overcome, or the attempt to overcome, the unsatisfactory situation which is now prevailing – a situation that I see as unsatisfactory with the present system.

I would just like to ask the mover for a little bit of clarity on one or two things. I am still a little bit unclear what happens if we cannot elect somebody, what happens after that process, and also a second question I have got is, will the election still be open to former Members of Tynwald as well as non-Members, which is the case as at present?

So those are the two questions I have for the hon. mover when he is summing up.

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

**Mr Karran:** My concern with this Bill is I just see this maybe as a compromise for the status quo. I am concerned that this Bill going through might be seen that we have done something, even though it is not very much.

I personally think there is no need for this piece of legislation. I think it is just a matter of people voting and the only thing that I would like to see maybe put into the piece of legislation is that we vote openly for the candidate that we want to vote for, so that then people outside see how their elected Members are using their democratic mandate from them in that way. I would have no hesitation in supporting such a proposal in front of this House.

I think that might be the way forward, so that when

you get these candidates all saying, 'Oh, I have been told I have got 10 votes and I have got 12 votes' and then they find that they have got two votes or three votes, it would be at least one way of making sure that people know where you are standing. There might be a little bit more honesty to showing the situation, as far as what the upper House is – which pacts, which powerhouses have which patronages in the first place.

**The Speaker:** Hon. Member for Michael.

**Mr Cannan:** Mr Speaker, I have looked at this Bill and the basis of looking at it is, is it necessary? Is it *really* necessary and what is going to be achieved?

First of all you are going to have a month to decide on candidates and that is then a closed list. But we may not agree on those candidates, so how do we offer again the vacancies for people to submit names?

Then in clause 1(3), in (1G):

'Each member of the Keys shall, at each stage of an election to the Council either –

- (a) vote for as many candidates as there are vacancies to be filled; or
- (b) vote for no candidates.'

We are really going back a step, because about 10 years ago we had to vote, when there were four vacancies, for four candidates, whether only two of them were worth your vote. So I brought in an amendment, which was strongly supported by this House, that where there were four vacancies – as we will have in February 2008 – you could vote for four or three or two or one or no candidates at all, just like in your elections, if it is not in a single seat.

In South Douglas, there are two vacancies at a General Election. You do not have to vote for two candidates; you can do, but a lot of people have a preference to vote for only one candidate, whether it is South Douglas or Ramsey or anywhere else. That is fairness, but here 'vote for as many candidates as there are vacancies to be filled'. In other words you are not going to have a choice. (**A Member:** Absolutely.)

So if this Bill goes through and there are four vacancies, as there will be in February, you have got to vote for four candidates or spoil your paper. We are really going backwards, so that has got to be changed for a start, where Members have the right to vote for one, two, three or four candidates or spoil their paper.

In this procedure when we had two vacancies, one candidate has been elected. We did not have to vote for two or otherwise there would have been a lot more spoiled papers I suspect, but at least we were able to choose one.

Secondly, I am concerned that, really, is this truly necessary? The present system seems to be alright, but the ground rules seem to be changing by the day. They seem to be changing by the day.

If it is working, do not fix it. Well, you say it is not working, because we are not electing anybody. But this is forcing you to elect somebody or to elect nobody and forcing you to vote for four candidates in February, when you may only want to vote for two of them.

Mr Speaker, I do not think this Bill will have my support.

**The Speaker:** Hon. Member for Castletown, Mr Brown.

**Mr Brown:** Yes, thank you, Mr Speaker.

As somebody who has, with a few Members here, witnessed the system we used to have, as against the system we now have, I think the only real error, as far as I am concerned, is the situation where the House is not here until it gets a result. I think that it has been recognised for a long time that the difficulty is that when the House can only have one vote as again, rightly under statute, we were allowed this morning, then, in fact, the House has one vote and we move on. I think there is a need to try and overcome that issue.

Certainly, my view is that the only real difficulty came in when section 2(1A) was added into the Isle of Man Constitution (Elections to Council) Act 1971, because what that did was it stopped nominations from the floor of the House. That is really the only bit, in my opinion, if you want to do anything, we should repeal.

I understand the Member is trying to tie up other factors so that you still have it in writing and you still have the situation of us being able to carry on voting once they have been nominated and, by the way, we can then nominate a past Council Member or a Keys Member continuously until we get a result and that is fine.

I do have a concern, which the Member is aware of, in relation to putting too much of what is required under statute into Standing Orders. There is very good reason why things are in statute: because the House cannot tinker with them without a lengthy procedure, i.e. the procedure that we all know through the process. With Standing Orders, of course, a small committee of the House can come with a report, get a majority of the House and then, whatever has been proposed is changed just like that, basically. So, I am not in favour of disregarding what are important safeguards.

I would just like the Member to confirm, absolutely, that section 2(2) remains and that is that no person shall be so elected unless not less than 13 votes shall be recorded in his favour. I presume that is remaining in the statute.

The bit I have difficulty then with is in relation to a person having a majority of votes of the Members in the House, present and voting, recorded in his favour, because again, if we allow that to be in Standing Orders, pressures will come on at times to make changes to Standing Orders which are relatively easy to do. It only needs a majority vote; it is basically a one-stage process, i.e. a report from the Committee. This is far too important for that. This is dealing with people who are going to be elected into Tynwald Court, albeit that may or may not change in the very near future, who are going to be elected by the House into Tynwald Court and then have considerable authority, (**Mr Cannan:** Absolutely.) representing the Isle of Man. They could be Ministers, they could be the Chief Minister, they could be Treasury Minister, they could be Members with serious delegated responsibilities. I do not believe we should do anything to change the legislation that weakens very stringent requirements which we see in the law.

The only area, and I come back to it, is that really, if you want to do anything, Hon. Members, you have got two choices: leave it alone or take out section 2(1A) which is the requirement to have a proper written nomination which, quite honestly, when you see what has gone on, makes no difference at all. Members know who they are dealing with. They know who they are voting for and not only that, the candidates themselves and the proposer are likely to put information before Members anyway, if they are going to stand a chance, if they are an outsider.

In the vast majority of cases of elections, it is usually a Member of the House that is elected to the Council or a sitting Member who has just come out, who is re-elected. This provision has always been a nightmare. This provision that was inserted in the 1980s has caused real problems for us dealing with elections to the House. Members, as the Hon. Member for Michael said, have the provision to not vote for Members now, if they do not wish to, which they did not have previously and therefore, there is a provision there and really, if anything, this has gone overboard.

I am not sure if I am going to support this Bill at the Second Reading. I want to hear the Hon. Member reply to some of his reasoning and I am very concerned – *very* concerned – that we are going to rely on Standing Orders in such an important matter. I believe that should be statutory because of the very nature of what it is we are doing and I have made that point, I think, earlier.

Thank you, Mr Speaker.

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

**Mr Gawne:** Gura mie eu, Loayreyder.

I would, obviously, like to thank Members who have contributed to this debate, particularly my seconder, Mr Earnshaw, who, unfortunately, is not with us at the moment, so I will, maybe, wait until he returns. If he does return in time, I will answer his queries.

Mr Karran and Mr Cannan both wondered whether this piece of legislation was really necessary. My view is that that is entirely up to Members to decide. However, I would not have brought this legislation forward, if I did not think it was necessary. I happen to feel quite embarrassed at the fact that the two elections to Legislative Council that I have been involved with have both resulted in very extensive elections: the May one where Mrs Craine, Hon. Member for Ramsey, and myself got elected at the May by-election and, at that stage, I think it was Mr Kniveton, was still trying to get himself elected. That was a very long and, I felt, embarrassing situation for the House of Keys. We are again in a similar situation in terms of trying to resolve this election process for the Legislative Council.

So, it may be that we do not need to change the legislation. It may be that the legislation is fine, but I would say the evidence is pretty clear that the current system is not working and we need to find a system by which we can elect people in a much more timely manner.

As I have said, also, during my opening remarks, I hope that we can replace all this legislation with legislation which will allow us to directly elect Members to the Legislative Council or allow the public to do that. (**Mr Cannan:** Hear, hear.) However, in the meantime, I think that these ongoing election processes are a considerable drain on legislative time. We should be getting on with the real work and not wasting time doing these sorts of elections which clearly are... the process, anyway, I believe, is confusing Members. It is not allowing Members to have a clear understanding of who the potential candidates are going to be in the whole of the election.

What my Bill does is tries to draw out the candidates at an early stage. It gives Members plenty of time to ensure that enough candidates are standing in the election, so that they are comfortable that, when it comes to the election, they can vote for four, if it is an election for four; three, if

it is an election for three; two, if it is an election for two; or one, if it is an election for one – that they have had the opportunity to ensure that there is plenty of choice for them when it comes to that election.

I believe that the system that I am proposing here is a good system – I would say that, wouldn't I? – and that it will allow all Members to have an opportunity to vote for the candidates that they feel are most appropriate. People are not being forced into voting for people they do not like, because they have the opportunity to ensure that enough Members –

**Mr Cannan:** Not necessarily.

**Mr Gawne:** – are nominated in advance. They will have that opportunity. They have got enough to do that.

If, for some reason, over the course of that month, they were blissfully unaware of the names that are being put forward, then there is always the opportunity for them to vote 'No', and then vote again at a later stage, if that were necessary.

Mr Earnshaw wanted to know what happens if we cannot elect enough Members at a single sitting. I would refer him to clause 1(3)(1J) which provides for a further round of elections if that situation arises. Also, he asked, will elections still be open to former Members? Certainly, there is nothing in this Bill which would exclude that from happening.

Mr Karran suggested that, perhaps, we should have an open vote when it comes to these Legislative Council elections. I certainly would see no problem with that myself, but Mr Karran only dropped it in as a kind of a half suggestion. I would be very interested to know a little bit more about his thinking there and how he felt that that might work. Obviously, *if* we get to clauses stage, there will be an opportunity there for him to consider an amendment to that effect.

I am sorry that Mr Cannan is unwilling to support the Bill and equally that the Chief Minister, Hon. Member for Castletown, Mr Brown, seems unwilling to support. I am doing my best at this. If Members are not happy with it, obviously, they have the opportunity to either vote for or against.

What I can say, though, to the Hon. Member for Castletown is that there is nothing in this Bill which repeals section 2(2). Therefore, section 2(2), which is the requirement that any Member to be elected must have 13 votes, remains in legislation. So, that will not be put to Standing Orders. That is a clear requirement under the legislation and that would remain in the legislation that I am proposing.

Clearly, I am in the hands of Members. I do hope that you can support this particular Bill. I believe it represents an opportunity to improve the system that we are currently having to use. As I said all along, I hope that the provisions in this Bill are only ever used on one occasion and that would be the election in February 2008.

I beg to move.

**The Speaker:** Hon. Members, the motion before the House is that the Constitution (Amendment) Bill be read for a second time. Those in favour, say aye; against, no. The noes have it.

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

**FOR**

Mr Quirk  
Mr Earnshaw  
Mr Brown  
Mr Crookall  
Mrs Craine  
Mr Bell  
Mr Quayle  
Mr Teare  
Mr Cannan  
Mr Cregeen  
Mr Corkish  
Mr Shimmin  
Mr Cretney  
Mr Watterson  
Mr Gawne  
Mr Gill  
The Speaker

**AGAINST**

Mr Karran  
Mr Houghton  
Mr Henderson  
Mr Malarkey  
Mrs Cannell  
Mr Braidwood

**The Speaker:** The Second Reading carries, with 17 votes for and 6 votes against.

### **Prisoner Escorts Bill Second Reading approved**

4.2. Mr Crookall to move:

*That the Prisoner Escorts Bill be read the second time.*

**The Speaker:** We turn now to the Prisoner Escorts Bill for Second Reading which is in the hands of the Hon. Member for Peel, Mr Crookall.

**Mr Crookall:** Thank you, Mr Speaker.

I am very pleased to be here before you today to present the Prisoner Escorts Bill, which will allow the Department of Home Affairs to consider alternative methods of transferring prisoners.

The nine clause Bill will make it possible for the Department to look at private companies to take over prisoner escort duties, which will become more time consuming when the prison is established at Jurby early in 2008.

Let me emphasise, before I go any further, this is not a threat to jobs. The only prison staffing implication on this Bill would be if the services were kept in-house, as this would require the recruitment of around seven more prisoners – (*Interjection*) prison officers. Sorry! (*Laughter*) We would probably have seven more prisoners as well.

The Department has a duty to identify the most cost-effective way of providing prisoner escort services and this Bill will allow the Department to implement such a process, in an attempt to deliver the greatest value for money into the public purse. We need to be able to assess what the private sector could provide and at what cost. This Bill simply gives us the ability to go out to tender and establish the most cost-effective way forward.

Treasury gave concurrence to the Bill, providing the legislation does not pre-empt the requirement to evaluate the different options, that a full and detailed cost comparison between in-house and outsourced services be submitted to Treasury in due course, and that the final decision on whether the services will be contracted out or otherwise will only be taken after the full cost-benefit analysis.

Standard prisoner escort duties comprise such functions as the delivery of a prisoner from the prison to a police

station, or to court, or to a hospital and the return journey, of course, and these premises can either be within the Island or outside of the Island.

Some factors that the Department will need to take into consideration are: maximising the deployment of prison officers; the inconsistent regime delivery in prison due to increase in variable escort demands diverting prison officers from delivering constructive active duties for prisoners; an increased awareness around the inefficiencies of deploying prison officers to roles that do not require their full range of skills or powers.

Some of the potential benefits of outsourcing that will be used as criteria for assessments would be: more effective use of resources; more appropriate deployment of prison officers to the delivery of front-line services; greater uniformity of service; and more clarity on delivery and performance, with better management information.

Hon. Members will be aware that the Department is to give a presentation this lunchtime, which will provide more details as to the policy behind the Bill and how the process, if the Bill is approved, would be managed. If the branches of the legislature are supportive of the Prisoner Escorts Bill, the Department will initiate the tendering process for outsourcing the transport of prisoners before the end of the year.

The proposals which I am putting forward in this Bill will give the Department the opportunity to ensure that they achieve the best value for money when the new prison opens in early 2008, by comparing the costs of the existing method of service provision and that of putting it out to tender.

Mr Speaker, I beg to move the Second Reading of the Prisoner Escorts Bill.

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

**Mr Quayle:** Thank you, Mr Speaker. I beg to second and reserve my remarks.

**The Speaker:** Hon. Member for Rushen, Mr Watterson.

**Mr Watterson:** Thank you, Mr Speaker.

I have spoken already with the Member for Peel on the Prisoner Escorts Bill briefly. Just when he is summing up, I would like his assurance that we can have a further chat with regard to the repatriation of EU nationals before the deadline for clauses, please.

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

**Mr Karran:** Vainstyr Loayreyder, it does rather concern me here today that, while I thought the Ard-shirveishagh was not into privatisation, the situation will be that if this Bill goes through, really we are actually moving towards privatisation. That is the bottom line of supporting this piece of legislation.

I am concerned about the issue of who will pick the Independent Monitoring Board. I know we have improved out of all recognition over the years, from the great and the good and 'not what you know, it is who you know', and I think we have, in our time as Members of this Hon. House – both myself and the Ard-shirveishagh – seen improvements in that field, as far as that is concerned.

I am concerned about the fact that we have the proposals in clause 3 of it only being laid and not being approved. My

concern is here today is that we are getting a presentation after the fact. We are agreeing to the principle and we have not really got a clue what we are going to get.

I understand why this piece of legislation has come in. This piece of legislation has come in simply for man head count, and I think we should be honest enough in this Hon. House to admit to it being a matter of a way of circumventing the man head count. I am alarmed that we will end up getting the local security firm, more likely, tendering for this work and getting paid more than four or five times... charging the taxpayer for what the actual workers will get in its place. I think that we should be very careful. I will be very interested to see what the presentation says of how we are going to make sure that this does not happen.

I will not vote against the Bill, because I think that, to be fair, there could just be once in the scenario where something good can come out of this proposal, but I do fear that the proposal behind this Bill is for privatisation and we will end up with a nice juicy contract going out. We will then be, after the fact... Will the money then from that contract actually go into the pockets of the people who end up doing the job and will we be able to maintain the standards, as far as that is concerned? If you end up with a situation where you have got people on minimum wage, will they be able to keep that security?

Well meaning... when you look at the points about the issues of that – the wrongful disclosure of information on clause 7, good points, but it is going to be very hard to maintain any sort of discipline, if you end up with what we have ended up with, when it comes to putting out to these private sector firms, where they have got top dollar pay from the taxpayer, but the pay for the ordinary working person that does the service is next to nothing. I think this House should be worried about that.

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

**Mr Gill:** Thank you, Mr Speaker.

I have no issue with this particular Bill, but I wonder if we could hear from the mover if there is a context in here that we should be made aware of. The logical extension of this is to have privatisation as a consideration for custody areas in police stations.

I wonder if that is in the mind of the Department? If it is, that would be consistent with this Bill; if it is not, it would be inconsistent. Why is the Department choosing one area of custody management but not another? The same argument, surely, would hold forth for having expensive police officers misemployed in custody areas when they could perhaps be better deployed elsewhere. That is the argument that underpins this Bill and it is an argument which I think has a lot of merit.

Perhaps the mover could just advise us if the principle is to be extended as I described, or if it is not and whichever the answer, what the reasons are for either being consistent or inconsistent. As far as this Bill is concerned, I think it makes eminent sense, and as an enabling Bill to facilitate the best value for money, I commend the Department for it.

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

**Mr Quayle:** Yes, thank you, Mr Speaker.

I think I would like to contribute, if I may, on answering some of the queries, which have been posed so far.

In relation to the Hon. Member for Onchan, Mr Karran, the Independent Monitoring Board is now the new name for the existing Board of Visitors and they will independently investigate allegations of misconduct and report direct to the Department. They will also protect those in custody of a contractor by establishing independent monitoring arrangements and that is mirroring the existing provisions in the prison and uses the same body effectively.

They can also adjudicate in relevant cases where prisoners breach custody rules, in the same way as the Independent Monitoring Board deals with such cases in the prison.

In terms of clause 7, which Mr Karran had a concern about, that effectively protects the Department and those in custody from the wrongful disclosure of information by contracted staff and directly employed prison staff can be investigated and disciplined by the Department.

I think I should also mention the reason why we are here today is bringing forward enabling legislation to allow the Department to effectively consider which is the most cost effective and efficient way forward. It has to be borne in mind that when the vote for the new prison went through, when the Hon. Member for Douglas East, Mr Braidwood, was Minister at the time, there was a requirement for a substantial extra number of staff, numbering, I recall, in the region of 64. That was obviously unpalatable to Members of Tynwald at that time and the extra staffing was reduced to, I think, 30 or 34, so there was a large saving of staff and that was allowing the Department to look to see which could be put forward... some other arrangements to deal with matters more cost efficiently and effectively.

Quite simply, to answer any concerns about the cost here, this is not going to be a 'fat juicy contract' for a private contractor. We would not go down that route, if it was going to be more cost effective for the Department to control in-house its own staff. If that was going to be a cheaper option, I think, quite obviously, that is what we would do. We are not doing this for the sake of it.

In answer to the Hon. Member for Rushen, Mr Gill, certainly there has not been any thought about arrangements for the police aspect that he mentioned: this is quite simply because of the situation that we were in. When the vote for the prison went ahead, it was to gain the support of Hon. Members at that time and the staffing was virtually halved, the extra staffing that was required. So it has to be remembered that if we do this in-house, it will require an extra, perhaps, several members of staff.

I hope those comments are helpful, Mr Speaker.

**The Speaker:** Hon. Member for Peel to reply to the debate.

**Mr Crookall:** Thank you, Mr Speaker.

Can I, first of all, thank all the Members for their participation and thank the Hon. Member for Middle, Mr Quayle, who has basically answered most of it for me. *(Laughter)* Thank you, Minister.

To Mr Watterson first, can I just say the repatriation question, yes, I will look at that: we did speak before and we will look at it again later on. As I implicated more than three or four times during the speeches there, the cost implication is what we are looking for here. We are looking for value for money from everybody. The service has got to be right, but it has got to be value for money, whether it is in-house or outsourced. That is all that this Bill is enabling us to do: look

at what is value for money and getting the best service.

Mr Gill, I think your question was answered by the Minister. Dodgy – it is something maybe it could be looked into in future, but we can certainly talk about again later.

I think again, Mr Karran, the Hon. Member for Onchan, who was going on about the headcount, but it was said when the prison moved to Jurby, that it would be looked at again, because what was being entailed in transferring the prisoners to and from Jurby to the prison.

As I have said, there is a presentation at lunchtime. The deputy governor will be down to talk to us and he will be more than happy to clarify anything that either myself or the Minister has not cleared up for you this morning. I hope everybody has had their questions answered, or we will get them answered at dinnertime.

Mr Speaker, I beg to move.

**The Speaker:** Hon. Members, the motion before the House is that the Prisoner Escorts Bill be read for a second time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

## BILL FOR CONSIDERATION OF CLAUSES

### Presiding Officers Bill Clauses considered

5.1. Mr Cretney to move.

**The Speaker:** Hon. Members, we turn to Item 5. Bill for consideration of clauses, the Presiding Officers Bill and I call on the Hon. Member for Douglas South, Mr Cretney.

**Mr Cretney:** Thank you, Mr Speaker.

As I explained to Hon. Members at the Second Reading, the purpose of the Presiding Officers Bill 2007 is to implement the recommendation contained in the Management and Members' Standards Committee Second Report for the session 2006-07.

Clause 1 – the appointment of acting Speaker – inserts two new subsections, (1A) and (1B), in section 9 of the Representation of the People Act 1995.

Subsection (1A) provides that when the House of Keys meets to elect a new Speaker of the House, the Keys will appoint one of their Members as acting Speaker to preside over the election debate.

Subsection (1B) provides that the office of acting Speaker terminates automatically upon the election of the Speaker.

Mr Speaker, I beg to move that clause 1 stand part of the Bill.

**Mr Shimmin:** I beg to second Mr Speaker.

**The Speaker:** The motion before the House is that clause 1 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 2, Mr Cretney.

**Mr Cretney:** Clause 2 further amends the Representation of the People Act 1995 by inserting a new section 9A. This section 9A does three things. Firstly, it provides that when the House of Keys first assembles following the election

of the Speaker or on the vacation of the office of Deputy Speaker, the House elects a Deputy Speaker whose role is to deputise for the Speaker when the Speaker is not present at a sitting of the Keys.

Secondly, the clause provides that the office of Deputy Speaker becomes vacant when one of the following occurs: the Deputy Speaker dies, resigns, or his or her seat becomes vacant under section 6; the Deputy Speaker is removed from office by a vote of the House of Keys; or when the House of Keys is dissolved.

Finally, the clause provides that the duty of our Deputy Speaker is to deputise in the absence of the Speaker and assume the powers of the Speaker when the Speaker is absent from the Island or is not present at any sitting of the Keys.

Mr Speaker, I beg to move that clause 2 stand part of the Bill.

**The Speaker:** Mr Shimmin.

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

**The Speaker:** Hon. Member for Rushen, Mr Watterson.

**Mr Watterson:** Thank you.

One of the outcomes of this clause at the moment is that, as it would stand, as a Member of the House, I could, for instance, be elected Deputy Speaker and still be a Member for Housing and actually preside during a housing debate in the absence of the Speaker and that was identified in my letter to the Committee, which is the appendix to the Report.

The provisions in the Bill do not allow the Deputy Speaker to stand aside in areas of conflict of interest. He would have to resign, be removed by a vote which would be permanent, presumably, as opposed to temporary, not just standing aside for the purposes of that particular issue or lose their seat by virtue of a dissolution of the House, or die.

So that is a bit extreme, just to stand aside for the purposes of not presiding over a Bill. So that was purely a procedural point and I know it is very unlikely to happen, but it is a case that I think we should be ready for there.

That is really the only point I wish to make on clause 2.

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

**Mr Karran:** Well, I thank the Hon. Member for seeing why the original legislation was drafted and how it was drafted. I think it is important that we realise that there are principles here. I must say that I am very relieved to see that we are not going the full absurdity of having Ministers being able to be Deputy Speakers and I am glad about that common sense, a veneer of respectability, as far as this issue is concerned, to show the independence, I suppose, of the executive to the parliamentary process.

But the Hon. Member is quite right. That is the reason why we do this, why it was done this way. Talking to this clause, we heard in the debate that they have not got it in primary legislation in the likes of the United Kingdom. It is so absurd, in parliamentary terms, that they did not even think it was worth the ink to put on the paper – that is why it was never put in primary legislation, but I think that Hon. Members need to realise that.

As far as I am concerned, the Hon. Member for Rushen

is quite right, that is the reason why the person should not be. The problem we have got to address is we cannot all be part of the club. That is the reason why we are paying out something in the region of £300 or £400 a year just to prop up the MEA fiasco, because we are all part of the system and no-one can take the executive to account. We have now paid £16 million a year out on that issue because the only two of us that voted against it were completely isolated and sidelined –

**The Speaker:** We are not here to talk about the MEA. Would you keep to the business before the House, please?

**Mr Karran:** But Vainstyr Loayreyder, it might be hard to understand by some Members but the fact is what we are talking about is the presiding officer, the independence of the presiding officer, from the executive, Vainstyr Loayreyder. Whilst we are not on air, Vainstyr Loayreyder, I do not like the way the Chair finds it difficult to understand my argument, as far as it is concerned, because it is an important argument –

**The Speaker:** Hon. Member, it is contrary to Standing Orders to challenge the ruling from the Chair. Please continue and stick to the debate.

**Mr Karran:** Vainstyr Loayreyder, the point is that the Hon. Member for Rushen has clarified the very point of why the legislation was like that in the first place and there should have been the recognising of that point. Instead of trying to make it up as we go along, what we have seen over the last 20 years with the ministerial system, I am very pleased that the Hon. Member for Rushen has had the wit and the intelligence to see the other side of the argument that we all cannot be part of the executive.

**The Speaker:** Hon. Member, Mr Cretney.

**Mr Cretney:** Thank you, Mr Speaker.

I think the circumstances under which there will be an election of the Deputy Speaker are few and far between, in my experience over 20 years in this hon. place. I think that the circumstances under which this would happen would be that, in advance of the absence of the Speaker of the House of Keys, the Speaker would seek leave of absence if he or she were to attend on behalf of the Island, for example some presiding officer conference or whatever.

If therefore there was to be before the House a matter in which there was a perceived conflict, then I think it is quite clear that the matter of conflict would not then be put before the House at that time to avoid the circumstances which the Hon. Member describes. I think it could be, in practical terms, quite easily overcome and I think I would like to rely on the common sense of the House to make sure that happens.

I beg to move the clause standing in my name.

**The Speaker:** Hon. Members, those in favour of clause 2 standing part of the Bill, please say aye; against, no. The ayes have it. The ayes have it.

Clause 3, sir.

**Mr Cretney:** Mr Speaker, clause 3 inserts a further new section 9B in the Representation of the People Act 1995, which provides that the Speaker, the Deputy Speaker and an acting Speaker are not eligible for nomination or appointment

as Chief Minister or as a Minister. The Speaker is not eligible for nomination or appointment as a member of a Department or Statutory Board, but the Deputy Speaker and acting Speaker are so eligible. This reflects the recommendation in the Report.

The Chief Minister and a Minister is each required to go out of office if he or she is elected as Speaker, Deputy Speaker or acting Speaker in circumstances which infringe the provisions above. A member of a Department or Statutory Board is required to go out of office if he or she is elected as Speaker. A nomination, appointment or election made before the Bill is passed is not invalidated by reason only that the person nominated, appointed or elected was statutorily disqualified at the time.

Mr Speaker, I beg to move that clause 3 stand part of the Bill.

**The Speaker:** Mr Shimmin.

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

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, the situation with this clause: at least we are not going to end up with a situation where Ministers are going to be in this position. I have to say that, as far as I am concerned, I still do not think it is satisfactory. I still think that we should be making sure that the Deputy is completely out of the system, as far as the issue is concerned.

I understand... and I am disappointed with this clause because it is going backwards. Over the years, we have fought on other things to do with the parliamentary process, the Public Accounts Committee, where we have managed to get the absurdities of Ministers, Chief Ministers, Members of Treasury off the Committee, because we have recognised the importance of the independence of the parliamentary process.

I am sad that here... I am relieved in one way that you have not gone to the complete absurdity, but it is still wrong and I still will not be voting for it.

**The Speaker:** Mr Cretney to reply.

**Mr Cretney:** Yes, thank you.

I think what we have to recognise here, Mr Speaker, is that we have a small parliament, first and foremost. But the important point which I think I and a number of other Ministers recognise, in terms of our representation to the Standing Orders Committee who came up with these recommendations, we agree with what the Hon. Member is saying – a Minister should not be in this position. So I do not know what the argument is about.

I beg to move.

**Mr Karran:** About Members being on Departments.

**The Speaker:** The motion is that clause 3 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

**Mr Cretney:** Mr Speaker, clause 4 inserts a new section 5A in the Constitution Act 1990. These provisions essentially cover the same matters as the previous clause does, but in

relation to the offices of President and Deputy President of Tynwald.

The clause provides that the President of Tynwald and the Deputy President of Tynwald are not eligible for nomination or appointment as Chief Minister or as a Minister. The President of Tynwald is not eligible for nomination or appointment as a member of a Department or Statutory Board but the Deputy President of Tynwald *is* so eligible.

The Chief Minister and a Minister is each required to go out of office, if he or she is elected as President of Tynwald or Deputy President of Tynwald in circumstances which infringe the provisions of both. A member of a Department or Statutory Board is required to go out of office, if he or she is elected as President of Tynwald and a nomination, appointment or election made before this Bill is passed is not invalidated by reason only that the person nominated, appointed or elected was statutorily disqualified at the time.

Mr Speaker, I beg to move that clause 4 stand as part of this Bill.

**The Speaker:** Mr Shimmin.

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

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

**Mr Karran:** Vainstyr Loayreyder, would the mover of the Bill... I have said that I think that the situation would even be more absurd. My point with this clause is that they should not be part of the executive at all, should not be a member of the Department or a Statutory Board. So then the situation that the Hon. Member for Rushen highlighted, especially with Tynwald with the diverse amount of stuff that would be on the Agenda Paper, would be in that position.

I am disappointed that he does not understand that. I appreciate that the Hon. Member –

**Mr Cretney:** I do understand that.

**Mr Karran:** I appreciate the Hon. Member has managed to stop it from being even worse than what it is, but I do think it is important that the understanding is the principle that there should not be a member of a Department, because at the end of the day, they are either on 30 per cent extra or 10 per cent extra or they might be on 40 per cent extra as part of the executive. That is the principle. The principle is the Chair should not be seen a party to the executive, to the Ministers or a party to the opposition, even if it is not recognised by this Hon. House.

The fact is that that is the way presiding officers are supposed to be and that is the reason why I still think that this Bill is wrong. It should have stayed the status quo, I appreciate the problems, as far as being a small jurisdiction is concerned, but the fact is that the Hon. Member... We have disagreed over the years, as Labour Members of this Hon. House, where I have always seen a priority on legislation over policy, the fact is that that needs to be recognised as being as important as getting on the ladder, as far as the success of going up the executive ladder, which obviously is far better recompensed and pensioned.

My concern is that it should not be that presiding officers should be part of the executive and they are part of the executive, if they are a Member of a Department.

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

**Mr Quayle:** Yes, thank you, Mr Speaker.

I am just seeking a bit of clarification. Whereas we understand that a Minister or a Chief Minister would need to go out of office if elected as Speaker, acting Speaker or Deputy Speaker, could I just ask for clarification if a Member became a Chairman of a Statutory Board. It mentions that an acting Speaker and a Deputy Speaker are each eligible for nomination and appointment as a member of a Department or a Statutory Board, but it does not really seem to... it is rather silent on whether a Member could be a Chairman of a Statutory Board (*Interjections*) and also be acting Speaker or Deputy Speaker.

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

**Mr Cretney:** I will have to refer back to the Hon. Member at the Third Reading on that. I am sorry I am not sure on that point.

**Mr Karran:** Point of order, Vainstyr Loayreyder.

**The Speaker:** Mr Karran.

**Mr Karran:** The position is that they are entitled to be a statutory member; being a chairman would not be part of the thing, so it would not matter. They could be a chairman.

**Mr Cretney:** Well I thank the Hon. Member for his clarification, that is how I understood it, but I did not want to say it to the Hon. House what the position was without first checking it. That is how I understood it. I do understand what I am moving here.

I also wish to make the point, I do think it is a bit insulting that some of the things that the Hon. Member decided to use in his presentation... What we have is we have the results of the Management and Members' Standards Committee which came up with these recommendations. I did not come up with the recommendations; they did.

I happen to agree with the recommendations. I happen to have made representations as a Minister, believing that it was not right for Ministers to hold these (*Interjection by Mr Karran*) positions of office.

What I would say further, though, Mr Speaker, is that there is no official or unofficial opposition in this hon. place at this time. What has always been the case, for the 21 years that I have been a Member, is that Hon. Members have together worked for the good of the Isle of Man and very often that has necessitated them being a member of a Department, to work. They do not do it for the additional salary, in my opinion. They do it because we are all here to work for the good of the Isle of Man, at the end of the day. (**Several Members:** Hear, hear.)

I just find it a bit insulting that this money element is brought in every time, because it certainly has never been my motivation. I would not want to be a Minister because of the extra money, because I can tell you the hours that I work, being a Minister, certainly do not recompense me for the amount of time I am away from home.

**Mr Henderson:** Hear, hear.

**Mr Cretney:** Mr Speaker, I beg to move the clause.

**The Speaker:** The motion is that clause 4 stand part

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

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

FOR	AGAINST
Mr Earnshaw	Mr Quirk
Mr Crookall	Mr Karran
Mrs Craine	
Mr Quayle	
Mr Teare	
Mr Cannan	
Mr Henderson	
Mr Corkish	
Mr Shimmin	
Mr Cretney	
Mr Watterson	
Mr Gawne	
Mr Gill	
The Speaker	

**The Speaker:** With 14 votes for and 2 votes against, clause 4 carries.  
Clause 5, sir.

**Mr Cretney:** Thank you, Mr Speaker.

Clause 5 repeals section 7 of the Council of Ministers Act 1990 which contained provisions dealing with the disqualification of the present Speaker from holding the position of Chief Minister and Minister. Section 7 is superseded by the provisions in the Bill.

Mr Speaker, I beg to move that clause 5 stand as part of the Bill.

**The Speaker:** Mr Shimmin.

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

**The Speaker:** The motion is that clause 5 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it.

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

FOR	AGAINST
Mr Earnshaw	Mr Quirk
Mr Crookall	Mr Karran
Mrs Craine	
Mr Quayle	
Mr Teare	
Mr Cannan	
Mr Henderson	
Mr Corkish	
Mr Shimmin	
Mr Cretney	
Mr Watterson	
Mr Gawne	
Mr Gill	
The Speaker	

**The Speaker:** With 14 votes for, 2 votes against, clause 5 carries.  
Clause 6.

**Mr Cretney:** Thank you, Mr Speaker.

Clause 6 and the schedule make the following consequential amendments. Firstly, a new definition of Speaker which includes an acting Speaker and the Deputy

Speaker is inserted in the Tynwald Proceedings Act 1876.

Secondly, the same definition of Speaker is also inserted in the Interpretation Act 1976.

Mr Speaker, I beg to move that clause 6 and the schedule stand as part of this Bill.

**The Speaker:** Mr Shimmin.

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

**The Speaker:** The motion is that clause 6 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 7.

**Mr Cretney:** Clause 7, Mr Speaker, provides a short title for the Bill. The Bill will come into operation when it is passed.

Mr Speaker, I beg to move that clause 7 stand as part of the Bill. I thank Hon. Members for their support.

**The Speaker:** Mr Shimmin.

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

**The Speaker:** The motion is that clause 7 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

That brings us to the end of Item 5, consideration of clauses.

## LEGISLATIVE COUNCIL

### Consideration of Legislative Council Members' responsibilities Motion withdrawn

6. The Hon. Member for Rushen (Mr Gawne) to move:

*That a committee of three Members be appointed, with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 as amended, to examine and consider the duties and responsibilities most appropriately discharged by Members of the Legislative Council both now and in the future and to report with recommendations by the start of the next Session.*

**The Speaker:** Hon. Members, I have been advised by the mover of the next Item, the Hon. Member for Rushen, Mr Gawne, that he is not in a position today to move the motion standing in his name at Item 6. Therefore, Item 6 will not be moved.

That brings us to the end of the business on the Order Paper, Hon. Members. The House will now stand adjourned until our next sitting, which will be Tuesday 15th May at 10.30 am in Tynwald Court.

Thank you, Hon. Members.

*The House adjourned at 12.37 p.m.*