



**HOUSE OF KEYS  
OFFICIAL REPORT**

**RECORTYS OIKOIL  
Y CHIARE AS FEED**

**PROCEEDINGS  
DAALTYN  
(HANSARD)**

**Douglas, Tuesday, 22nd January 2008**

**Present:**

The Speaker (Hon. S C Rodan) (Garff);  
 The Chief Minister (The Hon. J A Brown) (Castletown);  
 Hon. D M Anderson (Glenfaba); 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 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 12.58 p.m.*

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## House of Keys

*The House met at 10.00 a.m.*

[MR SPEAKER *in the Chair*]

### PRAYERS

*The Chaplain of the House of Keys*

### LEAVE OF ABSENCE GRANTED

**The Speaker:** Hon. Members, I have granted leave of absence today to: the Hon. Member for Douglas East, Mr Braidwood; the Hon. Member for Douglas East, Mrs Cannell; and from 12 o'clock, the Hon. Member for Malew and Santon, Mr Cregeen.

### Condolences to Mr Henderson

**The Speaker:** Hon. Members, I am sure you would wish to join with me in extending sympathy to the Hon. Member for Douglas North, Mr Henderson, on the recent death of his mother.

**Members:** Hear, hear.

### Tribute to Elspeth Catherine Quayle, former MHK

**The Speaker:** Hon. Members, Mr President has already, in another place, paid tribute to our former colleague, Elspeth Quayle, but, Hon. Members, as a former Member of this House, it is right that we should remember her in this place also.

As the President has said, Elspeth was born in 1915 to a father who was a Major General in the Indian Army and who later became Equerry to King George V. At boarding school in Sussex, Elspeth then went on to London University and subsequently to service in the Women's Auxiliary Air Force between 1939 and 1943, where she became a flight lieutenant in charge of 1,000 women, attached to Fighter Command during the Battle of Britain, with liaison duties during the Dunkirk evacuation.

Elspeth moved to the Island following her national service, after marrying Wilfred Quayle, a fellow RAF officer. Although thus a Quayle by marriage, Elspeth used to say that her sole claim to be associated with the Island in her own right was that her great-uncle, Spencer Walpole, had been its Lieutenant-Governor in 1882. Elspeth unseated the incumbent MHK for Castletown, Lord Gort, in 1971 and retained the seat in 1976.

During her 10 years as an MHK, she was, in particular, Chairman of the Forestry, Mines and Lands Boards and was responsible for the implementation of the Arboretum

project at St John's.

As well as holding various other offices and chairmanships, Mrs Quayle was one of the early promoters of the idea of a Manx Honour which has now, at length, been achieved.

Topically, Elspeth led a demonstration at Langness, when public access had been restricted in July 1975, although it did not at that time affect the area currently the subject of dispute, and she was instrumental in effecting a compromise agreement being reached that has existed ever since.

In a fitting tribute to Elspeth, her successor representing Castletown, the present Chief Minister, told the press, when the news of her death came:

'In politics she tended to be a person who listened and was quite thorough. She was very involved in trying to help people through systems in Government and took an interest in their problems. Jobs were hard to come by then, there was not a diversity of employment or the benefits of today and she worked to improve the situation of people generally. She was popular and respected in the town.'

Being a thorough and caring constituency Member is the basis of our calling in this House, Hon. Members and comes before any achievements we may have in Government or other public office. The Chief Minister's words are a tribute with which every Member of the House of Keys will wish to be associated.

Hon. Members, please join me while we stand for a short while in memory of a distinguished colleague, Elspeth Catherine Quayle.

*Members stood in silence.*

**The Speaker:** Thank you, Hon. Members.

## Questions for Oral Answer

### CHIEF MINISTER

#### Department political decisions Ministerial responsibility

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

- (1) Will the Chief Minister confirm that a political decision of a Department is the sole responsibility of the Minister; and
- (2) will the Chief Minister confirm that a Department decision that has the approval of the Minister is the sole responsibility of that Minister?

**The Speaker:** Hon. Members, we turn to our Order Paper, Item 1: Questions for Oral Answer. I call on the Hon. Member for Michael, Mr Cannan.

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

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

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

Mr Speaker I can confirm that the Minister is ultimately responsible for the actions of his or her Department and, therefore, it follows that a political decision of a Department is the sole responsibility of the Minister.

I can further confirm that a Department decision that has the approval of the Minister is the sole responsibility of that Minister, albeit that the Minister may have the full support of his departmental colleagues.

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

**Mr Cannan:** I thank the Chief Minister for his Answer.

Is he aware that in the sitting of this House, on Tuesday, 4th December, when the Hon. Member for Douglas North asked the Minister for Transport if it was his personal decision regarding the new Marine Headquarters at Douglas, he replied, no, it was a political decision of the Department? This was challenged.

So will the Chief Minister emphasise to his Council of Ministers that decisions of the Department are the responsibility of the Minister?

**The Speaker:** Chief Minister.

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

Yes, I am happy, again, to reaffirm that the decisions of the Departments are the responsibility of the Minister. Ultimately, whilst our system is that Members in Departments work with their Minister and have delegated responsibility, acting on behalf of the Minister, there are also within some Departments – and they all call them different names, but I know in the Department of Transport – a Policy and Strategy Committee, which is, in fact, chaired by the Minister. Ministers will take on board their colleagues' comments. Ultimately, however, the decision that is made, whilst it might be collective, is the responsibility of the Minister, sir.

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

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

Could I ask the Chief Minister, with reference to when he formed his new Government, is it a duty of the new Ministers to look at all the policies which have gone on under previous Ministers, and could he give us an indication what his thoughts would be?

**The Speaker:** Chief Minister.

**The Chief Minister:** I think it is a natural point, Mr Speaker, that new Ministers – and, dare I say, new Members, who have delegated responsibility for certain sections of their Department, as delegated by the Ministers – will, in fact, impinge on reviewing policies that are there at the moment. That will be done because of change in circumstance, because of individual views, or because there is a need to re-examine those issues.

I do not think there is anything wrong with that. What ultimately matters is what the decision is, whether or not to change it, and if that change is going to be to the benefit of the community, which I would hope it would be in its general sense.

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

**Mr Watterson:** Thank you.

Would a Minister still be responsible for a decision if it was an overturning of a recommendation that the Minister had made to the Council of Ministers?

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

**The Chief Minister:** The Minister will make a decision on behalf of the Department, Mr Speaker.

However, the Council of Ministers, ultimately, as the executive Government, can ask that Minister to review that policy. If the Minister is content, the Minister should follow the view of the Council of Ministers.

Ultimately, if the Minister felt that was too much for him, the Minister has an option.

## Hotels

### Preventing change of use

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

*Will the Council of Ministers consider bringing in new planning laws in order to protect the designation of hotels from being put to other uses and thus rendering the tourist section of the Manx economy totally non-viable?*

**The Speaker:** Question 2. I call on the Hon. Member for Onchan, Mr Karran.

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

**The Speaker:** Again, I call the Chief Minister.

**The Chief Minister (Mr Brown):** Mr Speaker, change of use from a hotel, a boarding house or guest house to any other use, as with many other categories of use covered by planning, requires planning permission under the Town and Country Planning law. The designation of land for a new use or, where deemed appropriate, to safeguard an existing land use is also covered by existing planning law as part of an Area Plan or the All-Island Plan, which are all approved by Tynwald.

The designation of land use for hotels, often accompanied by other appropriate uses, is therefore already in place.

Thank you, Mr Speaker.

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Ard-shirveishagh not agree that, with the example of the loss of hotels in Port Erin, the expected loss of the Grand Island, even the likes of local organisations that are trying to organise a Manx language weekend have difficulty in finding suitable accommodation outside Douglas, in order to proceed with this?

Another example is the recent decision that another place, called the Castletown Golf Links Hotel, has not renewed its registration as a hotel. Does he not think that the Council of Ministers should be seriously looking at this issue, like the initiatives that have been taken in a number of local authorities in the United Kingdom, where they have areas

of interest, of business activity, to make sure that business activity is not lost? The same should be for the likes of the hotel industry in this Island.

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

**The Chief Minister:** Mr Speaker, the change in the tourist industry has been going on since the early 1980s – in fact, possibly the late 1970s – and unfortunately, over this period of time, some now 25-plus years, we have seen a decline in the amount of tourist accommodation on the Isle of Man.

The Port Erin situation the Hon. Member refers to is an interesting one, where for many, many years there was a view to stop allowing those hotels to be given another use. In fact, the problem with that is that you endeavour to try and force an industry into a false market.

The important thing for the Isle of Man is to reconstruct the tourist industry. As the Hon. Minister for the Department of Tourism and Leisure only referred to recently in answer to a Question in another place, in fact there has been quite a bit of investment in the tourist industry for accommodation.

However, we are losing some of the larger hotels in the Isle of Man and my understanding of that is because, unfortunately, the business is not there.

I accept what the Hon. Member for Onchan says that we have to be continually looking as to how we can create new business in that way. There are many factors, some within our control and many outside of our control where we maybe have a problem with trying to influence the way forward, to encourage an increase in visitors to the Island, therefore a requirement for more accommodation.

**The Speaker:** Hon. Member for Malew and Santon, Mr Cregeen.

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

Can the Chief Minister confirm his Government's commitment to providing high-quality hotels and to ensure that places like the Castletown Golf Links Hotel is not lost to apartments or private dwellings?

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

**The Chief Minister:** Mr Speaker, I cannot assure that they will not be lost or any other area will not be lost to an appropriate planning use, as I do not have the say over planning decisions.

However, what we do have an indication is to influence whether or not planning in its terms of land use, which comes back to the original Question, is actually complying with what is required. Planning, as we know, is a very complex matter in terms of determining planning applications.

What I would say is that I understand the Castletown Golf Links Hotel, unfortunately, is now closed for business; however, there are proposals to redevelop that. My understanding is that also includes a small serviced accommodation with facilities. If that comes to fruition, it may well resolve part of the problem, sir.

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Ard-shirveishagh not agree that, to say that there is a change in

the place as far as tourism is concerned, it is more like a burn-out at the present time, when we look at effective hotel accommodation on the Island?

Would the Ard-shirveishagh not agree that the Council of Ministers needs to be seriously looking at the issue of its commitment to a diversified economy, by not allowing these hotels that are important, and that viability of such, being allowed to be cashed in on short-term financial gain, against the interests of the community as a whole? They provide a facility for weddings and all sorts of opportunities, not just for tourism, for the tourists coming to the Island.

Would he not also agree that action needs to be taken now, as it will be affecting the hotels in Douglas?

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

**The Chief Minister:** Mr Speaker, the Isle of Man Government, in the last 25 years, on and off and mainly, for most of that time, has, in fact, had schemes available to encourage people to invest in tourist accommodation and tourist facilities. In fact, I think it is a facility scheme that we have at the moment that is there. There is no problem with us looking to be responsive to provide, if necessary, support to help new accommodation to be created.

There are things that are happening or proposals that are in the air, with regard to hotels being built. We have the one that the Department of Tourism and Leisure and other Departments of Government are involved in, which relates to the Lord Street site, which in itself would be a substantial development. There are also plans afoot to build in that area, on Lord Street as well, another hotel. Some people are investing in accommodation and we have to encourage as much as we can that to happen.

But at the end of the day, there has to be a market there, and that is a matter of us working together with the private sector and to ensure we can create that market and that, in fact, we can also service that market effectively, to meet the needs not only of the locals, but also our visitors – very importantly – because if we cannot attract our visitors, then accommodation will not be forthcoming, sir.

**The Speaker:** Mr Watterson.

**Mr Watterson:** Thank you.

Will the Chief Minister agree that this is a double-edged sword, in that, yes, you need to create the market on the one hand, but you also need to provide the right sort of facilities on the other, in other words the high quality hotels that we need?

Will he also consider the policy of the Department of Tourism and Leisure, to ensure that it is to object to planning change of use? It is only by giving that certainty that you can sufficiently depress the potential land value of that to make the purchase of hotel sites a more viable proposition, and as a result of that, will he or the Minister report back on this?

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

**The Chief Minister:** Mr Speaker, the point about high quality accommodation, I think, we need to get out of this issue it is only hotels. Tourist accommodation is also self-catering, of which we have a lot of good, high quality self-catering, and that is the point. If you are going to have a diverse economy, which is clearly Government's

policy, that is why we have so many industries here which are substantially supported by Government – whether it be through marketing, whether it be through support that we give in other ways. So there is no lack of commitment there.

However, those who understand the private market also are aware that unless the private market sees a benefit to them, in terms of their investment, they are not going to do it. I think there is limit on how much the taxpayer can put in to support that.

As far as the Department of Tourism and Leisure and change of use of planning is concerned, my understanding is that the Department does, when appropriate, put views in about any change of use. Again, we need to be careful, Mr Speaker. The days of the Douglas promenade being totally tourist accommodation have gone. They went many, many years ago, (**A Member:** Hear, hear.) by the approval of the Douglas Town Plan at the time. Also, we have to be realistic now: if the Isle of Man is to be successful, the whole of the Isle of Man is a nice place to come to, and therefore accommodation throughout the whole Island, whether it be in the countryside (**A Member:** Hear, hear.) and appropriately designed and done, or whether it be in the towns and villages of the Island, that is what we should be looking at.

My understanding is that is what the Department is endeavouring to do, to ensure we can create, long term, a tourist industry that will be sustainable and at a level we can service and accommodate.

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

**Mr Malarkey:** Mr Speaker, can the Chief Minister inform us whether he has any plans to further protect some of these hotel buildings from owners who deliberately allow them to be run down, (**Two Members:** Hear, hear.) to such a state where the end result is the Planning Board has no option but to allow them to be pulled down? A lot of these hotels and houses do get themselves into rather bad states by owners who deliberately want them to be run down.

**A Member:** Hear, hear.

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

**The Chief Minister:** Mr Speaker, I do not know whether owners are deliberately allowing their accommodation to run down. There are many factors why some accommodation places are run-down, often because there is not enough business for them to reinvest back into that business.

I certainly know in my time – I was on the Tourist Board from 1981 to 1986 and again back as Minister from 1994 to 1996 – and Mr Speaker, the reality is there are quite a number who do very well; there are a lot of people, certainly in the 1980s, who caught a cold because of what they paid for the accommodation, at a time when the tourist market in the Isle of Man was declining substantially, and could not reinvest in the standards that were required.

That was one of the reasons the Isle of Man brought in compulsory grading, because there were so many complaints about the standard of the accommodation.

Therefore, I think we have to recognise that whilst there are many in the industry who are able and are very good at reinvestment and running very successful accommodation

units, some unfortunately, because of different circumstances, do not have the resources to put into it, even though they work long hours and work very hard.

The other point is we should also recognise, especially in the Douglas promenade area, that accommodation is very outdated. It can be improved and we have seen that. However, that usually means owning a substantial number of properties together, so you can accommodate them into one unit, but it is also worth recognising they were actually built in a boom and were not built to a high standard. Therefore, the properties themselves do have a problem when you come to conversion.

So there are limitations on that. I think we have to continue as we are, trying to encourage the sustaining as much as we can, whilst encouraging new developments, which is actually what is happening. The market will find its own level.

In planning terms, we should endeavour to ensure that planning recognises the need for tourism, whether it be on Douglas promenade or out in a glen somewhere, as long as it is appropriate. Again, we have to take into account the sensitivity of our own people obeying such developments.

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Ard-shirveishagh not say, that is the last reply slightly inconsistent, when it talks about bad accommodation? We are not talking about the boarding house of the 1980s, where there is about 85 per cent of what there was from the 1980s; we are talking about the Grand Island, we are talking about the Fort Island, or the Golf Links Hotel. We are talking about the Castle Mona; we are talking about the likes of the Hilton.

Does the Ard-shirveishagh not agree that the fact of allowing it to its own level, what will happen is we will end up with a situation where, once again, the speculators and developers will short-change the Island and we will end up with a situation where they will go for the quick buck? We will end up with a non-viable tourist industry, because we have allowed them to turn the use of hotels from tourism to residential and they will reap the rewards and we will be left handing out the cost at a later date, having to develop new hotels at a later date when we might not have the money to do so.

**The Speaker:** Chief Minister.

**The Chief Minister:** Mr Speaker, there is a lot of optimism in the tourist industry, with some proposals for large developments and also proposals for smaller ones. As the Minister of Tourism and Leisure indicated only recently in another place, as I have said, there has actually been an increase in the amount of new accommodation for smaller units. There is a change in the tourist industry, the same as happens in any other business and what is important is that we encourage people to have confidence that tourism has a future.

There is no doubt the Isle of Man Government, in the past 20 to 25 years, has substantially invested in the infrastructure of tourism, such as Manx National Heritage facilities, such as the railways and so on. So there is actually a lot of commitment there.

What we have to do is ensure we can still encourage people to continue to invest and be confident that there is a

good future and a good business there to be taken.

**The Speaker:** Mr Malarkey.

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

Just to clarify more of my last question to the Chief Minister, I was referring to premises that are actually boarded up by the owners who cannot get planning permission for what they want and they deliberately allow the building to have no maintenance, until it gets into such a state of bad repair.

I was asking the Chief Minister: does he intend to bring anything forward to protect these buildings, because this actually happens to heritage buildings, as well as hotels?

**The Speaker:** Chief Minister.

**The Chief Minister:** I am not aware of any that are boarded up deliberately to allow a property to deteriorate, so they can get planning permission to do what they want. I would be interested if the Hon. Member could quote one or two.

Can I say, Mr Speaker, that the point is it does not really matter, because if the land use for that area is tourist accommodation it would not matter: they could not get residential, unless the Plan was changed or unless there was a very special case made through planning. Ultimately, the Minister for the Department can draw it back into line with the policy.

**The Speaker:** Final supplementary, Mr Karran.

**Mr Cannan:** Would the Chief Minister –

**The Speaker:** Sorry, I called Mr Karran, Mr Cannan.

**Mr Cannan:** Thank you.

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

**Mr Karran:** Vainstyr Loayreyder, would the Ard-shirveishagh not agree that, when we are talking about economics, we are very proud of the investment that this Hon. House has provided for railways, Manx National Heritage and the liabilities of over a million pounds on each of the railways alone?

Does he not see that, if we do not make a viable tourist industry, with viable beds, with the accommodation that is needed in the Island, all he going to do is end up losing not only the hotels but also going to lose the facilities that make the quality of life for the people of the Isle of Man further?

Does he not agree that the Council of Ministers should not sit on its hands over the likes of major hotels that are now under threat, for short-term financial gain, turn them into residential against hotel accommodation?

**The Speaker:** Chief Minister.

**The Chief Minister:** Mr Speaker, I think that it is not our job just to sustain an existing hotel unit. If, in fact, developing a different use there results in a further investment elsewhere, which is a brand new hotel of higher quality, then in fact that should be recognised also.

If the unit, whether it be a place built in the 1960s or a place built in the 1800s has, in fact, passed its best use for us, and is not able to accommodate our needs, then we should be encouraging new accommodation to meet future needs. I think we just have to keep our eye open on that one.

As far as keeping our eye on the ball, that is clearly why we have a Minister for Tourism and Leisure. It is his responsibility and that of his Department to ensure that they can find ways forward, encourage development to secure the industry for the future and, of course, with the support of executive Government and Tynwald Court as necessary, to ensure funds are available to make that happen, sir.

### **Civil Service Chief and Deputy Chief Executives Number joining private sector**

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

*For each of the last five years, how many Chief and Deputy Chief Executives have left the Civil Service to join the private sector?*

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

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

**The Speaker:** Again, I call the Chief Minister.

**The Chief Minister (Mr Brown):** Mr Speaker, in responding to the Hon. Member's Question, it is assumed that the information he seeks relates to resignations from the Civil Service. I should also confirm that information is not held on the employment former civil servants may have taken up, once they have left, although it is often known where they have moved on to.

I am advised that, over the last five years, only two Chief Executives resigned their posts. Those resignations were both in 2004. It is known that one left the Island to take up a post in the public sector and the other took a career break.

Thank you, Mr Speaker.

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Ard-shirveishagh not agree that the figures that have come out from the Question today, just underline the statements of concern that many of us have had in this Hon. House over the way the Council of Ministers refuse to address the issue of inclusive society, on having to look after the fat cats and the ones at the top of the Civil Service?

Would he not agree that his statements in the past, where he said that we have had to do this in order to protect the top civil servants from being poached from the private sector just is not consistent with reality.

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

**The Chief Minister:** Again, Mr Speaker, I think it is most offensive for a Member of this House to call senior officers

'fat cats'. I really think it is disgraceful, and it is time the Hon. Member used words that were more appropriate, if he has a criticism.

We have senior civil servants, and civil servants throughout Government, who work very, very hard, take on a lot of responsibility and carry out their tasks on behalf of us and the people of the Isle of Man. (**Mr Earnshaw:** Hear, hear.)

Can I say to the Hon. Member, the point that only two have left: maybe it is because we are a good employer; maybe it is because they are committed to the Service; maybe it is because it is their whole career that they have taken on.

It is not unusual in any business and in a government for people to have a career structure and work up through that career. I would have thought we should welcome the point that people are content to work within the Civil Service of the Isle of Man to serve the people of this Island.

**The Speaker:** Mr Karran.

**Mr Karran:** Supplementary, Vainstyr Loayreyder.

Would the Ard-shirveishagh not agree, then, that I welcome the opportunity for his Council of Ministers to put the same commitment as far as putting the wages up at the top of the Civil Service to the people at the bottom of the Civil Service?

I also would welcome his viewpoint of the fact that when he makes statements in this House and in other places, when he is talking about the fact that we have got to worry about the poaching of our senior civil servants to outside forces, this was a non-reality. Once again, the taxpayers have not just got the revenue implications of that now, but also their pensions later on, as far as the disproportionate priority his Council of Ministers has given to the people at the top in our society in public service.

**The Speaker:** Chief Minister.

**The Chief Minister:** Mr Speaker, the wages that civil servants receive are negotiated through a proper mechanism –

**Mr Karran:** By themselves.

**The Chief Minister:** – which involves –

**A Member:** No, it was not.

**The Chief Minister:** – which are negotiated through a proper system, which is there to protect the civil servants, as well as the employers' side.

They negotiate those wage increases in all cases in terms of the structure and they are approved, ultimately, by the Civil Service Commission, after consultation with the unions. It is a matter for them to deal with.

Again we... I believe Government is a very good employer and does invest in its civil servant. It is not just about the money; it is about terms, conditions, standards of employment, how Members and others treat civil servants, which all come into whether or not people stay within the Service.

### Civic Amenity Sites Equal access for all residents

1.4. The Hon. Member for Onchan (Mr Quirk) to ask the Chief Minister:

*Do you as Chief Minister support the principle that all local authorities should contribute to a regional Civic Amenity Site and that all residents have equal access to any Civic Amenity Site on the Island?*

**The Speaker:** Question 4. I call on the Hon. Member for Onchan, Mr Quirk.

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

**The Speaker:** Again, I call the Chief Minister.

**The Chief Minister (Mr Brown):** Mr Speaker, the short Answer to the Question is yes.

I can confirm that the decision that all local authorities contribute towards a regional Civic Amenity Site and that all residents have equal access to any Civic Amenity Site, was approved by Tynwald Court on Wednesday, 21st June 2006. I can confirm that I voted in favour of the motion, this being at a time during my tenure as Speaker of the House of Keys.

Thank you, Mr Speaker.

**The Speaker:** Mr Quirk.

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

Could I ask the Chief Minister: can he tell me how are the local authorities, the Civic Amenity Sites, going to fund the additional costs for their sites, and how is this to be funded? Is it to be through taxes or rates?

**The Speaker:** Chief Minister.

**The Chief Minister:** The norm, Mr Speaker, is that any costs that go onto a local authority are borne through the rates, sir.

**The Speaker:** Hon. Member for Malew and Santon, Mr Cregeen.

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

Does the Chief Minister think that it is morally acceptable for some local authorities to pay more for the service than others in the same area?

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

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

It depends on the way the Member is calculating it. If he is talking about the actual finance or the rates penny-in-the-pound put towards it, then the system, as I understand it – and I do stand to be corrected, because I am not a hundred per cent up to speed on this – is that the local authorities were certainly contributing so many pence in the pound towards

the cost of certain facilities. The point is that some local authorities are wealthier than others; not because there are more people there, but – take the area of Malew and Santon – because they have quarries there that generate a lot of income and they do not provide the same sort of services that may be provided in other areas.

**The Speaker:** Mr Quirk.

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

Could I ask the Chief Minister: are you happy with the local authorities having to fund additional costs because of a regional strategy for Civic Amenity Sites, and how does that balance with Treasury when local authorities are asked to pay for additional costs outwith their ratepayers' remit?

**The Speaker:** Chief Minister.

**The Chief Minister:** Again, Mr Speaker, trying to get it clear: if, in fact, a local authority has been asked to do something that legally they are not allowed to do, then I would have thought that action is illegal, and certainly that matter should be checked.

As far as the issue of regional facilities, yes, I have always encouraged, where I can, the involvement of local authorities in this sort of area, because I think they are critical if we are going to have a structure that will be effective at local government level, but also that they take part in what is a national problem, which is dealing with our refuse. I think the system has generally worked well.

As Hon. Members know, I certainly have expressed concern, and I still have a concern, about the transference of capital costs over to local authorities when, in fact, that was not the original proposal. The issue, of course, again still comes down to the rates system, and Hon. Members will know there is a reference to this issue in the Strategic Plan that we hope to see if we can do something about that.

**The Speaker:** Mr Quirk.

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

Can I ask the Chief Minister... The previous Government, which he was part of, had indicated there was supposed to be a balancing mechanism to support the users who were using other Civic Amenity Sites around the Island. Could I ask him when this policy, or this strategy, is going to come forward, so the local authorities are not expending money they are not allowed to?

**The Speaker:** Chief Minister.

**The Chief Minister:** First, I would clarify I was not a Member of the last Government, Mr Speaker; I was Speaker of the House of Keys.

Could I say that, as far as the situation is concerned with charges, if a local authority is paying for a service that they legally are not able to do so, they should certainly bring it to the attention of the Department of Local Government and the Environment, and that matter would be looked into.

**The Speaker:** Final supplementary, Mr Quirk.

**Mr Quirk:** A final one, thank you, Mr Speaker.

Could I ask the Chief Minister: would he be happy that

I have written to the auditors for the local authorities and I have received a negative response? Would he be happy with that, as the local authority auditors?

**The Speaker:** Chief Minister.

**The Chief Minister:** I am happy that the Hon. Member has written to them. What the answer is, I think is another matter. Again, the responsibility is the local authority members'. They are elected by the people to look after their interests. It is not the job of a Member of this House.

If a Member of this House has a concern, then quite clearly, as the Hon. Member seems to have, he could rightly take that up with the local authorities, but it is a matter for them to look at their responsibilities to see if it complies with the law – maybe with the assistance of the Hon. Member – and if there is an issue over that, that they are expending money they have no statutory provision to expend it on, then that local authority has a responsibility to take that matter up, seek legal advice and, if necessary, make representations to the Department of Local Government and the Environment to seek to clarify the situation or rectify it.

## TREASURY

### Customs and Excise Division New posts

1.5. The Hon. Member for Michael (Mr Cannan) to ask the Minister for the Treasury:

*Since 1st October 2007, what new posts have been authorised, internally advertised and established or are about to be established in the Customs and Excise Division of the Manx Treasury?*

**The Speaker:** Question 5. I call on the Hon. Member for Michael, Mr Cannan.

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

**The Speaker:** I call the Minister for Treasury, the Hon. Member for Ramsey, Mr Bell.

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

A review of the staffing arrangements at Customs and Excise was initiated in direct response to changes in the revenue-sharing arrangements. As a result of that review, which covered all aspects of Customs and Excise work and was conducted by the Personnel Office, it was decided that some of the structural changes to the staffing organisation recommended should be put in place immediately to not only address the need to maintain receipts, but also to assist growth in our economy and to attract new business to the Island. It is important to understand, therefore, that the total restructuring planned is wholly dependent upon the anticipated growth in the economy. The changes made so far have been to put the Island in a position to attract business and to continue to provide and enhance the services which Customs and Excise currently offers to its customers.

In direct answer to the Question from the Hon. Member, at this stage, and since 1st October 2007, five new posts have been created by the reorganisation of the existing establishment of the Customs and Excise Division and Treasury. The posts are a newly-created Deputy Collector post and four SEO-level posts. All the posts were internally advertised and have been offered to existing established officers in the Isle of Man's Customs and Excise.

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

**Mr Cannan:** While I appreciate the importance of the Customs section of the Treasury, is the Minister fully satisfied in the creation of a further five new Civil Service posts and the implications for the revenue of these posts, and does he condone the continual increase in Civil Service numbers, or is the previous policy of capping now being discarded?

**The Speaker:** Minister for Treasury.

**The Minister:** Mr Speaker, my views on the growth in the numbers of civil servants and Government employees over the last few years has been a matter of record, and my concern has been expressed on many occasions. In this particular instance, though, Mr Speaker, there is, in fact, only one new post. The other posts have been created by not filling existing posts where the occupants of those positions have either retired or left the office. The total cost of this whole exercise is £21,000.

#### **National Insurance Increasing Upper Earnings Limit contributions**

1.6. The Hon. Member for Michael (Mr Cannan) to ask the Minister for the Treasury:

*(1) Are you aware that in the United Kingdom the Upper Earnings Limit in respect of National Insurance contributions will increase by £3,900 per annum together with the usual inflationary increase with effect from April 2008;*

*(2) are you also aware there is to be a further increase in the Upper Earnings Limit of £800 with effect from April 2009;*

*(3) will these increases in National Insurance contributions also apply to persons in the Isle of Man and if so;*

*(4) (a) will you agree that the 'contracted out' contributors who have earnings at or above the upper earnings limit will have to pay an additional £395 per annum in NI contributions for no extra benefit;*

*(b) will you agree that those earning above the Upper Earnings Limit and who are not 'contracted out' will have to pay an additional £470 per annum in NI contributions with only the benefit of a marginal increase in the State Second Pension;*

*(5) will you agree that these NI increases will be partly 'off-set' by changes in the UK taxation policy; and*

*(6) what is the policy of the Manx Treasury in relation to this matter?*

**The Speaker:** Question 6. I call the Hon. Member for Michael, Mr Cannan.

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

**The Speaker:** Again, I call the Minister for Treasury, Mr Bell.

**The Minister for the Treasury (Mr Bell):** Mr Speaker, I can advise the Hon. Member that I am aware of the changes to National Insurance to which he refers, which were announced in the UK pre-budget statement in October 2007.

Since that time, officers of the DHSS Social Security Division have been in discussion with their UK counterparts as to whether the increased contributions are covered by the reciprocal arrangements on National Insurance. Whilst we do not have confirmation of this, it does appear at this time that these increases are not reciprocal in nature and that we will have the choice as to whether to introduce them, or not. Therefore, I can confirm that discussions are ongoing, but I am not in a position at this stage, Mr Speaker, to give any further comment on that.

**The Speaker:** Mr Cannan.

**Mr Cannan:** Would the Treasury Minister agree that, were we to follow the new limits on the new rates on the upper earnings limit, it would require an adjustment in the taxation policy of the Treasury to conform to those requirements of the reciprocal agreement?

**The Speaker:** Mr Bell.

**The Minister:** Mr Speaker, any changes which would flow from this particular change to National Insurance would not in any way affect Treasury's taxation policy, but clearly it would have an impact on employees – a quite substantial impact on some employees on the Island – and impact on the revenues generated for the National Insurance Fund.

**The Speaker:** Mr Cannan.

**Mr Cannan:** What I am indicating is that – if the Treasury Minister would be more open – if we did not obtain a deviation of the reciprocal agreement in respect of the upper earnings limit, the employees of the Isle of Man would be disadvantaged, because in the United Kingdom the statement last October was that the upper earnings limit increases would be offset by adjustments in the UK taxation policy.

**The Speaker:** Minister for the Treasury.

**The Minister:** Yes, Mr Speaker, the Hon. Member is absolutely right. When this announcement was made in the United Kingdom, it was, in effect, announced as a revenue-neutral exercise, insofar as the upper limits were altered, but then the actual taxation rates were changed to balance that out. Clearly, if this were to happen in the Isle of Man, and we were to follow suit, then if the same pattern was followed, we would have to look at the taxation rates to offset that. But that is not the policy of Treasury at the moment, and these discussions with the UK, between the DHSS on the Isle of Man, our officers and their UK counterparts, are due to resume, I think, towards the end of next month, and we will have a better idea, perhaps, of what the position is then.

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

**Mr Watterson:** Would the Treasury Minister not agree that he is perhaps giving a slightly misleading impression, in that in the United Kingdom, the increases in the National Insurance take will go straight into the general revenue of the United Kingdom to be offset against the income tax drop, which is also general revenue, whereas, of course, if these changes were implemented in the Isle of Man, over 80 per cent of the money received would actually go into the National Insurance Fund, as opposed to the general revenue, because we were prudent and kept our National Insurance Fund?

**The Speaker:** Minister for Treasury.

**The Minister:** That is correct, Mr Speaker.

**The Speaker:** Mr Cannan.

**Mr Cannan:** I thank, first of all, the Treasury Minister for agreeing that, unless there is an agreement that we can have a deviation on the upper earnings limit, the employees in the Isle of Man will be disadvantaged vis-à-vis the similar employees in the United Kingdom, unless there was a taxation change.

Would the Minister tell us what is the view of the DHSS in these negotiations, whether they support the retention of the existing upper earnings limit, or would prefer to see the new upper earnings limit being introduced here in the Isle of Man, which would increase the revenue, as just explained by the Hon. Member for Rushen, Mr Watterson, to the National Insurance Fund?

**The Speaker:** Mr Bell.

**The Minister:** Mr Speaker, two points there. I think it is worth pointing out, first of all, that, whilst these changes, if they were to come into the Isle of Man, would have a disadvantageous impact on our own workers. We must not lose sight of the fact that Manx workers are already in an extremely favourable position because of our long-term taxation structure here vis-à-vis their counterparts in the UK.

As far as the position of the DHSS is concerned, Mr Speaker, my understanding at the moment is that they are neutral on this until we can get some parity as to exactly what the implications of the reciprocal agreement, in relation to this matter, might be. Once that position is clarified, then no doubt there will be further discussions between Treasury and the DHSS to identify a possible way forward.

**The Speaker:** Mr Cannan.

**Mr Cannan:** A final supplementary, Mr Speaker. Will the Treasury Minister give an undertaking, then, that he will advise Members of Tynwald – and indeed the public, because they, who are affected by the upper earnings limit, will need to know – that, as soon as some form of agreement has been reached, he will bring his proposals to this House, or to Tynwald, for either a statement or debate?

**The Speaker:** Minister for Treasury.

**The Minister:** Mr Speaker, these discussions between the DHSS on the Isle of Man and their counterparts in the UK are due to continue in February. At that point, the DHSS will have some idea of what the position is, and I am sure they will make that position clear.

## TOURISM AND LEISURE

### Bus network and timetable Review

1.7. The Hon. Member for Rushen (Mr Watterson) to ask the Minister for Tourism and Leisure:

*In this House on 30th January 2007 you committed your Department to a 'comprehensive review of our whole bus network and timetable': can you update this House as to what progress has been made and when we will see proposals for change?*

**The Speaker:** Question 7. I call the Hon. Member for Rushen, Mr Watterson.

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

**The Speaker:** I now call the Minister for Tourism and Leisure, the Hon. Member for Onchan, Mr Earnshaw.

**The Minister for Tourism and Leisure (Mr Earnshaw):** Thank you, Mr Speaker.

The concept of a fundamental review of the whole bus network, involving extensive public consultation, has been an ambition of the Department for a number of years, and indeed something which I, personally, was happy to commit to in this Hon. House last January.

Before the Department can embark upon any review, however, it does need to develop its management information systems, because the whole review process needs to be informed by not only what our customers tell us, but also by the way in which they actually use our services.

The current bus ticketing system was purchased in the early 1990s and provides no useful management information. The first step, therefore, is to acquire a modern ticketing system, and the Department has been working closely with the Information Systems Division (ISD) of the Treasury for the last 18 months on this project.

Unfortunately, the ticketing project has not progressed as quickly as I would have wished but we, or at least the Treasury, are now close to signing a contract with a supplier.

In our business plan, we are targeting the full implementation of a new ticketing system this year, and as we gather data, we can move towards a comprehensive review.

Thank you, Mr Speaker.

**The Speaker:** Mr Watterson.

**Mr Watterson:** Thank you.

Firstly, could I ask the Minister how much has been spent on this failed ticketing system which has yet to be introduced

and has been ongoing for 18 months – if any money has been spent on it at all?

Secondly, could I ask what he has done in regard to the other part, not just looking at the management information system but looking at the other side of this – in other words, what the public actually want?

**The Speaker:** Mr Earnshaw.

**The Minister:** Well, I am not aware of any financial output so far. Certainly, there is nothing in my brief and I do not think anything has been expended on it so far, Mr Speaker.

As far as the second part of the question is concerned from the Hon. Member for Rushen, we are running through the process as quickly as we can.

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

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

Mr Speaker, can I ask the Minister: does the Minister think that the public of the Isle of Man are best served by the bus services being dealt with by his Department, or maybe they should be under another Department, sir?

**The Speaker:** Minister to reply.

**The Minister:** Well, that is an interesting question, Mr Speaker.

The scope and structure of Government was debated by the last... although there was a survey done in the last Government and that came up with various suggestions. I do not know what the outcome of that one was, regarding where the buses should be located, but I am quite comfortable with them being located where they are, within my own Department.

**The Speaker:** Mr Watterson.

**Mr Watterson:** Sir, could the Minister perhaps say that 'running' through the process is something of a misnomer, given that it has taken him 18 months to get nowhere; and perhaps also that he could start at least the public consultation on this? I do not know what his process is for this, but to go for a year without even consulting the public on a review seems to me absolutely crackers.

**The Speaker:** Minister to reply.

**The Minister:** Well, I think we could, but I think it would be a bit of a shot in the dark. I think we need to have some information to start with, Mr Speaker, and I think the best way forward...

This is something that I am frustrated about. I am as eager as the Hon. Member is: he is a good customer of the bus service, I am well aware of that. But I am very eager to get on with this and I have been pressing as hard as I possibly can to do that.

We can start public consultation, but I think we are better waiting until we have got the ticketing system in, which I do not think is far away now. I know I keep saying that and it is a bit irritating, the fact that it is not here, but once we have that, we will be better informed to have the consultation and do a more professional job.

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

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

Having listened to the answers of the Hon. Tourism Minister this morning, would the Tourism Minister agree that perhaps the password of the Department of Tourism and Leisure is 'masterly inactivity'?

**The Speaker:** Minister to reply.

**The Minister:** No, I do not think I agree with that, *(Laughter)* Mr Speaker, as you would probably expect.

We have been working as hard as we can. We have been *(Interjection by Mr Cannan)* frustrated by the suppliers of this ticketing machinery, who have had a major contract in Scotland. They have prioritised that. We have only got a small number of buses compared with the Scottish services, so it has been a question of having to wait in the queue to get round to this. *(Interjection and laughter)* Hopefully, we are pretty much at the head of the queue now.

**The Speaker:** Mr Watterson.

**Mr Watterson:** Firstly, how long does the Minister anticipate he is going to need this system to be up-and-running for, before he says he has got enough meaningful data to make any decisions on? **(Mr Cannan:** Years.)

Secondly, what will the system tell us that the old one will not?

**The Speaker:** Mr Earnshaw.

**The Minister:** Well, I do not think we will need very long for it to run. I do not want to pin myself down to any particular timescale regarding that.

Sorry, I cannot just remember the second part of the question.

**Mr Watterson:** What will the system tell us that the old one will not?

**The Minister:** Well, the old system contains no management information; this new system will tell us when people get on the buses, where they get off the buses, the lengths of their journeys. It will give a full audit of exactly what happens on the bus journey.

**The Speaker:** Mr Crookall.

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

Mr Speaker, can I ask the Minister then, if he is not prepared to go out to public consultation at the moment, if maybe his Department in the meantime would write to the local authorities and just get their ideas. They obviously get the feedback from their constituents, and that way, you can have your starting ground, sir.

**The Speaker:** Minister to reply.

**The Minister:** No, I think I will stick to my original Answer there, Mr Speaker.

I think the best thing to do: we have got this far now. It has been a frustrating exercise. I think the best thing to do is as I outlined before: let us get the ticketing system in,

let us get it up-and-running and then we can get the public consultation as soon as we can after that.

**The Speaker:** Final supplementary, Mr Watterson.

**Mr Watterson:** Does the Minister accept that he needs to look far more broadly at this issue? If he is going to look at changing routes and changing times, he needs to look far beyond what is going on at the moment. That can only really be done by consultation with the public first, and that will either be supported or not. It may give him a better idea of what management information he needs to collect.

**The Speaker:** Minister to reply.

**The Minister:** I am very happy to consider those views, Mr Speaker.

## LOCAL GOVERNMENT AND THE ENVIRONMENT

### Eastern Civic Amenity Site Equipment bought by DoLGE

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

*Please provide the cost and the date of the following equipment that was bought by your Department for use at the Eastern Civic Amenity Site –*

*(a) Department of Agriculture, Fisheries and Forestry hook link skip loader HMN 692J;*

*(b) JCB digger;*

*(c) how many miles has the skip loader done;*

*(d) how many hours has the JCB digger been used; and*

*(e) has the above equipment been sold?*

**The Speaker:** Question 8. I call on the Hon. Member for Onchan, Mr Quirk.

**Mr Quirk:** Thank you, Mr Speaker. I wish to ask the Question standing in my name.

**The Speaker:** I call the Minister for Local Government and the Environment, the Hon. Member for Douglas West, Mr Shimmin.

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

With regard to the first two parts of the Hon. Member's Question, the dates of purchase of the vehicles were provided in another place in January 2007, when the Hon. Member asked the Question at that time.

In answer to part (a), the hook link skip loader was purchased in May 2005, at a cost of £69,775 plus VAT.

The JCB digger in part (b) is actually a wheeled excavator rubber duck and was bought in August 2005, at a cost of £79,052 plus VAT.

As for part (c), the hook link skip loader, I am advised, has done 13,559 miles.

Part (d): the wheeled excavator referred to as the JCB

digger has been used for approximately 46.5 hours.

In answer to part (e), no, the equipment has not been sold.

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

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

Could I ask the Minister for the Department, what was the equipment purchased for and what it has it been used for, up until today?

**The Speaker:** Mr Shimmin.

**The Minister:** I think, Mr Speaker, the Hon. Member is aware that it was part of the capital project to build and equip the new Eastern Civic Amenity Site.

The operator appointed by the Eastern Civic Amenity Committee to operate the site, until it was re-tendered, was unable to use the vehicles for a number of reasons, particularly the fact it was not part of his original contract

The latter part of that is we are currently able to use them when the Northern Civic Amenity vehicle... That is, the hook link skip loader has been used when the Northern Civic Amenity Site have had their vehicle out of action, sir.

**The Speaker:** Mr Quirk.

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

Could I ask the Minister then, who is the vehicle's registered owner and what date was this done?

**The Speaker:** Minister to reply.

**The Minister:** Mr Speaker, I have absolutely no idea, but I will find out the information and circulate to all Hon. Members.,

**The Speaker:** Mr Quirk.

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

Can I ask the Minister that... the Eastern Civic Amenity Site was to have some equipment. There were actually two skip loaders ordered by his Department. Can I ask what has happened to the second one; and was that purchased as part of the capital project for the particular Eastern Middle River site?

**The Speaker:** Minister to reply.

**The Minister:** I have absolutely no idea, Mr Speaker, but I will find out and circulate to all Hon. Members.

### Civic Amenity Sites Directions under Public Health Act 1990

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

*Has there been any direction under the Public Health Act 1990 for the following Civic Amenity Sites –*

*(a) Western Civic Amenity Site;*

- (b) Eastern Civic Amenity Site;  
 (c) Southern Civic Amenity Site; and  
 (d) Northern Civic Amenity Site?

**The Speaker:** Question 9. Hon. Member for Onchan, Mr Quirk.

**Mr Quirk:** Thank you, Mr Speaker. I wish to ask the Question –

**The Speaker:** Again I call the Minister for Local Government and the Environment, Mr Shimmin.

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

For the information of the Hon. House, a ‘direction’ as referred to in the Hon. Member’s Question is the term for a waste licence issued to a Government Department.

A waste licence or direction is issued by my Department’s Environmental Protection Unit to ensure that the waste activity undertaken by the licence-holder is in line with the planning permission granted and the operation of the site is in line with the site plan and best practice adopted by the EU and the UK for waste activities. These sites are inspected by the Environmental Protection Unit to ensure that licence conditions are being met.

With regard to the Question, to make it simpler, the directions have been granted in terms of (b) and (d), the Eastern and Northern Civic Amenity Sites.

No directions have been issued in (a) and (c), the Western and Southern, because the operators there would receive the waste licence in a similar format, but under different terminology.

**The Speaker:** Mr Quirk.

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

Could I ask the Minister then, with reference to the Eastern Civic Amenity Site when was this direction advertised to the public and who from the Department sanctioned this direction and asked for it?

**The Speaker:** Minister to reply.

**The Minister:** I shall make all that information available, once I have it to hand, Mr Speaker. I did not find that in the Question: therefore, I will have to find that.

## AGRICULTURE FISHERIES AND FORESTRY

### Juvenile scallop beds Protection and conservation

1.10. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Agriculture Fisheries and Forestry:

*(1) Are you concerned that by your Department publishing the fact that following the 2007 pre-season survey a particular bed of baby scallops off Peel was found to be more than 20 times denser than any other bed in more than 20 years of survey and that these scallops would not attain the minimum permitted landing size of*

*110 mm until 2008-09 caused –*

*(a) amazement that your Department failed to introduce legal protection for this bed of juvenile scallops to enable them to grow and spawn before capture, which would then be a huge benefit to Manx fisherman and producers for years to come;*

*(b) anger and dismay that in early December a fleet of Manx, Scots and Irish boats descended on the scallop bed leaving the seabed littered with huge numbers of dead juvenile scallops; and*

*(2) will your Department take the necessary conservation measures in the future to protect juvenile scallop beds to enable them to grow and spawn before capture?*

**The Speaker:** Question 10. I call on the Hon. Member for Michael, Mr Cannan.

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

**The Speaker:** I call on the Minister for Agriculture, Fisheries and Forestry, the Hon. Member for Rushen, Mr Gawne.

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

If my statement *had* caused the reaction that the Hon. Member asserts, I *would* be concerned.

As a former member of my Department, the Hon. Member for Michael will be fully aware of the significant measures we have in place to protect the scallop fishery. He will also be aware of the jealous admiration expressed by neighbouring fishing fleets and fisheries administrations for the conservation measures adopted by my Department in relation to the Manx fisheries.

My Department will continue to implement and enforce conservation measures for the protection of the scallop fisheries.

**The Speaker:** Mr Cannan.

**Mr Cannan:** I thank the Minister for his non-answer. (Mr Henderson: Hear, hear.)

Will the Minister confirm that there was, as the Question stated, advice that a scallop bed had been found 20 times denser than any other bed in more than 20 years of survey, and that these scallops would not attain the minimum permitted landing size of 110 millimetres until the 2008-09 season?

Further, did the Department not receive scientific advice that all dredging activity on this bed should cease until the juvenile scallops had matured?

**The Speaker:** Minister for Agriculture.

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

I am happy to correct some of the misunderstandings which I felt I had answered to the Hon. Member, when he asked me this question last week – not in Tynwald or Keys, I hasten to add.

First of all, in relation to the Question, there is an error in that the Hon. Member for Michael asserts that there was anger and dismay in early December. Well, of course, by early December, most of the fishermen had moved on to

different fishing grounds – I think he meant early November, but I am happy for him to confirm that was an inaccuracy in his Question.

I think we also should bear in mind that there is an issue here in relation to transparency. I personally believe that when we find major scientific information like this, the public of the Isle of Man have a right to know what is going on.

We, I feel anyway, owe it to our public to let them know what is happening out there, so I was very happy to issue a statement explaining that.

I was particularly happy to do that, because I knew full well that the fishermen already knew about it, and what I was calling for was according to the scientific advice that the Department was giving to me, which was that we should endeavour to close the area.

We had been in negotiations with the Manx Fish Producers' Organisation since early October, when we received the information calling for a temporary closure. The Manx Fish Producers' Organisation consulted with their members, so all their members were fully aware of it, long before the statement which I issued in mid-October.

Also, I think it is important to note that the area we are talking about here is adjacent to queenie grounds and those queenie grounds were fished all summer by Scottish and Manx vessels. The high density of scallops both over and under the minimum landing size were common knowledge within the industry, both Scottish and Manx industry, before the Department's annual scallop survey had quantified this.

Also, I think it is important that I mention to the House that we did receive a very concerned phone call from a Scottish fisherman who said, 'You must close that area off' – this is a fisherman who had three boats – 'because there is a huge number of juvenile scallops and it would be a tragedy to lose them.'

Unfortunately, as I said, the Manx Fish Producers' Organisation decided that it did not wish to have that area closed off. The area is outside of our three-mile limit, so whereas I have the power to prevent the Manx fishing fleet from fishing in that area, I have got no power to stop the Scottish or Irish or any other stakeholders, because it is outside of our three-mile limit. The only way I could close the particular area off would be by reaching agreement with the United Kingdom's authorities.

Now, we are fully aware that the Department for Environment, Food and Rural Affairs (DEFRA) was not going to close that area off, if our fishermen did not want it closed off. I had asked our fishermen; indeed, the Department had worked very strongly with our fishermen, to encourage them to look for a temporary closure. They chose not to go with that on this occasion.

That said, as a result of this particular situation, the Manx Fish Producers' Organisation has been working closely with the Department. We are likely to be talking about new proposals to improve the already significant conservation measures that we have in place.

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

**Mr Cannan:** Surely, the answer given by the Hon. Minister does not bear close scrutiny.

Will the Minister agree that he has the power, if he is properly concerned about conservation, to take the necessary action and override the decision of Manx fishermen to destroy this bed, which has actually happened?

Secondly, will he agree that we have a fishery protection vessel of our own, called the *Barrule*, which is operated at considerable cost to the taxpayer and should have been properly used on this occasion? It has actually devastated a scallop bed, which the Minister does not deny, which would have benefited fishermen for several years hence, had these juveniles been allowed to mature and spawn and spread.

**The Speaker:** Minister to reply.

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

It appears that Mr Cannan has a greater understanding of the legal powers than I have, to operate closures in fisheries than my Department actually is aware of. I would be very grateful, if Mr Cannan would sit down with me and explain to me exactly where those powers exist, because certainly the Department is unaware of any powers that I have to close fisheries between the three- and 12-mile limit without agreement with DEFRA – although when we go onto the second part of Mr Cannan's Question, it would appear that what he is talking about is establishing some kind of queenie or scallop war with the UK authorities, and that we use our *Barrule* against the might of the Royal Navy, in some way –

**Mr Cannan:** What rubbish you are talking!

**The Minister:** – to effect a big fight against the UK authorities!

**Mr Cannan:** Absolute rubbish!

**The Minister:** If Mr Cannan wants (**Mr Cannan:** Rubbish!) to bring this issue down to this rather ridiculous level, I am happy to respond!

**Mr Cannan:** Your answers are at a ridiculous level!

**The Minister:** However, I do not believe that Mr Cannan is correct on this. I do not have the powers to impose this unilaterally, and I certainly did not have the support of the Manx Fish Producers' Organisation to do that, either.

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

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

If I could ask the Shirveishagh, Vainstyr Loayreyder – without any insulting blatherings, I would be most grateful – would he confirm to this House that, in fact, his Department has failed to act as assertively as it could have done, given the importance of this situation, given the importance of the scientific evidence?

Also, would he acknowledge the importance of such a queenie bed as that would, in fact, have assisted in establishing other queenie beds, which would help the fishermen in the future for the future of their industry?

Would he further advise this House, if he advised the Manx fishermen producers enough, and gave them enough information? It is my belief that they would not have wanted the bed fished, if they had had all the right criteria and information in the first place.

**The Speaker:** Minister to reply.

**Mr Cannan:** Well said. Quite right.

**The Minister:** Right. I fail to understand how we have failed to act, bearing in mind we had full and extensive negotiations with the Manx Fish Producers' Organisation –

**Mr Henderson:** *As assertive –*

**The Minister:** We gave them all the information. Indeed, we went down to explain to them the areas – I understand the Director of Fisheries went down to a meeting. It is fair to say that he received a hostile reception from the fishermen.

I think it is a shame that this particular bed was fished out in the way that it has been. (**Mr Henderson:** Sure is!) I think that is unfortunate, and I feel that the main losers in this situation are the fishermen who went in and fished it out.

But it is their industry. They are the people who are losing out from this. I, unfortunately, do not have the powers to impose this on them.

I have been developing contacts with my counterparts in Scotland and Northern Ireland, so that we can work politically much more closely, but if the fishermen choose not to go down this particular route of the temporary closure, it really is only them that are going to suffer in the long term.

However, I must also point out that the fishermen have come forward with other proposals, in terms of conservation, which include, I think, increased belly rings, whatever that means, (*Interjections*) which apparently will result in a far greater chance of the juvenile scallops escaping and continuing to be there for the future.

I feel the Department has acted admirably on this particular situation. We have provided the full information out to the relevant stakeholders in the industry. It was their decision not to go along with the temporary closure. We have also informed the public.

Had we not informed the public – had we done what Mr Cannan always attacks the Government, perhaps, for not doing – had we decided to keep this to ourselves and not tell the public, this Question would not be down here today. (**Mr Cannan:** Rubbish!)

We decided to go for the transparency that everyone calls for, and I personally believe is the right thing to do. I think it is important that the public know what is happening out there, and I think it was important for us to issue that statement.

I also think that it is important for us to work closely with the Manx Fish Producers Organisation. I do not believe that it is for me to impose restrictions on their industry, if they choose to go out and fish in the way that they have chosen to do so. They have come forward with very sensible suggestions, which the Department is now looking at, and we will continue to develop the conservation measures that we have in place.

But we already are considerably further ahead than most scallop fisheries in the waters surrounding the British Isles. I have a list as long as my arm here of things that I could read out, if Members wished me to do so. But I can see, certainly on some faces, that they perhaps would be happy to leave that for another day.

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, a supplementary.

Would the Shirveishagh not agree that the issue is that it is the 1991 Agreement which is the real problem, as far as what we have got here today, and that it would be more important for Hon. Members to recognise that, which highlights the issue of why we should not have everybody part of the executive?

Maybe the Shirveishagh should consider sending that Agreement to the likes of the Scrutiny Committee, instead of the fact of the parking situation as far as the workmen's parking situation for the DoT in the back of this Hon. Chamber. That is the sort of thing that needs to be looked at: maybe this Agreement needs to be revisited by the Council of Ministers or by the new Scrutiny Committee and give them real issues that really affect the ordinary person, because that is the reason why I believe the Shirveishagh has got in the position that he is in today.

Also, would the Shirveishagh not agree that it is a priority that we do address that issue, as well as trying to address the issue over policing our national waters – the likes of getting away from a customs boat, a fisheries boat, a DoT boat – and let us get some proper augmentation, as far as Government Departments working as one Department on these issues.

**The Speaker:** Minister to reply.

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

I believe that the Hon. Member for Onchan is correct, in that the Fisheries Management Agreement is lying very much at the heart of this issue. It is, as I understood it, it was 1990 rather than 1991, but I am happy to be corrected on that.

Certainly, the 1990 Fisheries Management Agreement was in relation to the extension of our territorial sea. It was agreed, at that time, that the fisheries out to 12 miles – between three miles and 12 miles – would be managed between the Isle of Man authorities and the UK authorities, and we had, effectively, joint control of those waters.

That said, in this particular instance, I still believe that the fishermen are the key stakeholders in all this. The fishermen's organisation – our fishermen's organisation – decided that it did not feel it was appropriate to go for a closure. In those circumstances, I think that I would probably be being pilloried in the House, if I chose to go and introduce temporary closures. I can just see the Questions now: 'why are you trying to thwart the fisheries industry from being able to fish in the way that they wish to?' 'The fisheries industry are the experts', etc.

We are providing the fishermen with as much scientific information as we possibly can, so that they have as full an understanding as they possibly can. However, it must be borne in mind that each fisherman is an individual business. Each fishing boat is competing with each other fishing boat, and it is sometimes quite difficult to get the fishermen all to work together and to agree on the best way forward for their industry. Each fishermen has their own point of view, and I fully understand the difficulties the likes of the Manx Fish Producers' Organisation has, in trying to bring all the fishermen together to talk with one voice.

As far as policing of fisheries, I think the Hon. Member for Michael will be very pleased to know that we are very much working now with other Departments. Certainly, in this coming year, we will be having fisheries patrols which are not just on the fishing vessel, the *Barrule*; we will actually be using some of the other Departments' vessels as well, so that there will be a much improved policing of our fisheries

– although, already this year, we have had significant praise from the fishing industry for the way in which the *Barrule* has improved the way it polices Manx waters.

**The Speaker:** Final supplementary, Mr Cregeen.

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

Would the Minister not agree with me that the fishing protection vessel boarded many fishing boats, during the last few months, to ensure that no juvenile scallops were retained and a number of very successful prosecutions were brought forward?

**The Speaker:** Minister to reply.

**The Minister:** I am very happy to agree with the Fisheries Member. (*Laughter*)

**The Speaker:** That brings us to the end of Question 10.

### Standing Order 3.5.1(2) suspended to allow continuation of Question Time

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

**Mr Karran:** Vainstyr Loayreyder, I beg to move:

*That Standing Order 3.5.1(2) be suspended to permit the remaining Questions for Oral Answer to be taken at this sitting.*

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

**Mr Houghton:** I beg to second.

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

**Members:** Agreed.

## HEALTH AND SOCIAL SECURITY

### Agenda for Change DHSS staff update

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

*(1) Can you please update this House regarding the progress of the Agenda for Change project regarding the Department staff; and*

*(2) have all positions now been re-assessed and if so can you please provide information regarding any budgetary impact caused by the back pay liability likely to be caused by this reassessment and any future salary implications?*

**The Speaker:** Question 11: Hon. Member, Mr Karran.

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

**The Speaker:** I call the Minister for Health and Social Security, the Hon. Member for Ayre, Mr Teare.

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

I am pleased to inform the House that the pay modernisation project, the Agenda for Change, for Health and also Mental Health Service staff has more or less been completed. Letters outlining new salary and terms and conditions were sent out to relevant staff on 15th January 2008.

Approximately 37 staff members have yet to be assessed. The reason they have not been assessed is that the staff concerned have not yet completed the necessary paperwork.

I can confirm that the current year's full ongoing revenue cost is just over £3 million, subject to future incremental rises. Such increments are now not an automatic process, as staff have to go through a formalised appraisal system. These costs remain within the financial parameters which were established at the outset of the pay modernisation project.

In terms of the estimate of arrears of pay, this is calculated with effect from 1st April 2006 and, in total, is estimated to £5.25 million. This is to cover the 21 months of the project to December 2007, sir.

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

**Mr Karran:** Vainstyr Loayreyder, could the Shirveishagh inform this Hon. House that when he says it is £3 million, whether it is more like £5 million-plus?

What assurances is this Hon. House going to have that we are not going to end up with a percentage gain, where we are going to find that the top are going to get more than the bottom is going to get?

Can he explain to this Hon. House, if we are going to have to find £3 million which almost certainly will go up a lot more than this to £5 million-plus, when we are in a time when we have not got the money for transporting the handicapped, we are talking about doing away with the likes of the long-term sick's automatic right as far as free prescriptions are concerned, and we have all the other problems within his Department. How does he justify this?

Finally, Vainstyr Loayreyder, how can this Hon. House believe that there will be some accountability on the senior management and those at the top of the DHSS, when we have seen recently the fact of the refusal of his Department to address issues as far as capability at the top in the DHSS has forced the taxpayer to have to pay a lot more money, with all the revenue liabilities, to give top-dollar public-sector pensions afterwards?

**The Speaker:** Minister to reply.

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

There was certainly a myriad of supplementary questions there, and I will do my best to respond to them all.

I will take them in reverse order. Capability: this new system really does enforce capability, because instead of having automatic salary increases, as was the case in the past, they now have to demonstrate that they have reached certain levels of competency and skills to enable them to progress further up the pay spine. So I think that is bringing sharper

focus on the service and the skills that are required to meet the needs of the people whom we serve, sir.

It should not be confused with anything else which is going on within the Department. The reason why this was brought in was following the revisions in the United Kingdom for where we try to attract staff to come to the Isle of Man. We have to remain competitive, sir, failing which the Department will not be able to obtain the staff necessary to deliver the service.

The percentage gain: this is actually aimed at the sharp end, the people who deliver the service. It is not aimed at the administrative staff.

The £3 million per annum is a substantial sum, sir. I think, in the overall circumstances, it is money well spent.

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, can the Shirveishagh reassure this House that when it talks about capability, the fact is we are not going to end up seeing the same people – like we have seen within the Civil Service in recent times – actually doing their own capability on each other – all mates together – which means the taxpayer becomes the poor loser?

Will the Shirveishagh not also agree that, just like the Question to the Ard-shirveishagh, where we heard this issue about the justification for putting the pay up for the people at the top end of the Civil Service, because they had been poached by the private sector...? Does the Shirveishagh not agree that it must be at least 20 per cent plus for the top end of the earning market to come to the Isle of Man, an increase in the money in your pocket, or just by tax alone, Vainstyr Loayreyder?

Will his Department – ?

**The Speaker:** We will deal with one supplementary at a time.

Minister to reply.

**The Minister:** Thank you very much, Mr Speaker.

Really, this new system sets firm guidance and parameters for moving up the pay spine, and I would suggest to the Hon. Member that there is very little wriggle room here.

The members, the staff have to demonstrate, on a competency-based knowledge and skills framework, that they are continuing to improve their expertise. I feel myself that that is much more easily measurable and it helps to reduce the avenue or the areas for any misunderstanding.

The 20 per cent Isle of Man bonus, which was alluded to by the Hon. Member, the actual... Taking it in the round, the Manx differential is approximately 8 per cent, sir.

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

**Mr Cannan:** In the figures given by the Minister, will he confirm that the new cost in salaries and wages is £3 million in the current year, and that the back pay, or arrears, from April 2006 is £5 million?

Will he advise this House: is he going to seek a supplementary vote from the Treasury to pay the £8 million – because that is what it is – or is that £8 million to come out of his existing budget, which is probably the cause of the failure to provide the services which the people of the Isle of Man are needing and which have been raised only

last week in Tynwald?

**The Speaker:** Minister for Health and Social Security.

**The Minister:** The cost of this is included within the Department's budgeting process, sir.

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

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

On the capability, if the Minister deems any of the officers have not met their capability, can he be overruled and, if so, who by?

**The Speaker:** Minister to reply.

**The Minister:** Mr Speaker, it is not for the Minister to decide on individual movements up the pay spine, sir.

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

**Mr Karran:** Vainstyr Loayreyder, could the Shirveishagh explain the procedure of who actually audits this capability. Allowing for the fact that we have seen, with the likes of the MEA with a half-billion-pounds-worth of debt for our great grandchildren and no-one held to account for it, what justification and what assurance can he give to this Hon. House that we are not going to end up with yet another situation where the taxpayer gets ripped off and we have a public service that expects the public to serve it, instead of the other way?

Will he come back to this Hon. House, or another place, for a debate on this issue and the implications of the structures of this revenue-intensive policy that has been brought home as far as this policy today?

**The Speaker:** Minister to reply.

**The Minister:** No, I think that this is good news, sir, because it establishes clear benchmarks for moving up the salary spine and the taxpayer is not being ripped off. There are procedures in place to ensure that the pay increments are correctly identified and earned, and it should be recognised, too, that for some of our personnel who are covered by this agreement, it actually means that they have had an increase in their working hours, because it standardised the working hours as well.

Additionally, I am pleased to advise this Hon. House that it has led to a reduction in our staff turnover. It is currently just over 8 per cent, whereas the average staff turnover in the UK is 13 per cent. So I think that is good news, especially when you consider the costs of hiring new staff, sir.

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

**Mr Cannan:** Referring to the budget allocation and the Minister's assertion that he is able to fund that out of the current budget, the £5 million in arrears and of the £3 million in a current financial year, which will amount to almost a quarter for the remaining of this financial year, was provision made in his budget from 1st April 2007 to pay these sums, or is this money coming out of the budget which was originally intended for the provision of services of Health, Social Services and Social Security?

**The Speaker:** Minister to reply.

**The Minister:** The Treasury have been closely involved with this process, and there was money allocated for it, sir.

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

**Mr Karran:** A supplementary, Vainstyr Loayreyder.

The Shirveishagh says that there are only 8 per cent leaving, compared with 13 per cent leaving in the UK. Would the Shirveishagh not agree that the difference is that you cannot just move authority, as far as the Isle of Man, if you want to live on the Isle of Man?

Could the Shirveishagh inform this Hon. House what structure is he going to bring in place in order to bring the audit, in order to make sure that capability is going to happen, in order that the taxpayer does not end up being ripped off again?

**The Speaker:** Minister to reply.

**The Minister:** I feel that the news that the staff turnover rate compares very favourably with the UK is a very positive development, as it leads to a continuity in service and it helps to control recruitment costs, sir.

The audit side of it, I would suggest to the Hon. Member that the recent appointment of a chief operating officer will ensure that there is more focus on accountability.

**The Speaker:** Mr Henderson.

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

Will the Shirveishagh agree with me that there has been a considerable amount of work undertaken in introducing this new system, notwithstanding the joint working with the union side and the Transport and General Workers' Union (TGWU), and that there is general agreement with the staff and there is also an appeals mechanism for those who are aggrieved?

**The Speaker:** Minister.

**The Minister:** Yes, I am pleased to confirm that there has been considerable dialogue with the staff bodies, and we would like to thank them for their positive approach. Inevitably, there are always differences of opinion, but we have arrived.

I am very pleased with the way that this has been achieved, with the very small number of staff members who have still to be assessed. As I said in my main Answer, it is only 37 and that is out of 1,800 staff members.

So this was a massive process. It has been completed on budget, on time, and I would like to thank everybody involved.

**The Speaker:** Mr Cannan.

**Mr Cannan:** A final supplementary. Unfortunately, the Minister did not answer my question, when I asked him was the £6 million – that is £5 million in arrears and a quarter of the current annual budget... whether it is coming out of his existing budget, and was that provision made for last April, or is it going to receive extra funding from the Treasury?

**The Speaker:** Minister.

**The Minister:** As I said, we have discussed the matter with our Treasury colleagues and, like all pay revisions, as I understand it, the Treasury has made provision for us, sir.

**Mr Cannan:** They have made provision. Thank you.

**The Speaker:** A final supplementary, Mr Henderson.

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

Would the Shirveishagh agree with me, or certainly inform the House as and when, that in fact the Agenda for Change process had built into it funding at the time to help allow for any increases and review of grades?

**The Speaker:** Minister.

**The Minister:** Yes, this, as I said before, was thoroughly agreed with the Treasury, which did recognise the circumstances which the Department faced, and we have been provided funding for it, sir.

**The Speaker:** That brings us to the end of Questions for Oral Answer.

Item 2 on our Order Paper, Questions for Written Answer: that Answer will be circulated.

## Question for Written Answer

### HOME AFFAIRS

#### New prison Whether within budget

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

*In light of your recent press release recognising the delay in opening the new prison, will the Minister inform this House whether the project is still within budget, and if not, why?*

**Answer:** Mr Speaker, the new prison project remains within the financial provision approved by Tynwald.

## Orders of the Day

### STATEMENT

#### Christmas Gifts in Departments Statement by the Chief Minister

**The Speaker:** We turn now to Item 3, Statement from the Chief Minister.  
Chief Minister.

**The Chief Minister:** Mr Speaker, may I first thank you for giving me the opportunity to make this short Statement, which enables me to correct an error I made when responding

to a Question during the sitting of the House of Keys on 4th December 2007.

I inadvertently provided the House with some incorrect information in my reply to Question 3, which related to the provision of Christmas gifts etc within Departments.

In my reply, I stated, in error, that the Department of Tourism and Leisure provides financial support to a Christmas party for the Sports Council volunteers, when in fact I should have stated that such financial support was provided for the Arts Council volunteers, who attended meetings throughout the year. I can confirm that no financial support is provided for such for the Sports Council, and I apologise to the members of the Council for my error.

Mr Speaker, I can confirm that this clarification does not affect the total expenditure which I stated in my response to part (2) of the Question.

Again, Mr Speaker, I apologise for my error and I am grateful to you for giving me the opportunity to correct the official record through this Statement.

Thank you, sir.

**The Speaker:** Thank you, Chief Minister. Do you have a question, Mr Watterson?

**Mr Watterson:** Mr Speaker, as you may recall, I asked the original Question and would perhaps chase the Chief Minister to see what work he has done on reviewing the overall spending on Christmas gifts and the consistency of it between Departments, as he undertook to do when he answered the original Question, sir.

**The Speaker:** Chief Minister.

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

At the present, no work has yet been done on this. It is a matter that I have a note about, which will be undertaken to seek whether or not there can be some uniformity across Government and the Offices of Government and Statutory Boards.

## BILLS FOR FIRST READING

### Administration of Justice Bill Collective Investment Schemes Bill

**The Speaker:** I turn to Item 4, Bills for First Reading. I call on the Secretary to the House.

**The Secretary:** Sir, the Bills for First Reading are: the Administration of Justice Bill, introduced by the Hon. Member for Rushen, Mr Gill; and the Collective Investment Schemes Bill, introduced by the Hon. Member for Ramsey, Mr Bell.

## BILL FOR CONSIDERATION OF CLAUSES

### Income Tax (Pensions) Bill Clauses not moved

5.1. Mr Braidwood to move.

**The Speaker:** Item 5 will not be moved at this sitting.

## MOTION

### A Bill to exclude MLCs from electing Chief Minister or being Ministers Leave to introduce granted

6.1 The Hon. Member for Douglas South (Mr Malarkey) to move:

*That leave be given to introduce a Bill to provide for Members of the Legislative Council to be excluded from electing the Chief Minister, and from holding office as Chief Minister or as a Minister, and for connected purposes.*

**The Speaker:** I therefore turn to Item 6 – motion for leave to introduce – and I call the Hon. Member for Douglas South, Mr Malarkey.

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

This leave to introduce today I feel covers a very large part of my manifesto when I was out canvassing. I would say to the Members of this Hon. House, we all remember the old saying of the old boys' club and the theory that most people in the Isle of Man felt the Government was being run by an old boys' club. At the last Election, there were many issues as to how we actually run our parliament and how we run our Government, especially in connection with the Legislative Council.

In the past 15 months, and my experience within the House, I have been studying in great detail how we do actually perform as a Government and what direction we should be going in. We have had several attempts to introduce Bills. We had Mr Cannan's Bill that came through on the Constitution, about having the elected Council, which is now in the hands of Mr Quayle, which now seems to have stalled within the House.

I feel that the responsibility of this House is to lay out clear foundations as to what the position of the Council actually is and what their role within parliament should be.

I know there are a lot of mixed feelings, because I have been individually canvassing several Members of the House over the last few months with my ideas with regard to where we should be going with this.

When it came to the election of the Chief Minister, yes, I was rather green and naïve and did not realise at the time, when we were electing the Chief Minister that the Council of Ministers also had a vote for the Chief Minister.

**A Member:** Legislative Council!

**Mr Malarkey:** Sorry, the Legislative Council had a vote for the Chief Minister.

In my eyes, I had just come from heavy election campaigning with all the other Members of the House and there were 24 democratically elected Members, selected by the public, put into this Hon. House. I believe in my heart, it is those 24 Members who should be picking their Chief Minister, not with the help of the eight Members of Legislative Council, plus the Bishop, whether he votes or not, because I believe that is where the saying of the 'old boys' club' actually stems from.

The majority of these Legislative Council are highly experienced ex-Members of this House, who have chosen

to go up to the Legislative Council, because they still have a lot to offer parliament, Government and this Island, but have selected not to be elected by the public, not to go back to the public for a mandate. So in my opinion, Hon. Members, I do not believe that they should be allowed to vote for our Chief Minister.

This motion is in three parts: it is asking for only this House to select the Chief Minister; it is asking that Members of the Legislative Council should not be allowed to be Chief Minister.

In my opinion, if they have ambitions to be Chief Minister, they should not allow themselves to be elected from this House. Under the present system that we have at the moment, they should go back to the public and, if the public put them back into this House, then they have a right to be Chief Minister.

I do not believe they should serve their time in this House, move up to Council, and then decide that they want the job of Chief Minister when, at this stage, they do not have the mandate of the public.

For a similar reason, if a Member of Council decides that they want to be a Minister, I believe this is the floor that the Minister should be coming from, because the responsibility of a Minister in charge of a Department... A Minister is put there because they have the mandate of the people of the Isle of Man. They are there to oversee our civil servants.

Those are the three sections of the motion. I do not believe, in life, that anything is black and white and that any 'no' should be definitely 'no', or any 'yes' should be definitely 'yes'. I do believe that there are going to be situations or occasions where we may have to call upon Council for their experience because we require help, as was the case when the last Chief Minister had to step in from Council – Mr Gelling – who did a wonderful job. He was a very experienced past Chief Minister and the parliament required his knowledge to come and take over.

What I am asking today is leave to introduce a Green Bill, for which I am happy to talk to Members, if I am fortunate enough today, and get their ideas and thoughts on all three sections of this motion before you today. I have no problem with this House having the power to decide that a Chief Minister could be brought in, in a state of emergency or to help out in a situation that has arisen. I do not have a problem with that.

Similarly, I do not have a problem if this House decides that we require somebody from the Legislative Council to come in, even as a Minister.

What happens at the moment, and what I do not believe that the public of the Isle of Man like, in the way we are running our system: at this present time, we have two Members of the Legislative Council who do not have any mandate whatsoever from the people. We have Mr Turner and Mr Butt, both of whom I believe are doing sterling jobs within the Council. As I said on the radio, the experience of Mr Butt and the youth and vigour of Mr Turner, I believe, are a great asset to the Council.

But under the present system, there is nothing stopping them from being nominated as either Ministers or even Chief Minister, which I consider is wrong when they do not have a mandate whatsoever from any votes of the public of the Isle of Man.

So today, Hon. Members, I am asking you to support my leave to introduce to allow me to put a Bill together which I am sure will get great debate at the clauses stage. I am also

asking, if I am successful today, for anybody with any great concerns to come and talk to me before I go and have this Bill drawn up.

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

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

Yes, I am happy to second this motion for leave to introduce.

I do so as someone who is very fully committed to living up to my manifesto commitments to the people who elected me – and the people who did not elect me, for that matter! – the people in Rushen – that I believe that we should have a publicly elected Legislative Council. (**A Member:** Hear, hear.) I believe that is the way forward.

I can possibly imagine that some people will wonder, 'Well, why are you supporting this particular leave to introduce for this piece of legislation?' Personally, I believe that Mr Cannan, the Hon. Member for Michael, had the right way forward in terms of the revised structure for the whole way in which Tynwald should be elected. I believe that was the fairest system that I had seen. It was the one which overcame most of the difficulties and it had principle behind it. It was a good Bill and, unfortunately, it did not succeed.

However, I do recognise that it was a step too far for most Members, that it was a very radical change from what we have at the moment. So I can understand why perhaps we have gone for the less robust version which Mr Quayle, the Hon. Member for Middle, is looking at. I personally see that there are some weaknesses in that and certainly we have already heard the discussions about super-MHKs, which inevitably would be, or could be, created if we are to see that piece of legislation progressed. I am not 100 per cent sure that Bill will find favour when eventually it comes back for Third Reading.

So that leaves me with a bit of a quandary. I do believe that we have to change the system. I do not believe it is right to have the current system, whereby we have Members of the Legislative Council not elected by the public, and I want to see some change.

So I think we need some kind of spur to actually create that change. I think we need to do something, perhaps a little more modestly than what we have been thinking about so far, to try to gradually change the system, rather than perhaps going down the rather radical routes that have been suggested so far. I would support some of the radical routes that have been suggested so far, but I recognise that is not so far receiving the support of the House.

So I think the suggested Bill proposed by the Member for Douglas South, Mr Malarkey, does provide us with one of those modest steps forward which could well result in the more significant changes that many of us are looking for, and indeed that many of the members of the public who elected us are looking for.

I also believe that Mr Malarkey's Bill, if it were to be introduced, would deal with one of the great perceived weaknesses that the people who I was speaking to when I was canvassing talked to me about, and that is this whole issue of public mandate.

The mover referred to this in his opening remarks, and I think he is absolutely right that the issue here is that we, once every five years, go out to the electorate. The electorate talk to us, they tell us what they think, and ideally we come in here and we represent, as best we can, the views of the

people of the Isle of Man.

The Members of the Legislative Council do not do that. They do not go out to the people of the Isle of Man every five years for election. They do not find out what the people of the Isle of Man think, and they do not represent the views of the people of the Isle of Man.

That, by some, is seen as a strength in the system, in that they do not represent the views of the people of the Isle of Man; they look at things in perhaps a more detached way. They look at things purely based on whether it is the right or the wrong thing to do; not on what public opinion says.

However, that system may work for many decisions that we have to take, as politicians, but in terms of deciding the fundamental direction in which we should be heading for a five-year period, the best people to do that are the people who have just been elected by the people: us Hon. Members, in the House of Keys. We are the people who have the ear of the public – or the public have our ears, sorry, the other way round. I am getting a bit confused here! We have the message that the public has delivered to us, shortly after the election. We are the people who know what the public mood is and we are the people really who should be deciding who the next Chief Minister is on that basis. We should have the primary responsibility for that.

The Chief Minister, quite clearly, has a very powerful position in the constitutional position that we have at the moment, and I believe it is right for us, as the democratically publicly elected people, to decide who he should be, or she should be, for that matter. (**A Member:** Hear, hear.)

So I wish the Hon. Member for Douglas South, Mr Malarkey, every success with this particular motion. I do believe that it represents a step forward. I am still hopeful that we will make the more radical steps that we need to take, in terms of a directly elected, publicly elected Legislative Council, but in the meantime I am very happy to support this particular motion.

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

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

I am truthfully saddened to see this before us today. I feel as though there is a lack of understanding of the intrinsic relationship between the two branches and the formation of Tynwald.

We have a situation where, yes, in parliamentary terms, in the House of Keys we make the legislation; the Legislative Council has a revisionary role to play. But the Hon. Member, in his opening remarks, actually said Legislative Council Members have a lot to offer parliament and Government. In fact, that is where the confusion between the two roles comes in, because we do have Members of the Legislative Council in Government. They play a role, as do we, in Government, acting on Departments, and I have to say that I certainly value very much having a Legislative Council Member within my Department.

As such then, I believe that there is some confusion as to who should actually have the right to say who should be our Chief Minister. Why would anybody who has not the right to have the vote for a Chief Minister wish to participate or feel the need to participate in the role of Government? Why would you take that responsibility on?

I regret that, in the last 14 months, there seems to have been a very determined attempt to fray the very fabric of Tynwald, and this has not been helped... I believe that there

has been a wedge repeatedly getting driven between the two branches. I feel, Mr Speaker, that it is time to recognise that we have one body of Tynwald.

Yes, we may not like the fact that a Chief Minister *can* be drawn from the Legislative Council, and that a Chief Minister can be elected on by Members of Legislative Council; but, Mr Speaker, that matter rests in our hands. (**A Member:** Hear, hear.) We are the Members who will make that nomination; we are the Members who will vote for that nomination. If we choose not to have a Member from Legislative Council, that matter rests with us.

Quite simply, the Hon. Member, the mover, referred to the time where – 14th December 2004 – we were called upon to make a difficult decision as to who would take up the reins of Chief Minister, at a time when the House was feeling somewhat frayed and unstable. Indeed, it was to a Member of the Legislative Council that we called and all but two supported that nomination. At that time, we felt that we needed to call upon someone with the experience, and who actually was a Member of Legislative Council: Mr Gelling. As I said, that judgement was made: all but two voted for that selection, but that was a matter that rested in the hands of Members.

I feel that, in fact, in trying to introduce a Bill to legitimise or make statutory law about a situation which, at the moment, we have flexibility about is the wrong way to proceed. We have the situation where we make the decisions now. We operate the system ourselves now and I suggest that we should go with the *status quo*, because the hon. mover has again suggested that, in his Bill, there should be the flexibility to call upon people in times of need. Well, we have that ability now!

All of the things that he is trying to bind us into tightly we have within our flexible regime, as it stands now. I do not think that there is anything to be gained in tightly binding ourselves up, and our options, in regulations which prevent us, in future, being able to make a sound judgement based on common sense.

I shall not be supporting the motion before us.

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

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

When I first arrived in this Chamber 11 years ago, for the first five or six years there was a tacit acceptance that, if an Hon. Member came forward with the right for leave to introduce, that I and many other people supported it. I have already mentioned, in discussion briefly with the Hon. Member for South Douglas, I disagree with his intentions here and, regrettably, I have now changed my view that if I am not going to support the Bill when it comes forward, I should not actually support it at this stage, because the amount of work and time of everybody involved, when I know intrinsically, I am not going to support the Bill, it would be dishonest and disingenuous of me to support him.

I understand that it is fulfilling the commitment from his manifesto. We have all got that situation. The reality is the vast majority of my constituents do not have this as a burning agenda. They are frustrated at the amount of time that we spend naval gazing at our constitutional issue, although we in here realise how important it is. There are certainly a number of people within every constituency who are passionate about the representation. My belief is the majority of those

who pay any attention to politics get frustrated at the time we spend going through this again.

My main concerns are that we have already moved on, by practice if not by legislative power – and that comes to the comments made by the Member for Ramsey about law and flexibility. As somebody who is quite confident that I was rejected collectively by this House, by Legislative Council, and combined together, on the voting pattern for Chief Minister, it is something that, when new Members come into the House – we have had half a dozen this time around – all of them, a year in, have been saying how much of a learning curve they have been on. Those same people – and Mr Malarkey, the Member for South Douglas, last night or recently talked about possibly 13 new Members coming in – have an enormous amount to learn and yet one of the first jobs that they have to do is to determine who is going to lead the Government for the next five years.

I think, at that critical stage, to ignore the other Members of Tynwald, with their experience, would be negative. I find it telling that the Hon. Member moving this Bill did not actually know the Legislative Council had a vote. That is the level of learning that people have to have when they come in. It is not a criticism of them, but is certainly saying that, just because you have been out on the hustings, does not mean we know the most experienced and suitable Members to stand as Chief Minister.

I got roundly criticised, Mr Speaker, in some quarters, for having the audacity to announce several months before the election that I would have my name going forward. The purpose of that was for all of the new Members and existing Members and, more importantly, my electorate, to know of my intention before they cast their vote. It strikes me that, with that level of positive encouragement for individuals to put themselves forward, it would give all Hon. Members the opportunity, when talking to their electorate, to consider where they want to go. Otherwise, you are left exactly on your own again. If you do not know, once you are elected, who is going to stand as Chief Minister then how can you successfully represent your constituents? Yet the people in LegCo, who have been there for a number of years, at least have the experience of working with their colleagues: more than likely, it will be somebody who has been in the House previously. Therefore, their understanding is more knowledgeable at that stage.

The Chief Minister, who was almost unanimously elected, has already set his cards out. Look at Legislative Council now. There are no Ministers up there. Yet I would expect him or her to reserve the right that, in unforeseen circumstances, they have that flexibility. What I have found, over 11 years, is to attempt legislation which introduces flexibility is just fraught with so many complications it undermines the whole principle about what you are trying to achieve. So, we will spend many weeks and months debating all the flexibilities that exist in our current system.

I think that any person holding a Minister or Chief Minister role is fully aware of the House's mood and the public mood and any Chief Minister – if I use the current Chief Minister, Mr Brown – were he to attempt to go down a course of action of putting two Ministers from Legislative Council, it would be an Achilles heel that he would be struggling to recover from. It would be something which would be a constant source of criticism within this Chamber and would, therefore, undermine his ability to do the role of Chief Minister: Head of the Government. But I would never

take away, or wish to take away, his right to have that, if the flexibility was required, and I do not see how you can legislate *and* introduce the flexibility.

The Hon. Member seconding this motion, Mr Gawne, the Member for Rushen, came out with the bold comment which, at a purity level, I could possibly agree with, who says that Legislative Council: 'they do not represent the people of the Isle of Man.' I would certainly be interested in him gauging that conversation with Mr Lowey and Mr Waft and all those Members who have been within parliament and Tynwald for many years, to consider that we can just write them off as not being representative. But that may be a view and I have, on my manifesto, and in this Chamber, supported the principle of getting popularly elected Legislative Council Members. Why? Because we in this Chamber and the public outside who we serve have given an expectation that it will happen.

The Hon. Member for Ramsey, Mrs Craine, talks about, 'the last 14 months has seen a fraying between the branches.' It goes far beyond that. If everybody in here looks at all the Legislative Council elections that we have had for, probably, the last six, seven years, it is not the fact that some other person suitable for standing as candidates were not acceptable, it was the process of the collegiate election that a number of Members in this Chamber will not accept.

By the actions election after election, after election, this House has made that decision that they are not prepared to accept the collegiate approach as a means of pushing through legislative change. We have seen, most of us, how difficult and fraught with problems that is. I believe this would just be introducing another muddying process.

The Hon. Member for Rushen is sincere about wanting the change. I would say, have nerve and stay with the fundamental principle, (**Mr Gawne:** Hear, hear.) maintain the unity of Tynwald rather than this, which I see as being divisive. It is splitting Tynwald without making any material benefit because those of us who support it, and still do support the Chief Minister... he has put his cards on the table. He has shown, by example, that he is listening and not using people from Legislative Council when he has alternatives.

For those reasons, I regret that I will not even support Mr Malarkey in moving for leave to introduce. However, if we do go down that route, I would have a lot of persuading to be able to support him at legislative stage.

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

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

Just briefly, the motion discusses whether we should allow leave to introduce. I have just heard the previous speaker say, in his view, it is dishonest and disingenuous to support that leave to introduce, if you fundamentally disagree with the purpose behind the motion. I can understand that, but I think, in the sense of giving people the benefit of the doubt or giving them the opportunity to further their case, I would, perhaps, err always on the side of leave to introduce, rather than not.

The element I particularly want to just touch on today, for clarity's sake, is that of the Chief Minister – whoever he or she may be – deciding who to choose as the ministerial team. I do not say this in any way to trivialise, but if I could, perhaps, use a topical analogy. As an Everton supporter, looking down the league I see Liverpool languishing and part of the reason for that is their flawed and failed rotation

policy, which effectively says, 'you are playing well, you are dropped,' which is clearly a failed process. It is a funny process, but it is a failed process.

Why would the Chief Minister want to be in a position where – we are in one parliament, whatever the rights and wrongs of how that is determined – the Chief Minister has to decide on a certain day, there are  $x$  number of people to choose a team of  $y$  players from. This Chief Minister – and I entirely respect it – has chosen his team and they all come from the House of Keys. We only have to look at the personalities in Legislative Council Members. They are some extremely hard working, reliable, committed, experienced Members and, if the Chief Minister decided that he wanted to choose one of those Members to be in the Council of Ministers, because that was in the interests of the Isle of Man, that must be the right decision. It just simply does not make any sense – it is already a shallow enough pool – to drain it even further, unnecessarily. I cannot see what benefit that might bring.

Now, as I say, sir, we are being asked to decide whether to allow leave to introduce. Mr Malarkey will probably disagree with my argument. I hope he will accept the example I am citing, (*Laughter*) but he will disagree with the argument that I am putting forward. But we can debate that and consider that further. At the end of the day, he is the man who is saying he will make the effort to come back to try to convince us. I personally respect that and I will be supporting that.

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

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

I think we really are in a quandary, which has existed over a number of years. The House of Keys and Tynwald has evolved over the years. It has to be recalled, of course, that the Legislative Council has evolved particularly, it originally having the consistency of the Deemsters, Attorney General – all with votes – and then gradually being removed until the current situation: eight members elected by the House of Keys and the Bishop, who retains his vote.

Now, it has to be remembered that, I think, the majority of the House of Keys, elected at the last General Election in November 2006, were supportive of a popularly elected Legislative Council. I know there have been attempts over the years and I know it has been mentioned in the debate, so far, the difficulties, not existing over the last 14 months – to elect Members to Legislative Council – but over many years. Half the reason for that has been, I think, a determination by some Members within the House of Keys to, perhaps, try and bring the system into disrepute, so that it could, more readily and quickly bring legislative change. I have not been one of those who perhaps have voted in that way, but I realise that there has been an acceleration to the point now where the elections to Legislative Council are a continual sore and will continue to perhaps be so.

I would also make mention, Mr Speaker, of the Bill currently in my hands which, so far, has had the support of the House. Over many years – and there are people in this Hon. House who have been here a lot longer than I – but in the six years that I have been here, there have been a few attempts at legislative reform. I know, prior to that, reading through different reports, there have been many committees that seem to have looked at it, *ad infinitum*.

So we came to the new session of the Manx parliament and the attempt by the Hon. Member for Michael, Mr

Cannan, which was to effectively sweep away Tynwald, albeit for one day sitting in open air assembly, and then to have a House of Keys of 32, as we know.

Agreeing with the Hon. Member for Rushen, Mr Gawne, that was too radical a proposal that people could not stomach, and that was lost by 9 votes for and 15 votes against.

The amendment, then, in the name of the Hon. Member for Onchan, Mr Karran, attempted to have the House of Keys remaining as it is and the Legislative Council elected by an all-Island constituency. That was even more decisively rejected by 6 votes for and 18 against.

Then we came to the amendment in my name. That was to keep the House of Keys exactly as it is, the Legislative Council to be elected in eight electoral areas around the Island. That was approved by 14 votes for and 10 votes against. There was a move for it to be sent off to a committee, and that was lost by 8 votes for and 16 against.

So the House of Keys, in considering that, very carefully, made its will known at that particular time. As we all know, then when the Bill came through its clauses, it has stalled, as has been mentioned.

The one thing I would say is: it was not an attempt by me to hijack the Hon. Member for Michael, Mr Cannan's, Bill. That amendment was supported by the majority of the House of Keys and I take great exception, when I heard on Manx Radio last Sunday, that it was a reference to the Bill in my name now being stalled, which I accept, but it went on to indicate that perhaps it was Martyn Quayle, with the support of the Council of Ministers, that was stalling it.

I entirely reject and refute that, (**Several Members:** Hear, hear.) because it is not the Council of Ministers' decision. This is a parliamentary matter for the House of Keys and I would say everybody within the Council of Ministers would be very supportive of what I am saying – at least of that particular bit! (*Laughter and interjection*)

So it is a matter for the House of Keys. It is certainly a matter individually for the Council of Ministers, but not collectively, and I think that needs to go out loud and clear to the Manx public.

The Bill in my name is sitting ready to come for its Third Reading, but as Hon. Members will be aware, there was a crucial clause that was defeated. It has not fatally wounded the Bill, but it has left it – (**A Member:** Dying!) not in the best of situations that I would have liked.

So it is a case of looking at the options. Hon. Members made their preference known that that was the type of Bill that they were looking for. It was the least radical proposal, but somehow Hon. Members, even though the majority wanted a popularly elected Chamber –

**Mr Cretney:** Said they did!

**Mr Quayle:** – did not then follow through to support the Bill.

We are in a quandary here. Now I am in a situation where, with the Hon. Member for South Douglas, and his proposals with us today, I hear a lot of the comments made today and I can agree, virtually, with just about all of them, because (*Laughter*) –

**Mr Karran:** That is why you're a Minister! (*Laughter and interjections*)

**A Member:** Indecisive!

**Mr Quayle:** – there have been some very good points that have been made!

I can well imagine that one of the reasons why the Bill in my name has stalled is because people were worried about, perhaps, the eight Members of Legislative Council having too much power. (**Two Members:** Hear, hear.) The Hon. Member for South Douglas, Mr Malarkey, his Bill – not exactly as he spells out, but when this might find its full words before it comes to the House – might actually do the job that people were looking for, which is to answer the concerns of the Legislative Council having too much power if they were elected in eight individual electoral areas.

So, on that basis, I am prepared to support the move today, acknowledging some of the concerns that have been expressed by Hon. Members.

The other point I should say is, probably we would not have invented our current parliamentary system, if we were starting with a clean sheet. It has evolved over the years. I think it has served the people of the Isle of Man incredibly well. (**A Member:** Hear, hear.) I think we have got hung up too much on the fact that we need a popularly elected Legislative Council. I was in a situation where I brought forward that amendment because I cherish the traditions and history and efficiency of the way the current Tynwald has been operating, but I did not want anything so radical as what was being proposed, to undermine everything that I hold dear.

That is why I came forward with those less radical proposals which would preserve the House of Keys, which I want to have preserved and would retain the benefits that we have with the Legislative Council.

I do not know whether that is any help, Mr Speaker, but that certainly is outlining my view.

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

**Mr Cannan:** Mr Speaker, the constitution of the Legislative Council has been in contention for 40, 50, 60 years – since the Governor controlled it, he made his nominees, the Deemsters and the Water Bailiff and sundry appointments. The House of Keys has been fighting the Legislative Council and the response of certain Members in the House of Keys was similar to what we have heard from Mr Quayle: ‘Oh, we must keep the Deemsters; it is all the traditions we hold dear’, and so on, and the struggle has gone on.

I have been here when we removed the Governor from presiding over Tynwald. There were some that said, ‘Oh, we can’t have that: that is traditional!’

**Mr Cretney:** We shall overcome!

**Mr Cannan:** Well, we shall overcome. Until, in my view, the Legislative Council is popularly elected, the struggle will go on. It will go on, unless it is done by those who come after us. It is contentious.

Why should we fight elections, get the support of the people, to govern this Island and then find that we have eight, plus the Bishop, nine, on the Legislative Council whose vote can determine so much?

Some of them have never stood for public election in their lives. Two names have been mentioned: Mr Butt and Mr Turner. They might do a good job, I do not dispute that, but there are thousands out there who could do a good job.

In fact, there are hundreds out there that could do a better job than we are doing!

But the difference is we have a democracy and the people choose who they want here, not who could do a good job here in somebody’s eyes. That is our democracy.

If we do not go along that line, then let the Governor choose 24 good people who will do a good job, and we will go back six centuries, because that is what it was.

Now, I have listened to Mr Quayle’s speech, and I have to say that part of it is political humbug, (*Laughter*) because he has got a Bill that he is *deliberately stalling*. Either put it up – and to use a phrase – put up or shut up!

**Mr Houghton:** Hear, hear.

**Mr Quayle:** Will you support it?

**Mr Cannan:** That is not the issue: it is for you to clear the deck. (*Interjection*) It is for you to clear the deck. You are frustrating everything else by having this Bill in abeyance. (**Mr Houghton:** Hear, hear.) You are frustrating it.

If you are confident, put the Bill up, like every other Department of Government. (**Mr Houghton:** Next week.) If the executive has a Bill and it goes through, they battle it to the Third Reading and if the Third Reading loses it, they lose it! But they do not have an Income Tax Bill or a Local Government Bill or anything else and go through the clauses and then, ‘Well, are we going to pass or are we not?’ (**Mr Watterson:** Insurance Bill.) At least they have the courage of their convictions and go the course. If they fail, they fail, but at least they do not have a Bill hanging around!

We do not have an Income Tax Bill or a Local Government Bill or a Transport Bill hanging around, because we have got up to the clauses stage, but we will not challenge taking it to the Third Reading because... Either put it up or change it. Lose it and put a new Bill in.

By this system of having this stalled Bill, it is frustrating anybody else, who either –

**Mr Quayle:** Point of order, Mr Speaker.

As had been made clear earlier on, my Bill as it has been ‘resting’ as it were, (*Laughter*) it is not frustrating the wishes of the House of Keys, because as has been made clear by the Secretary to the House of Keys, other Bills can still move forward.

**Mr Cannan:** Is that a point of order?

**The Speaker:** That is not a point of order. Continue, Mr Cannan.

**Mr Cannan:** Thank you very much, Mr Speaker: it is not a point of order.

**Mr Quayle:** Incorrect information.

**Mr Cannan:** The point of the issue is, and I am supporting Mr Malarkey, to get something moving. This frustration will go on with the Legislative Council for years.

Mr Malarkey’s Bill, hopefully, if it comes forward, and we see the clauses... We have not seen the clauses yet. If we see the clauses, we can amend them. We can put in other... alter the Bill, just as Mr Quayle, as he prides himself on, altered my Bill, by amendment. He has been blowing his trumpet, ‘I put an amendment to Mr Cannan’s Bill and it

got the support of the House.' Well, perhaps Mr Malarkey's Bill will have an amendment that gets the support of the House!

But until – and I believe this is right – there is a popularly elected Legislative Council, the niggles will go on, because why should any of us here stand for election, fight an election, (**Mr Houghton:** Hear, hear.) seek the confidence of the public and the expense, and then find that we are frustrated, because of Legislative Council?

And I am only saying what the generations previous in this House fought to have the changes in the Legislative Council over the years: the removal of the Deemsters; the abolition of the Attorney General's vote; the removal of the Water Bailiff, Uncle Tom Cobbleigh and all – the same arguments, until you get a properly democratically elected Tynwald.

Unfortunately, I say to the Hon. Member for Ramsey, Mrs Craine, who says that there is division, there will always be division – *always* be division – until we are all equal. In this House, we have all been elected – maybe on a slightly flawed electoral system and where some people have two votes or three votes – but at least we are elected.

The Legislative Council is the choice of caucuses – I think that is the right word; it is the word we are hearing now in the United States Election – to see who they can get in to support the principles of what that caucus particularly wants from a Member in the Legislative Council, and that is not democratic.

The people's choice should be there, Mr Speaker. (**A Member:** Hear, hear.) Thank you.

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

**Mr Karran:** I think the debate has been very interesting today. We have got our lines drawn on this debate, which I think is a shame, but it has been an interesting debate.

I was disappointed by the Member for Ramsey, from her radical days when she was outside this Hon. House until the day she has become a Member of this Hon. House, and the views that have really been clarified by the Hon. Member for Michael.

I was pleased with the honesty of the Hon. Member for West Douglas, in the fact that he said: 'When I came in here, I defended the right for leave to be introduced.' In those days, the executive knew its place and it knew its role not to add the dead hand of the executive to parliamentary proceedings in this Hon. House. I understand why the Hon. Member for West Douglas says that he does not agree with it. The whole idea of democracy, and the whole idea of this Hon. Chamber, is to debate issues. I think it is a sad situation that we have seen a change, more honestly in this Hon. House, to the party lines that we now see we have in this Hon. House, and I think it is a shame that we do not afford people who are opposition the opportunity to pursue their debate, to pursue their argument in the democratic process that once was taken as a right.

I will be interested to see, in a reply in another place next week, how we are going to reply with the problems we have got with the Ballasalla situation, as far as the housing. We have a situation where Private Member's Bills that have alternatives are just thrown out. I would hope that the Hon. Member, as a democrat who believes in democracy and says that he wants the executive to be separated from the parliamentary, will change his mind and will give leave

to a debate and will not be frightened of arguing that case when the clauses come at the clauses and at the Second Reading stage.

I think it is a shame that we have found a situation where we now know where the lines are on many of these issues. I think it is important that we try to get back to that principle, that we are not frightened of allowing private Members with their feet, because often a stone is thrown into the pond and there are all sorts of ripples that come out of that stone's thing, and I think that is something that we need to get back.

I think it was wrong to attack the Hon. Member for Middle, as far as his situation over his Bill, because he is using the system, and that system is there, and I would defend that Hon. Member – whether he is a Minister or whether he is a backbencher – to use that system how he feels fit to use that system. I have been in this Hon. House when we have been for Third Readings, and there have not been sufficient Third Readings in previous administrations, where the Bill has been pulled by the executive. I understand that. That is the principle, and the Hon. Member for Middle is defending his position as a Private Member's Bill. Let alone that he happens to be a Minister or not; that should not come into the issue, and I think the same should be for the Hon. Member for South Douglas.

I think the Hon. Member for Michael has put the best angle into this debate when he talks about the changing role of the Legislative Council. Let us accept the fact that the Legislative Council was the executive, was the Government of the Isle of Man, and basically, the Governor was the feudal lord with phenomenal powers, who told this Hon. Chamber, 'You cannot even buy the ink for your pens without my permission,' and he was right. There has been a long road, like the Hon. Member for Michael has said. It actually started in 1910, when we had the arguments of getting the first two elected by the House of Keys that were from this Hon. House, and the first two came. It has been a *beggan ry veggan ny share*: little by little, it has improved over the years. From those days when the executive power was there, and one of the big complaints was that the issue was that we had all these cronies who were getting £2,000 a year, who were ex-Whitehall cronies, and the ordinary man in the street was lucky if he earned £40 a year at the same time.

So I think it is important that we do recognise that what the Hon. Member for South Douglas is doing is trying to bring about that slow evolution of the process –

**Mr Cannan:** Not too slow, Peter.

**Mr Karran:** – from 1866, where it was once a self-elected body.

We have got to accept – and I think this is where we want our cake and eat it, or some do in this Hon. House... The likes of the Hon. Member for Ramsey says that the Legislative Council is a revising Chamber. If it is a revising Chamber, then why... I am not hung up. This is led by my colleague, as far as the policy, as far as the party is concerned, like over Mr Quayle's Bill is concerned: he is leading the policy decision on this very subject. But if we talk about the upper House being a revising Chamber, Vainstyr Loayreyder, then it makes it very incredible, if we are going to end up with a situation where you are going to have your Shirveishees, your Ministers, being in that forum, because the upper House today, under the way that we have changed, the Legislative

Council is a revising Chamber.

We heard from the Hon. Member for Rushen in this Hon. House today about the issue over the 1990 – or 1991, when it was implemented – legislation, a very thing where we are now finding that the chickens are coming home to roost on the fact that we did not read the small print. We should be pushing the Legislative Council as that sort of revising Chamber: the revising Chamber on legislation.

Whether you can live with the fact that you can have a Chief Minister in the upper House... I think it is untenable. Whether you can live with Ministers in the upper House being there, Vainstyr Loayreyder, is another issue. There might be an issue – and some have argued – where there is a national emergency and they want to try and take people from the upper House because of their ability to be Ministers, even though, fundamentally, if this Hon. Chamber believes that it is the legislative and executive force within Tynwald, it cannot have a situation where the upper House, which is supposed to be a revising legislative Chamber –

**Mr Cannan:** Calling the shots.

**Mr Karran:** – can actually then be picking the executive head of the Government of the Isle of Man. They have no mandate and that alone, if nothing else, means this Bill should be supported. It is untenable to accept that you go out to a general election, you get the mandate by the people... Like the Hon. Member for Michael says, no matter who is best, we have got the mandate. To then say that a third of the voting power is augmented to another body that is a revising Chamber is irresponsible and wrong.

Whether you want a Chief Minister, or whether you want the flexibility of the Member for Ramsey, who wants the upper House for these things, the fundamental principle, if this Bill should be supported on any point alone, is the absurdity that at the first sitting after the general election you allow the upper House to vote for its Chief Minister, its head of its executive, from a body that is there as a revising Chamber.

The pressure will be on more and more to read the small print, and the priority must be on to make sure that people realise that the primary role of an MHK and a Member of Tynwald is the legislative function. I believe that is why we need to separate the upper House, and that is why they must fundamentally not have the ability to elect the Chief Minister. They are not part of the executive process. This is the democratically elected House; that is a revising Chamber.

Vainstyr Loayreyder, I do not like quoting the adjacent island very often, but you tell me how many Government Ministers are in the upper House. We have just seen the change with the Lord Chamberlain to the Ministry of Justice. That is the final senior position in the United Kingdom. Go and look around the world in democracies, and tell me where an unelected, revising chamber would have the power, with a minority in the democratic house, to actually outvote the majority.

**The Speaker:** Hon. Member for Peel, Mr Crookall.

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

Mr Speaker, earlier on in the week, the Hon. Member for Douglas South approached me and we discussed this at some length, and I said I was quite happy to support him to bring this motion forward. Then I have listened to him

this morning and I have heard what he said, and then I have listened to the Hon. Member for Ramsey, Mrs Craine, and the Hon. Member for Douglas West, Mr Shimmin. They basically started to talk me round, and I thought maybe the Hon. Member is wrong. But listening to people here, and then the Hon. Member for Onchan, Mr Karran, I wonder who is wrong and who is right.

But all he is asking to do is have permission to introduce a Bill. That is his democratic right. (**Several Members:** Hear, hear.) (**Mr Henderson:** Vote!) In a bit of the banter that we heard before, Mr Speaker, I think it was the Hon. Member for Douglas South, Mr Cretney, who said, 'Use it, or lose it.' That is his right: to use it, to bring forward a motion to introduce a Bill, sir.

I am still not sure which way this is going to go, so I am going to support Mr Malarkey this morning. (**Several Members:** Hear, hear.) Let him put his case. I hear the little snigger, and I am sorry, Mrs Craine, Hon. Member –

**Mrs Craine:** I was not sniggering.

**Mr Crookall:** I think you may well be right in what you said before, but I am still to be decided and have my mind made up.

So I will support Mr Malarkey this morning, Mr Speaker.

Thank you.

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

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

I really just get up because I think there are a number of issues that are being said here that really are giving a misinterpretation of the basis of Members and what their perception is of what the Legislative Council is.

It has been said here this morning by the Hon. Member for Onchan, Mr Karran, that the Legislative Council is a revising Chamber, and that is all they are. The Hon. Member is absolutely right, if he is talking about the Legislative Council as a Council sitting in their own Chamber; no different than the House of Keys sitting in the House of Keys as a legislative Chamber. We are purely ones for bringing forward legislation and, in fact, we can actually have a revising role if a Bill was introduced in the Legislative Council by a Member of the Council. The Members of the Legislative Council, in their role as Members of the Legislative Council within their own Chamber, are purely there to revise legislation that has been passed by this House.

However, the fundamental issue is that the parliament of the Isle of Man is Tynwald, not the branches, and I think Members just need to keep that in mind. The Members of the Legislative Council, when they sit in Tynwald, are exactly the same as the Members of the House of Keys when they sit in Tynwald.

**Mr Cannan:** That is why it should be changed. (**A Member:** Yes.)

**Mr Brown:** I am only explaining the situation, Mr Speaker, because I think Members need... There seem to be different things being said, which are muddying the picture, which makes it easier to vote one way or the other. So I am making that point: Tynwald is the parliament. Tynwald is

made up of two branches – two branches separated physically within that one Chamber – that debate together, but vote separately, albeit now at the same time, because of the electronic voting. Therefore, that equality within Tynwald, whether we like it or not, is there.

I will not be supporting this motion for leave to introduce, and the reason is because I do not agree with the principles. By all means, if you want to change Tynwald, if you want to reconstitute our Constitution, let us do that, but to say to a Member of Tynwald you will be restricted on what positions you can hold because you are within Tynwald, then I think is fundamentally flawed.

**Mr Cannan:** No, not flawed.

**Mr Brown:** The Hon. Member for Michael, who is muttering as usual (*Laughter*) when he does not agree, Mr Speaker, knows it very well and he will always make the story to suit his argument.

**Mr Cannan:** Just like you are!

**Mr Brown:** And those of us who have been here a long time know how he tries to do that.

I think the point is that the one point that has been made... the greatest comment which I would say to Members is the issue of flexibility. Mr Speaker, it is interesting, isn't it, in the last House, when all this row has been going on, and the House before, about the status of the Members of the Legislative Council, that when we had the unfortunate resignation of the Chief Minister, the Members looked to a Member of the Legislative Council to fill that role. (**A Member:** Hear, hear.)

There was no other nomination. He was, I think it was unanimous... no, sorry, there were one or two against and that was nothing, really, to do with the main principle of electing that Member. This would take that away.

The point is what we have now can only be exercised by Tynwald if that is the will of the Members of Tynwald in its both branches. If you pass a law based on the principles – and it is the principles only I am talking about here – as set out by the Hon. Member for Douglas South, Mr Malarkey, then you will actually shut that door, even if something happened. Now, if the Member says: 'Well, yes, but I will provide within the legislation a way to deal with that,' I have to say that that certainly would be not the way to deal with it, because you either have it one way or the other.

The fundamental question is, someday, we need to sort out the whole issue of what it is we want. The principle of having an elected Legislative Council, or an elected Tynwald body, I agree with – popularly elected. The problem is it does not work because we do not have party politics. It does not work because of the nature of how we are structured and what you really mean is, we will get rid of our branches to make it work and I do not support that. Hence why we have got the problem in terms of the whole major fundamental change.

The people of the Isle of Man elect a branch of Tynwald. That is what they do. They do not even elect Tynwald: they elect a branch of Tynwald – the Members of the House of Keys. There are many, many options of what we could do, but it will fundamentally change what we are going to do. This proposal... and I understand where the Hon. Member is coming from and I respect him, because he has listened

to the arguments of why he does not support the Bill that is in the name of the Hon. Member for Middle. I respect him very much for that, because it is very easy to put down in your manifesto something when you are new and then, when you get into understanding properly that, in fact, what you thought is not quite the situation. So, I take my hat off to him for that because he is being honest, he is saying to the people: I have found out actually that is slightly different. What the Hon. Member is now trying to do is find another way to deal with a potential issue, as he sees it. But I have to say I believe it is not the right way to do it.

The Chief Minister of the day will make the decision to get the best team for the Isle of Man from the pool he is allowed, or she is allowed. To falsely restrict that but do nothing else to the Legislative Council is, to me, not the way to do it.

There is also the issue – and I am interested in a response from the Hon. Member – what about Members of the Legislative Council who are then Members of Departments? What about Members of Legislative Council who are Chairmen of Statutory Boards or Offices? Is that all going to be enabled to continue? A Minister might be the Department, but Ministers do delegate considerable authority within the executive – i.e. within their Departments – to Members of Legislative Council to carry out those functions. Is the Member looking to restrict that as well? If he is, can I say that is fine, but the workload of Members in this House will considerably be increased. If he is not, I would be very interested to understand why he does not see that as a difference, why he does not see it necessary, because whether you are a Member of the Department or the Minister – and I accept the point made this morning absolutely, that the Minister is ultimately responsible – I can tell the Hon. Member that, in my time in here in the ministerial system, I have often battled away with Members of Departments who have specific responsibilities within their Department, who do not agree with policies I agree with, and they have been Members of the Legislative Council, as well as Members of the Keys. Ultimately, because they are in the Department, they have the last say. So, I would just be interested to know what the Member thinks about that.

Just to finish off from my point of view, Mr Speaker, I just want to clarify, as well, it used to be the position in this Hon. House that that there was an automatic right for a Member to get leave to introduce. We changed our Standing Orders to change that so that the Members of the House debated the principle of what the Member was asking for and the House determined whether or not to give that Member leave to introduce. There is nothing wrong in saying 'no' at this stage, no more than there is anything wrong in saying 'yes' at this stage. The point is our process enables the House at this stage to say whether or not they agree with the principles of what a Member is trying to do. If they do not, I would say they have a duty, on behalf of everybody, and their constituents especially, to vote against it. If they do, they also have a duty to vote for it. That is why we are here.

It is not a automatic right. It is one that the Member has to persuade the House for a majority to give that Member support to enable that Member to go down the road of drafting up legislation. I take a simple view, Mr Speaker. I do not agree with this principle: I think it is the wrong way to move. If you are going to do something, let's do it right and this is really just a little bit of tinkering to try and make something a little bit better in perception, which really does

not make the move that I think the Hon. Member is looking for. I respect why he is trying to do it, but I think it is the wrong way and I hope Members will consider that view.

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

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

I will be fairly brief, because I just really want to acquaint myself with the remarks for the Hon. Member for West Douglas, Mr Shimmin, the Hon. Member for Ramsey, Mrs Craine, and the Chief Minister, regarding what has been said.

I very much agree with others that the present Council of Ministers fits Mr Malarkey's blueprint, the mover's blueprint, and I agree that that is the ideal situation. So, I think it was a tribute to the Chief Minister, when he formulated the last Government, that he, of course, comes from the House of Keys, he is an elected Member and everybody who forms part of the Council of Ministers comes from the same background. We had all been freshly elected with a new mandate from our own particular constituencies. I would like to encourage that going forward because I agree with the concept of it, but my issue is: why narrow opportunities?

We have got the opportunities under the present system that if we need to step outside that situation we can do so and we certainly needed to. The Hon. Member, Mrs Craine, alluded to this earlier on in the debate when she was talking about the former Member of Council, Mr Donald Gelling. When we had a problem in 2004 he was available, under the system that we have at the moment, to step in as Chief Minister. He was not unanimously supported, I do not think, as far as I recall, but he got a very high majority and glad mighty were we all that he was available to step into that role at that particular time.

**Mr Karran:** Some weren't.

**Mr Earnshaw:** It was very very necessary and we tend to forget, really, as time goes by, what a tricky situation the Island was in, but I think he was certainly the right man at the right time. Perhaps he was in the wrong place, but at least he was available to fulfil that important role and he was very well accepted by the public and those outside the Isle of Man, as well. So, why narrow your opportunities? The same goes for Ministers: at the moment we have no Members of the Legislative Council who are Ministers. I hope that situation remains, I sincerely do. I think that is the right thing to do, but why narrow your opportunity?

I am grateful to the Legislative Council for undertaking some of the less desirable jobs in Government. We have got a Member of the – I am just combing through my memory about who does what – Legislative Council doing Waste Management, Social Services, Planning, Health. They are all 'hot potatoes', Hon. Members, and perhaps it tells us something about ourselves that we are leaving it to Legislative Council Members to perform some of those roles. So, to summarise my own views, Mr Speaker, if it ain't broke, let's leave it alone.

I do not really see any great need to introduce this. I am tempted to vote for leave to introduce, but I am conscious that I do not like wasting the legislative draftsman's time unnecessarily. So, I am not certain which way I will actually vote at the end of the day. I will listen to the hon.

mover's comments when he winds up, when he summarises everything that has been said, but I think that concludes my remarks, Mr Speaker.

Thank you.

**A Member:** Vote.

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

**Mr Quirk:** Thank you, Mr Speaker. Just rising to add to the flavour of this particular debate.

The Member for South Douglas, although he had not approached me – he has not approached me at all – I think he has probably got a grasp for what my feelings would be with reference to this particular motion. I can live with the points that he has actually laid down here today and that is the leave to introduce a Bill gives a Member an opportunity to expand on the Bill that he wants to put forward.

The difficulty you have in this House is: you could talk to everybody around and get a consensus point of view, but if you bring a Bill forward you would be surprised how much it gets cut up. I would not like to see the Member be frustrated on that particular, so I will be supporting him (**Mr Cannan:** Hear, hear.) for his leave to introduce, because I see that what is down there, too, having an MLC as a Chief Minister does not fit with my portfolio, I am afraid, at the minute.

Regarding Ministers of the Departments, too, I was grateful, really, when the Chief Minister was elected and I think it was a unanimous election of our Chief Minister here today.

**Mr Brown:** Apart from the Opposition! (*Laughter*)

**Mr Quirk:** Oh, sorry, apart from the Liberal Vannin Party – (*Laughter*) but, I mean, there is still hope!

But he gave an assurance (*Interjection by Mr Earnshaw*) that he would endeavour to use all the Members from the Keys and I respected him for that, that he actually did it, because he kept to his promise. But he did say – I know that he did say it to me at the particular time – there was an opportunity if somebody was out there better he may use it. I would not feel favour with that: he probably knows my opinion on that.

Just for a reference to the election, as well, there was a... when I remember it does not agree with me or not, there was a bit of a groundswell for the taste for MLCs, if I could put it as that, where they are... The Members are quite right, Mr Karran here and a few others here today, saying they are not elected... Some of them have been elected to this House and have moved to the upper chamber, maybe providing excellent service to the Government or to the Departments, but there are still a number of people who put us in for the House to say to us there that they are unhappy with the situation where there were MLCs in non-elected persons in such powers.

I was stood for election on that particular mandate, too. I felt if the 24 Members in this particular Chamber could not put a government together, there was probably no hope for us on that. Just reference back to the former Chief Minister there – and we were outside at the time – but I think, personally, nobody wanted to pick up the cudgel because they did not know what was going to be underneath the mat –

**Mr Karran:** That's not true.

**Mr Cannan:** That's not true. (*Interjection*)

**Mr Quirk:** – on it and I do not see that actually being a problem for the future.

With reference to some of the other issues regarding Mr Quayle's Bill, and I do support that. I supported Mr Cannan's Bill, who instigated it at the beginning of the House, and I believe it was good of the House, really, to look forward at an early stage to examine this. Mr Quayle put an amendment down that I was happy with and that is why I support it. In my opinion, I think the Bill is not 'stuck', it is just 'resting' (*Laughter*) and looking for some of the Members to actually see the light, never mind the kinks in the door, but see the light!

As I said there, I will now sit down, but I will also be supporting it and I hope Members do support or give a leave to introduce to it.

**The Speaker:** I call on the Hon. Member for Douglas South, Mr Malarkey, to reply to the debate, please.

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

I am conscious of the time and there is actually a luncheon on, so I am going to try and make this as brief as I can.

I would like to start by thanking first my seconder, Mr Gawne, for supporting me on this.

Also, I thank Mr Gill, Mr Cannan, Mr Karran, Mr Crookall and Mr Quirk who have all spoken in favour: I thank you all individually for giving your support and backing.

I turn my piece of paper over and I do find it quite interesting, when I turn it over, that the five I have in front of me here are all Ministers, whom I am actually going to have to talk individually against here now.

**Mr Houghton:** Future contenders for the Legislative Council! (*Laughter*)

**Mr Malarkey:** I did not say that!

Can I start first with the Hon. Member for Ramsey, Mrs Craine: I am sorry to hear she is sad. (**A Member:** Ah!) (*Laughter*) That is my first... I really am sorry to hear she is sad.

Obviously, we are all entitled to our opinions. You have been in this House for quite some time and you do not agree with where I am going. One point of your comment I would like to pick up on about Members of the Legislative Council being in Government: I have not got a problem with that at all. I think they have got a lot to offer Government.

But I must remind you, and the public: they are paid extra money to take that position. It was my choice not to take a Government position. I do not get the money, that is my choice. Legislative Council, if they want to take a Government position and use what they have, they are quite entitled to go ahead and take their travelling expenses etc.

So this is not a bid to cut down on the work that Legislative Council does. In fact, if anybody has listened to me on the radio or anything I have said, I believe that they have a lot of experience up there – an awful lot of experience that we should be calling upon. But I am just trying to clear some muddy water.

I turn now to the Hon. Member, Mr Shimmin's, comments. He seems to think that I am muddying the issue with what I have got down here. What concerns me here in this House: we have a good debating Chamber, we have a Chief Minister, we have a Council of Ministers. We have a good argument from both sides of the House, because we

have 10 Members plus a couple of supporters for the Chief Minister, and we have a very balanced argument.

**Mr Cretney:** This is a parliamentary matter!

**Mr Malarkey:** We have a situation here where we have 10 Members, including the Chief Minister, who together with just the support of seven Members of the Legislative Council, before we actually go to the next election, could decide who our next Chief Minister is going to be, because with seven votes from Legislative Council and the 10 Members sitting in the present Government, they can actually now decide before we even get to the next election between them who they want as the next Chief Minister.

That is not how I see that this Government, this parliament, should be run. I believe that when there are 24 Members elected by the public, they – and only they – should decide who their Chief Minister is. (**Mr Houghton:** Hear, hear.) That is my number one priority for bringing this Bill forward. (**Mr Houghton:** That's right!) Number two and number three are not my priorities.

I came today together with three proposals. Let me make it clear. The one I want to get through is that Legislative Council does not vote for our Chief Minister. If the rest of my Bill fails, I will not be worried. (**Mr Houghton:** Hear, hear.) I will be perfectly happy that I have got that piece forward.

Now the second and third parts are: in my own heart, I do not actually believe because they have not got the mandate of the people, they should be Chief Minister. I am really on a level ground as to whether they should be Ministers, and I think you should allow me to bring this Bill forward, so that we can debate that point. (**Mr Houghton:** Hear, hear.)

I will make it very clear that if I get through today, and get to do a Green Bill and bring it to this Hon. House, it will be in three clear sections. The first section will be: we should not allow Legislative Council to elect our Chief Minister. The second section will be: we should not allow anybody in Legislative Council to be Chief Minister. The third section will be: we should not allow a Member of Legislative Council to be a Minister.

Now, if you want to throw out part (3), so be it. It will be the will of this House. If you want to throw out part (2), so be it. It will be the will of this House. But what I am asking you today is to give me the opportunity to bring this Bill forward in three sections, so that this House can debate each of the three sections and maybe move forward with Mr Quayle's Bill.

I turn now to Mr Quayle's comment. I must admit I have got a big question mark alongside it, because until he actually sat down I was not quite sure which way he was moving with this. This is not instead of the Bill before the House in the name of Mr Quayle – this is *not* instead of. I believe his Bill has stalled. I believe it is – (**A Member:** Resting.) 'resting', as the Hon. Member said, and I cannot see any way forward, because I cannot see the will of this House of creating eight super-MHKs. There is not a will. We know we would probably be cutting our own throats if we went forward in this direction.

I believe that what should be happening first is we should make clear what the role of Legislative Council is. We should define what Legislative Council can and cannot do.

The most important job they do is they oversee Bills that will come through because they have got a mass of

experience, years of experience, and I believe they should be doing that.

**Mr Cannan:** Apart from Mr Turner.

**Mr Malarkey:** They have got a lot of experience. The Chief Minister is saying no they have not. Well, believe me, I am quite sure the new Members in here will support me by saying that there is an awful lot of learning to go on in this House. The first five years of any term of office is purely and simply an apprenticeship, because we have so much to learn.

Most of the Members in Legislative Council have been in for a lot more than five years, some of them have been in for *many* years. So they do have a wealth of knowledge and they do pick up on mistakes that we do actually make in this House.

So I am not here to criticise Legislative Council. I am trying to clear muddy water. I am trying to stop the public opinion of the old boys' club, because I have just given you an example: 10 Members of the present Chief Minister's Council together with seven Members from Legislative Council can pick the next Chief Minister. They could do a raffle between them, if they want, because that is the way the system allows it to be – and I do not believe that that should happen.

Once again, I only see the Ministers shaking their heads; I do not see the other Members outside shaking their heads. It is the Ministers who are shaking their heads.

I do not want to keep going forward over and over the same comments that have been made all the time. All I want to do is make it clear, I am asking for permission here, to come forward with a Bill that will be out in three sections. If you agree with just one part of those three sections, I am asking for your support today. You will have the opportunity at clauses stage to put forward why or why not we should not have any particular part of that Bill.

So with that I move, Mr Speaker.

**The Speaker:** Hon. Members, the motion before the House is that set out at Item 6, for leave be given to introduce a Bill in the name of the Hon. Member for Douglas South, Mr Malarkey. Those in favour, say aye; against, no. The ayes have it.

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

**FOR**

Mr Quirk  
Mr Karran  
Mr Crookall  
Mr Quayle  
Mr Teare  
Mr Cannan  
Mr Houghton  
Mr Henderson  
Mr Malarkey  
Mr Corkish  
Mr Cretney  
Mr Watterson  
Mr Gawne  
Mr Gill  
The Speaker

**AGAINST**

Mr Earnshaw  
Mr Brown  
Mr Anderson  
Mrs Craine  
Mr Bell  
Mr Shimmin

**The Speaker:** Hon. Members, the motion carries, with 15 votes for, 6 votes against. Thank you, Hon. Members.

That brings us to the end of the business before the House at this sitting. May I remind Hon. Members there is a presentation by the Department of Agriculture, Fisheries and Forestry in the Barrool Suite at one o'clock; and if I could ask Members of the Keys Members and Standards Committee to make themselves available for a meeting at 2.30 p.m. in Committee Room 2, please.

Thank you, Hon. Members. Gura mie eu.

*The House adjourned at 12.58 p.m.*