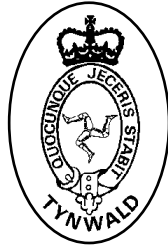


TYNWALD

Tinvaal



QUESTION PAPER

Pabyr Feyshtyn

DOUGLAS
20th November 2007
at 10.30 am

FOR ORAL ANSWER

1. The Hon Member for Onchan (Mr Karran) to ask the Chief Minister –

In view of the introduction of the Human Rights Act 2001 and of the Tribunals Act 2005 and in view of the numerous bodies including Government and local authorities and other public authorities from whose decisions or actions there is no right of appeal or review, would you agree with me that the time is ripe for the setting up in the Island of an office of Ombudsman and the appointment of an Ombudsman for the Isle of Man to act as a Parliamentary Commissioner, Local Government Ombudsman, Police Complaints Ombudsman and to subsume into his office other Ombudsman powers currently exercised by appointees of a number of Government departments and statutory boards under Ombudsman complaint and compensation schemes?

2. The Hon Member for Michael (Mr Cannan) to ask the Chief Minister –

What is the policy of the Council of Ministers in respect of the suggested fluoridation of the Isle of Man water supply?

3. The Hon Member for Michael (Mr Cannan) to ask the Chief Minister –
- (1) Is it the policy of the Council of Ministers to increase the number of senior civil servants, and, if so;
 - (2) what is the justification for the new post of Deputy Chief Executive and Chief Operating Officer on the staff of the Department of Health and Social Security, Chief Executive's Division attracting the maximum salary £88,470.00 pa plus Employer's National Insurance £9,535.00 pa plus DHSS pension contribution at say £15,924.00 pa, a total annual cost to the taxpayer at salary maximum £113,929.00 pa; and
 - (3) would not £113,929.00 pa be better spent on providing front line medical care and social care?
4. The Hon Member for Onchan (Mr Quirk) to ask the Chief Minister –
- With reference to energy costs, what incentives are your Government planning this Winter to assist residents of the Isle of Man?
5. The Hon Member for Douglas North (Mr Houghton) to ask the Chief Minister –
- (1) Has the Governor in Council considered the Report of the Interception of Communications Tribunal following its determination that interception warrants issued by the Chief Minister in 2003 contravened the provisions of the Interception of Communications Act 1988; and
 - (2) if so, what recommendations have been made?
6. The Hon Member for Douglas East (Mrs Cannell) to ask the Chief Minister –
- What do you propose to do to help those persons within our community who suffer from “fuel poverty” from an increase in the charge of energy, such as that proposed by Manx Gas?
7. The Hon Member for Douglas East (Mrs Cannell) to ask the Chief Minister –
- (1) Are you aware of the deep unrest and mistrust of the Isle of Man Post Office workers in the Chairman and Board due to a lack of meaningful consultation between the Board and the Post Office Worker's Union; and if so
 - (2) what do you propose to do to restore confidence and trust?

8. The Hon Member of the Council Mr Waft to ask the Chief Minister –

Will you enlighten this Hon Court as to the remit of the Constitutional Relations Committee of the Council of Ministers –

- (a) who are the members;
- (b) when did they last meet;
- (c) what subjects were discussed other than financial views;
- (d) what views have been expressed to the UK who act on our behalf with regard to such issues as the view of the Isle of Man Government on –
 - (i) Zimbabwe;
 - (ii) North Korea;
 - (iii) Afghanistan;
 - (iv) Darfur;
 - (v) Iraq;
 - (vi) Iran; and
 - (vii) Guantanamo etc ?

9. The Hon Member for Garff (Mr Speaker) to ask the Chief Minister –

- (1) Is the Isle of Man Government interested in encouraging the development of an annual international music festival in the Island; and, if so
- (2) how is such a policy being pursued?

10. The Hon Member for Peel (Mr Crookall) to ask the Chief Minister –

- (1) How many Government Departments have their own Human Resource offices;
- (2) how many staff in total are employed to deal with Human Resources across these Departments;
- (3) what is the annual cost of Human Resource staff;
- (4) how many Government Departments have their own Properties Division;
- (5) how many staff in total are employed in these Divisions; and
- (6) at what cost?

11. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for the Treasury –

Would you –

- (a) accept that the specific new obligation in paragraph 15 of the Criminal Justice (Money Laundering) Code 2007, requiring certain businesses to screen employees and others in order to be satisfied of their integrity, is important in maintaining the international reputation of the Manx finance sector; and
- (b) if so, explain why the Financial Supervision Commission appears to be unable or unwilling to provide those they regulate with guidance on what procedures they consider are appropriate to satisfy this requirement?

12. The Hon Member for Garff (Mr Speaker) to ask the Minister for the Treasury –

How would the Isle of Man economy benefit from an international music festival being held annually?

13. The Hon Member for Onchan (Mr Karran) to ask HM Attorney General –

Would you advise on issues relating to the legal challenge to the all-Island Strategic Plan Order, which was approved by Tynwald on 11 July 2007, and came into force on 1 August 2007 –

- (a) is the challenge a valid challenge;
- (b) if this challenge is successful does it invalidate the Plan;
- (c) can the Order, as passed by Tynwald on 11 July 2007, be kept on by Government, Local Authorities and the public at large in these circumstances; and
- (d) if reliance is placed on the Order as it stands can the Department be held responsible for claims if it is overturned?

14. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security –

- (1) Can you explain the rationale for re-creating the post of Deputy Chief Executive for the DHSS at a potential cost of over £80,000 to the public, given that this post was eliminated as an unnecessary business need by the previous Minister; and
- (2) can you explain why the agreed consultation processes regarding the creation of this post were not adhered to with the relevant trade union?

15. The Hon Member for Rushen (Mr Gill) to ask the Minister for Health and Social Security –

Can you confirm that when you stated to the Hon Member for Onchan, Mr Karran, in respect of Oral Question 13 at the sitting of Tynwald Court on 20th February 2007 in respect of costs for fluoridating the public water supply -

“There was not any proposal to ask third parties to pay for it”

that this categorically confirms that all capital, revenue and associated costs will be met entirely from within the DHSS budget?

16. The Hon Member for Rushen (Mr Gill) to ask the Minister for Health and Social Security –

At the October sitting of Tynwald Court in response to a series of supplementary questions further to Oral Question 23 about the assertion by your Member for Health that young people regard mottled and stained teeth caused by fluoride in the water supply as fashionable, you make the assertion that –

“in the same debate (ie with myself and the Chairman David Callister of Manx Radio) on Manx Radio , I am led to believe that there is an allegation made that over half of the children in the Republic of Ireland have in effect mottled teeth”

- (a) are you in a position to be able to clarify that you have advice that your belief in this matter is inaccurate and that neither I nor Mr Callister made such an assertion;
- (b) will you therefore retract your statement and furthermore will you also retract your factually inaccurate concluding comment –

“so let us not let the truth get in the way of a good story, sir!”?

17. The Hon Member for Rushen (Mr Gill) to ask the Minister for Health and Social Security –

Further to your responses to my Oral Question 13 at the February 2007 sitting of Tynwald can you elaborate on your reassurance that in respect of a public consultation where you state –

“we will be led by the views of the public”

what does this actually mean?

18. The Hon Member for Michael (Mr Cannan) to ask the Minister for Home Affairs –

- (1) Does the Isle of Man Fire Service have the authority to enter a privately owned flat and direct the resident owner in which room he can sleep at night; and, if so
- (2) does the Isle of Man Fire Service then have the authority to enter the flat during the night to check in which room the owner is actually sleeping?

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

- (1) do you as Minister for Local Government and the Environment support the creation of joint boards to allow local authorities and your Department to work together;
- (2) how many joint boards have been established under section 7 of the Local Government Act 1985; and
- (3) can you explain the remit that was given to the public auditors for local authorities?

20. The Hon Member for Douglas East (Mrs Cannell) to ask the Minister for Local Government and the Environment –

- (1) When will the new Housing Bill be progressed through the House of Keys; and
- (2) what has been the reason for the delay?

21. The Hon Member for Peel (Mr Crookall) to ask the Minister for Local Government and the Environment –

Will your Department undertake to do a costing exercise for the treatment of leachate so that all the disposal options can be considered?

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

Is it the case that you have failed to advise bus drivers that schoolchildren must not be charged a fare when using service buses for their journey to and from school?

23. The Hon Member for Garff (Mr Speaker) to ask the Minister for Tourism and Leisure –

- (1) Do you agree that the 2007 Peel Bay Festival was a popular social and cultural event for residents and visitors with over 25,000 people in attendance;
- (2) should the Festival be encouraged as a potential economic development opportunity for the Isle of Man;
- (3) are you aware that top internationally acclaimed pop artists and bands are interested in performing at a 2008 festival;
- (4) has your Department recently discussed with Festival organisers their plans for 2008; and
- (5) if so, what financial assistance by way of underwritten guarantee or grant is your Department prepared to offer the organisers in order to maximise the 2008 Festival's potential as a major new attraction?

24. The Hon Member for Rushen (Mr Gill) to ask the Minister for Transport –

- (1) Given your undertaking some months ago to prioritise the removal of the large unsightly and distracting yellow signs in Rushen constituency, what actions have you taken to progress this and why have your officers still not removed them; and
- (2) when can we actually expect to see them removed?

25. The Hon Member for Rushen (Mr Watterson) to ask the Minister for Agriculture, Fisheries and Forestry –

- (1) Is the Minister in favour of crab/lobster pot charges; and
- (2) how are underused pot allocations going to be policed by your Department?

26. The Hon Member for Douglas East (Mrs Cannell) to ask the Chairman of Isle of Man Post Office –

Who did you consult with prior to taking the decision to close the Isle of Man Post Office Workers' Pension Scheme to new entrants?

27. The Hon Member for Onchan (Mr Karran) to ask the Chairman of the Manx Electricity Authority –

In relation to the new agreement reached between your Authority and Bord Gais Eireann -

- (a) will you give full particulars of the terms now agreed, and the benefits expected to result to the Isle of Man;
- (b) is the Isle of Man still paying a percentage of the total capital cost for SIPS 1 & 2;
- (c) what will the new operating cost be by comparison with the CER tariff; and
- (e) will anyone be held to account in respect of the errors made relating to the previous agreement with Bord Gais Eireann?

28. The Hon Member for Michael (Mr Cannan) to ask the Chairman of the Public Accounts Committee -

Will the Public Accounts Committee undertake as a matter of priority a full and searching investigation into all matters relevant to the design, construction and operation of the IRIS project, Douglas to Meary Veg and the management Meary Veg?

29. The Hon Member for Douglas North (Mr Henderson) to ask the Chief Minister –

Following the Child Care Inquiry and serious deficiencies highlighted in the Report has any person to date ever been held to account for those deficiencies?

30. The Hon Member for Garff (Mr Speaker) to ask the Chief Minister –

- (1) What is the Government's policy on the biometric scanning and data capture of the personal details of citizens in the Isle of Man; and
- (2) does the policy include criteria for the fingerprinting of children?

FOR WRITTEN ANSWER

31. The Hon Member for Onchan (Mr Karran) to ask the Minister for the Treasury –

Over the last 5 years for which figures are available how many civil claims have been issued against Isle of Man Government Departments and Statutory Boards by employees for alleged injuries at work arising out of allegations of negligence or health and safety breaches –

- (1) How many failed, ie no payment was made and how many succeeded;
- (2) of the successful cases, how many settled before hearing, how many went to a hearing and how many resulted in a payment being made to the claimant;
- (3) how many of those resulted in a payment of -
 - (a) £2,500 or less;
 - (b) £2,501 to £5,000;
 - (c) £5,001 to £7,500;
 - (d) £7,501 to £10,000;
 - (e) £10,001 to £15,000;
- (4) how much in total;
- (5) what has been the average figure per case;
- (6) what had been the total cost to the Isle of Man Government of defending these cases and of paying the costs of successful litigants;
- (7) how much has the average cost per case been to the Isle of Man Government for –
 - (a) its own advocates costs including disbursements but excluding VAT;
 - (b) adverse legal costs, awards or settlements made in favour of claimants including disbursements but excluding VAT;
- (8) what has been the average length of time between incident and settlement by negotiation or court determination;
- (9) how many cases are still outstanding;
- (10) how much is their estimated value;

- (11) what is their estimated cost for exposure for -
 - (a) Government;
 - (b) claimant;
- (12) what would be the figures for local authorities and other public sector employers on the Island; and
- (13) what would be the figures for motor accident claims on the Island?

32. The Hon Member for Douglas North (Mr Houghton) to ask the Minister for the Treasury –

In respect of a written answer given by the yourself on the costs of taxis, private hire vehicles and minibuses in the Keys on 6th November 2007, will you provide copies of all invoices relating to the reported accounts for the last two years up to 30th September 2007, for perusal in the Members' Room?

33. The Hon Member for Onchan (Mr Karran) to ask HM Attorney General -

In the light of your recent answers to questions about the difficulties placed in your chambers due to staffing levels especially in legislative drafting would you wish to comment on the validity of the establishment of the Educational Awards Review tribunal which has recently sat for the first time, bearing in mind that it claims to have been established by regulations made under s 37(c) of the Education Act 2001, which section reads -

The Department may, in accordance with regulations made with the concurrence of the Treasury, do all or any of the following for the purpose of enabling persons to take advantage without hardship to themselves or their parents of any educational facilities available to them –

- (a) defray such expenses of pupils attending provided schools , maintained schools or special schools as may be necessary to enable them to take part in any school activities;*
- (b) pay the whole or any part of the fees and expenses payable in respect of pupils attending schools in the Island or elsewhere at which fees are payable;*
- (c) grant scholarships, exhibitions, bursaries and other awards or allowances (including awards and allowances by way of loan) in respect of persons over compulsory school age receiving continuing education or higher education in the Island or elsewhere –*

which does not appear to empower the Department, by delegation or otherwise to set up a Tribunal (in contrast with the very clear wording of s44 of the Education Act 2001, which specifically constitutes the Independent Schools Tribunal) :-

- (1) do you agree with me that the constitution and purported establishment of the Educational Awards Tribunal by the 2007 Educational Awards Regulations is ultra vires the Department bearing in mind the lack of statutory authority within s37 to establish a tribunal;
- (2) as a consequence thereof is the purported establishment of the tribunal a nullity it having no real existence in law;
- (3) are the appointments by the Appointments Commission of Chairpersons and members to such purported tribunal also consequentially void and of no effect;
- (4) how many times has the Educational Awards Tribunal sat, how much has it cost to advertise the purported vacancies, consider the appointments, make the appointments, administer and clerk the tribunal and pay members expenses to date;
- (5) if the tribunal is in fact ultra vires are those expenses payments are actually due or are they repayable; and
- (6) how many students have been adversely affected by any failure in your drafting division?

34. The Hon Member for Onchan (Mr Karran) to ask HM Attorney General -

To save costs and to improve the time taken for settlement would you not agree with me that there should be introduced into:

- (a) the terms of employment of every public employee on the Isle of Man;
- (b) the terms of every insurance policy issued in respect of a Manx registered vehicle and in respect of every road traffic claim arising in the Isle of Man;

a procedure for mediation in such circumstances, with a mediator or ombudsman appointed with a budget to order medical and other medical and other expert reports and with consider the submission of lay evidence by claimants and their representatives, to inquire into and make provisional findings and liability and awards of damages in such cases without excessive legal costs being run up and so representing a saving to the taxpayer and to claimants and insurers, the claimant being able to reject such award and proceed to court if dissatisfied but at risk as to court costs if the court did not make a larger award than the mediator or ombudsman?

35. The Hon Member for Onchan (Mr Karran) to ask the Minister for Education –

In the light of my question to the learned Attorney General on this Order Paper and his answer what steps does your Department intend taking to ensure any student adversely affected is now granted an award with retrospective effect for this year or for next year?

36. The Hon Member for Rushen (Mr Gill) to ask the Minister for Health and Social Security –

Will you circulate a copy of the Mission Statement of the British Fluoridation Society to all Members?

37. The Hon Member for Rushen (Mr Gill) to ask the Minister for Health and Social Security –

What measures would the Isle of Man Ambulance Service be required to take in response to a major spillage of Hexafluorosilicic acid en route between Douglas Harbour and the water treatment plants in Glencrutchery Road and Sulby?

38. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Home Affairs –

In each of the preceding 52 weeks and on every day of those 52 weeks (including Friday and Saturday) how many Police Officers were on duty to cover the entire Douglas Bay area, Onchan, Douglas, Governor's Hill, Willaston, Pulrose, Anagh Coar, Farmhill, Saddlestone and the main town area after 8.00 pm, 11.00 pm and mid-night?

39. The Hon Member for Douglas North (Mr Houghton) to ask the Minister for Home Affairs –

In respect of a written answer given by the Treasury Minister on the costs of taxis, private hire vehicles and minibuses in the Keys on 6th November 2007, will you provide copies of all invoices relating to the reported accounts for the last two years up to 30th September 2007, for perusal in the Members' Room?

40. The Hon Member for Rushen (Mr Gill) to ask the Minister for Home Affairs –

What measures would the Isle of Man Constabulary be required to take in response to a major spillage of Hexafluorosilicic acid en route between Douglas Harbour and the water treatment plants in Glencrutchery Road and Sulby?

41. The Hon Member for Rushen (Mr Gill) to ask the Minister for Home Affairs –

What measures would the Fire and Rescue Service be required to take in response to a major spillage of Hexafluorosilicic acid on route between Douglas Harbour and the water treatment plants in Glencrutchery Road and Sulby?

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

In respect of a written answer given by the Treasury Minister on the costs of taxis, private hire vehicles and minibuses in the Keys on 6th November 2007, will you provide copies of all invoices relating to the reported accounts for the last two years up to 30th September 2007, for perusal in the Members' Room?

43. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Trade and Industry –

Can you explain how the enforcement of work permits legislation can be achieved given the significant under-resourcing and staffing issues in this area over recent months, primarily the fact that at present there is only one person employed as an Inspector?

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

What are the landing fees at Ronaldsway Airport and how so they compare with Manchester, Liverpool and Gatwick Airports?

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

- (1) When does your Department plan to install a pedestrian crossing on Johnny Watterson's Lane to serve the new housing development; and
- (2) will it consider the provision of a pelican crossing?

46. The Hon Member for Douglas North (Mr Houghton) to ask the Minister for Agriculture, Fisheries and Forestry –

In respect of a written answer given by the Treasury Minister on the costs of taxis, private hire vehicles and minibuses in the Keys on 6th November 2007, will you provide copies of all invoices relating to the reported accounts for the last two years up to 30th September 2007, for perusal in the Members' Room?

47. The Hon Member for Rushen (Mr Gill) to ask the Minister for Agriculture, Fisheries and Forestry –

What are the professional views of your Chief Veterinary Officer in respect of the proposal to introduce fluoride into the public water supply?

48. The Hon Member for Rushen (Mr Gill) to ask the Minister for Agriculture, Fisheries and Forestry –

- (1) Is your Department committed to the introduction and promotion of organic produce; and, if so
- (2) what are the pre-requisite tests which would need to be met to further such a policy?

49. The Hon Member for Douglas North (Mr Houghton) to ask the Chairman of the Financial Supervision Commission –

In respect of a written answer given by the Treasury Minister on the costs of taxis, private hire vehicles and minibuses in the Keys on 6th November 2007, will you provide copies of all invoices relating to the reported accounts for the last two years up to 30th September 2007, for perusal in the Members' Room?

50. The Hon Member for Douglas North (Mr Houghton) to ask the Chairman of the Post Office –

In respect of a written answer given by the Treasury Minister on the costs of taxis, private hire vehicles and minibuses in the Keys on 6th November 2007, will you provide copies of all invoices relating to the reported accounts for the last two years up to 30th September 2007, for perusal in the Members' Room?

51. The Hon Member for Douglas North (Mr Henderson) to ask the Chairman of the Manx Electricity Authority –

- (1) Can you confirm or otherwise that the MEA has 'bought forward' natural gas supplies and if so how much per unit or applicable volumes has this been bought; are you still using natural gas supplies at this rate for the power station and have there been any savings for consumers or the MEA, and if so what savings or benefits; and
- (2) are there still natural gas volumes which have been 'bought forward' in stock and, if so, how long is there left with these volumes or quantity until more gas has to be purchased at a new price, or however the system works?

52. The Hon Member for Douglas North (Mr Henderson) to ask the Chairman of the Manx Electricity Authority –

Can you confirm that the MEA is the main supplier of natural gas to Manx Gas in the Isle of Man and if so –

- (a) the gas the MEA sells on to Manx Gas is gas which is bought at the same price as the MEA use in its Power Station and if so how much do you sell it on for currently and can you confirm or otherwise if this gas supplied to Manx Gas has also been 'bought on' on the 'spot market'; and

(b) given affirmatives in the above, whether Manx Gas benefit in any pricing arrangement when they purchase gas from you, and can you confirm if it is the same natural gas supply that the MEA 'buy forward' for the power station on the spot market to make savings and lessen the impact of any price rises for ordinary consumers?

53. The Hon Member for Douglas North (Mr Henderson) to ask the Chairman of the Office of Fair Trading –

Can you confirm what price the MEA sell gas to Manx Gas for and work out what Manx Gas sell their gas to consumers for byway of equivalent units/volumes and what that is?

54. The Hon Member for Douglas North (Mr Houghton) to ask a Member of the Manx National Heritage (Mr Speaker) –

In respect of a written answer given by the Treasury Minister on the costs of taxis, private hire vehicles and minibuses in the Keys on 6th November 2007, will you provide copies of all invoices relating to the reported accounts for the last two years up to 30th September 2007, for perusal in the Members' Room?