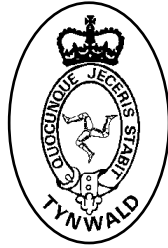


TYNWALD

Tinvaal



QUESTION PAPER

Pabyr Feyshtyn

DOUGLAS
14TH JULY 2009
at 10.30 am

FOR ORAL ANSWER

1. The Hon Member for Rushen (Mr Watterson) to ask the Chief Minister -

Whether it is his intention to ever publish a response to the Scope and Structure of Government Report, when in his manifesto he promised to “undertake early and full consideration of the Report and report back to Tynwald”?

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

If he will make a statement on the current legal position relating to the frozen KSF (IOM) Funds held by UK authorities, and what representations and negotiations are continuing in an effort to reclaim what is ostensibly another jurisdiction’s funds?

3. The Hon Member for Rushen (Mr Watterson) to ask the Chief Minister -

Which pieces of legislation planned for the 2008/09 session were not introduced into either Branch, and if he will give the reasons for each one not being introduced?

4. The Hon Member for Onchan (Mr Karran) to ask the Chief Minister -
- With regard to the Treasury Value for Money Committee Report for the period 2008 -
- (a) whether he agrees with the section of the Chairman's statement where it says, "it is essential to achieve increased value for money and ensure that detailed scrutiny of Government expenditure and associated procedures are maintained";
 - (b) with regard to the section of the Chairman's statement where it says, "Sadly to say not all [measures to effect improvement] have been accepted or met with fruition", what action he proposes so that more of the efficiency measures proposed by the Value for Money Committee are implemented within Government; and
 - (c) what additional political or constitutional measures he proposes so as to improve the "detailed scrutiny of Government expenditure and associated procedures"?
5. The Hon Member for Onchan (Mr Karran) to ask the Chief Minister -
- What constitutional or political initiatives or reforms he will be proposing to enable Members of the Legislative Council to be -
- (a) directly elected; and
 - (b) performing a specific role scrutinising Government?
6. The Hon Member for Onchan (Mr Karran) to ask the Chief Minister -
- Whether for public sector pensions to become affordable in the future -
- (a) the net future liability on public sector pensions needs to be reducing year on year; and
 - (b) the current pension schemes need to be closed to new members with immediate effect?
7. The Hon Member for Rushen (Mr Gill) to ask the Minister for the Treasury -
- If he will justify his claim that "Treasury staff have been working seven days a week for the past six months"?

8. The Hon Member for Rushen (Mr Watterson) to ask the Minister for the Treasury -
- (1) What consultation was done by Treasury before a decision was made in Council of Ministers on the future European Savings Directive, with whom it was done, when it was done and whether it was Treasury or the banking sector that initiated the process; and
 - (2) why he felt it was appropriate to announce a significant shift in banking regulation policy without reference to, or consultation with Tynwald and when he was off Island?
9. The Hon Member for Rushen (Mr Gill) to ask the Minister for the Treasury -
- If he will define the criteria which he employs when making secret (non-disclosed) payments?
10. The Hon Member for Rushen (Mr Gill) to ask the Minister for the Treasury -
- Further to his written answer to Question 38 at the May sitting of Tynwald, when he will respond to the letter of 22nd April in accordance with the ministerial code?
11. The Hon Member for Rushen (Mr Watterson) to ask the Minister for the Treasury -
- If the Minister will list all FD8 waivers issued since 1st January 2009, with a brief précis of why they were issued?
12. The Hon Member for Onchan (Mr Karran) to ask the Minister for the Treasury -
- Regarding the decision to award a £267,000 contract to Venda by the Department of Trade and Industry -
- (a) whether any Financial Regulations were broken; and, if not,
 - (b) what the legal basis of the decision was?
13. The Hon Member for Rushen (Mr Watterson) to ask the Minister for the Treasury-
- Whether he feels it is appropriate to make the Personal Allowance Credit available only to those over 18 at the start of the assessment year, when it is feasible that an individual can have started work at 16; and whether he considers it acceptable that two people in the same school year will be treated differently depending on whether their birthday falls before or after 6th April?

14. The Hon Member for Onchan (Mr Karran) to ask the Minister for the Treasury -

- (1) How many instances of non-payment of taxes occurred in each of the last 5 years and what steps Treasury take to recover the outstanding liabilities;
- (2) under what circumstances do Coroners issue garnishees in respect of non payment of taxes; and
- (3) whether interest is accruing on this sum and who is responsible for the payment of this interest?

15. The Hon Member for Onchan (Mr Karran) to ask the Minister for the Treasury -

Since Braddan Parish Commissioners discovered a large deficit and, since the dismissal of the previous clerk, have cleared the deficit, and built up reserves and have still been able to reduce the rates this year, whether an interim report should be prepared to ensure that other authorities are not finding themselves in similar circumstances to those previously experienced by Braddan Commissioners with a clerk who was effectively running things rather than the Board?

16. The Hon Member for Onchan (Mr Karran) to ask the Minister for the Treasury -

When he brings forward proposals for a replacement Depositors Compensation Scheme, if he would agree that the new scheme should -

- (a) establish a compensation fund, with the fund paying a commercial rate of interest to the contributors until such time as the money deposited is required; and
- (b) that the contributions to the fund should be based on a modest percentage of profits rather than a percentage of assets?

17. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Agriculture, Fisheries and Forestry -

What his Department's current policy is in relation to the illegal use of motorised vehicles in the Manx uplands and all other public footpaths?

18. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Agriculture, Fisheries and Forestry -

What action he will take to investigate and photograph the illegal use of motorised vehicles at the head of Glen Auldyn and the apparent illegal access from Narradale and the Millennium Way; and if he will investigate the damage caused to the heather and the environment and take appropriate action and liaise with local clubs and the Department of Tourism and Leisure?

19. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Agriculture, Fisheries and Forestry -

What action he will take to investigate the illegal use of motorised vehicles on part of the Millennium Way above St Luke's Church, East Baldwin, involving vehicles being deliberately driven off the recognised track onto the heather moor causing unacceptable damage to valuable conservation habitat?

20. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Agriculture, Fisheries and Forestry -

What his Department intends to do with regards to public footpaths, and rights of way (a) crossing its land, and (b) crossing private land, and especially "dead end" tracks, where motorised vehicles are accessing these public tracks during lambing season, driving through animals with lambs or pregnant animals?

21. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Agriculture, Fisheries and Forestry -

If he will agree, when resources allow, to have appropriate members of his staff work with the police to control and reduce the illegal use of motorised vehicles in uplands and in other areas of land and public footpaths which have conservation value?

22. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Agriculture, Fisheries and Forestry -

What areas of land on the Isle of Man have been designated as Areas of Special Scientific Interest; and whether there are plans to designate further areas?

23. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Agriculture, Fisheries and Forestry -

What plans his Department has to recommence the joint working party on the introduction of a Wildlife Sites System?

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

(1) Whether it is correct that -

- (a) if the Lisbon Treaty is ratified by all EU States and comes into force, British subjects will thenceforth have both EU and British citizenship and the EU constitution and law will have primacy over English and Manx law;

- (b) subsequent to the Maastricht Treaty of 1992, the EU has established a regional system on all Member States which includes division of the UK into 9 regions which will each be responsible directly to Brussels;
 - (c) in the case of British dependencies and territories the Isle of Man will eventually become part of the Northern Ireland region, the Channel Islands part of Normandy, Gibraltar with Spain, Malta with Italy;
 - (d) in order to comply with its responsibility for the good governance of the Island and its EU treaty obligations the UK will be obliged to follow the EU regionalisation plans, and other plans and legislation although the Island is not an EU Member;
- (2) if the answer to 1(d) is in the affirmative, what implications this will have for the future economic prosperity and well-being of the inhabitants of this Island;
 - (3) what effects the Lisbon Treaty and the EU goal of ever closer political economic and monetary union will have on the Isle of Man; and
 - (4) would the influence of the EU on the Isle of Man be reduced if the Isle of Man were not a dependent territory of the UK?
25. The Hon Member for Douglas South (Mr Malarkey) to ask the Minister for Education -
- Whether her Department has set guidelines that apply to schools with regard to the reasons why a pupil can be suspended from school with any recommended period of time for such a suspension?
26. The Hon Member of the Council (Mr Lowey) to ask the Minister for Health and Social Security -
- How much the proposed three-year contract to consultants to advise on introduction of the long awaited Disability Act will cost; as a similar Act has been in operation in the United Kingdom for a very long time, why it is necessary to employ consultants; and if this money would not be better employed in directly helping Manx disabled people?
27. The Hon Member for Onchan (Mr Karran) to ask the Minister for Health and Social Security -
- What plans his Department has to improve the bad management of the dental services by the Health Services?

28. The Hon Member for Onchan (Mr Karran) to ask the Minister for Health and Social Security -
- What plans his Department has to improve the bad management of the Health Services?
29. The Hon Member for Onchan (Mr Karran) to ask the Minister for Health and Social Security -
- (1) How often a dentist visits the Isle of Man Prison;
 - (2) how long an inmate has to wait for an appointment; and
 - (3) how long a law-abiding person has to wait to get a dental appointment?
30. The Hon Member for Onchan (Mr Karran) to ask the Minister for Health and Social Security -
- (1) When he will be bringing forward proposals to cater for the termination of the Reciprocal Health Agreement with the United Kingdom on 1st April 2010; and
 - (2) whether he has managed to formulate proposals that are better than a departure levy but that are universal, simple to use and cheap to administer?
31. The Hon Member for Rushen (Mr Gill) to ask the Minister for Home Affairs -
- Will he make a statement about the UK Home Office's Interception Modernisation Programme (IMP) and indicate his views on such a proposal in the Isle of Man?
32. The Hon Member for Onchan (Mr Quirk) to ask the Minister for Home Affairs -
- If he will provide (a) the number of mobile phones in use by the Isle of Man Constabulary and (b) a breakdown of their costs for the years (i) 2006-2007; (ii) 2007-2008 and (iii) 2008 to date?

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

If he will agree to work with the Department of Agriculture, Fisheries and Forestry by way of assisting the suppression of the illegal use of motorised vehicles on public footpaths and other rights of way on the Island, including the uplands, when resources allow by way of -

- initiating joint operations between the Police and appropriate DAFF staff to apprehend motorised vehicle drivers who are behaving in an illegal fashion, or deliberately causing damage to sensitive habitat;
- instituting a stop and check procedure of motorised vehicles using public footpaths/rights of way/greenways to ascertain correct and valid vehicle registration, insurance, safety of used vehicles and if not so validated ascertaining whether the vehicle was driven on another road; and
- if a transport vehicle was used to bring "off-road vehicles" to the area, checking that those vehicles have valid registrations, tax and insurance and the transport vehicle is in a roadworthy state?

34. The Hon Member for Onchan (Mr Karran) to ask the Minister for Home Affairs -

With regard to the Standing Committee on Public Accounts Report on the efficiency and effectiveness of the handling by the Department of Home Affairs and the Isle of Man Constabulary of certain allegations made against former Deputy Chief Constable Neil Kinrade -

- (a) what the source was of the £668,356 that was spent on "the Cheshire investigation";
- (b) in what way it was authorised by the Treasury and/or Tynwald;
- (c) from which budgets of the Isle of Man Constabulary and/or Department of Home Affairs this money was taken; and
- (d) what reduction in police activity resulted from the removal of funds that were spent on "the Cheshire investigation"?

35. The Hon Member for Onchan (Mr Karran) to ask the Minister for Home Affairs -

What the current situation is with regard to the investigation of allegations of "improper covert surveillance within police headquarters" that was investigated by the Cheshire Constabulary?

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

If he will make a statement on the number of local authorities that still have outstanding audited accounts; and what action the Minister intends to take?

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

If he will provide a breakdown of (a) the costs to date of kerbside collection and (b) revenue received for the recycled material?

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

If he will make a statement on the current position of the Southern plan?

39. The Hon Member of the Council (Mr Callister) to ask the Minister for Local Government and the Environment -

Whether he has considered -

- (a) the possible introduction of a 'rent to buy' scheme to assist certain categories of prospective home buyers; and
- (b) the re-introduction of the formerly successful House Purchase scheme or an appropriate scheme on similar lines?

40. The Hon Member of the Council (Mr Callister) to ask the Minister for Local Government and the Environment -

What the estimated number is of domestic properties for sale throughout the Island in the following categories -

- (a) detached houses;
- (b) semi-detached houses;
- (c) terraced houses; and
- (d) apartments/flats?

41. The Hon Member for Douglas East (Mrs Cannell) to ask the Minister for Tourism and Leisure -

What the visitor numbers are for this year's TT period and how they compare to previous years, excluding Millennium year?

42. The Hon Member of the Council (Mr Lowey) to ask the Minister for Tourism and Leisure -

- (1) What the planned and advertised programme of the newly refurbished Villa Arcade is for the remainder of the summer season;
- (2) why the Gaiety Theatre has so few performances this season; and
- (3) whether it is the policy of his Department to have these two national assets kept closed for financial reasons?

43. The Hon Member for Onchan (Mr Karran) to ask the Minister for Trade and Industry -

What policy his Department and the Council of Ministers have to get the long term unemployed back into employment?

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

If he will arrange a high level meeting with the Department of Agriculture, Fisheries and Forestry with the aim of transferring over all appropriate public rights of way, footpaths etc under its control and responsibility for maintenance to the Department of Agriculture, Fisheries and Forestry with the appropriate resources and staff that it currently has for these purposes?

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

If he will consider -

- (a) closing off certain public footpaths, rights of way and greenway roads, or certain parts thereof to allow the natural habitat to recover from damage and maintenance work to be carried out; and
- (b) permanently limiting the use of certain public footpaths/rights of way or greenway roads which end in a dead end, such as those at the Glen Dhoo Track to Glen Dhoo Nature Reserve and the Corran Trail which runs along the side of North Barrule, through Glen Cherry to the walking public and horse riders in appropriate places?

46. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Transport -

If he will revise or review current departmental policy or working practices with regards to hedge cutting on the Island's roads so as to respect more fully the Island's predominantly rural character, sensitive conservation verges and hedges, and importantly to recognise that many hedgerows provide an invaluable habitat and wildlife corridors, sometimes the only place for our natural heritage to survive?

47. The Hon Member for Onchan (Mr Karran) to ask the Minister for Transport -
In respect of port developments at Douglas and Peel -
- (a) for each port, what the cost is of each project;
 - (b) what the total return has been each year since commencement;
 - (c) how often in a tidal cycle (spring and neap tides) the gate can be lowered to give some measure of the reduction in present access;
 - (d) how much consultants have cost;
 - (e) what the return is from local boats moored there; and
 - (f) how much "new money" is raised from non-local boats and how many such boats there have been each month?
48. The Hon Member for Rushen (Mr Watterson) to ask the Chairman of the Office of Fair Trading -
- Given that the RPI is currently negative, oil price is down 30-40% on 12 months ago, and that fuel price increases are frequently used as justification for price rises, what discussions the Office of Fair Trading have had with airlines to curb the 12.1% rise in air fares over the last 12 months?
49. The Hon Member for Douglas East (Mrs Cannell) to ask the Chairman of the Energy Policy Working Group -
- In terms of climate change and sustainability, what policies have been developed and reviewed, and what strategies have been developed to determine the action required to respond to the negative effects of climate change?

FOR WRITTEN ANSWER

50. The Hon Member for Onchan (Mr Karran) to ask the Chief Minister -
- (1) How long persons in custody have to wait for legal representation (a) out of office hours and (b) in office hours, and what provision there is if there are two prisoners needing advice or an advocate is conflicted;
 - (2) why the recommended rate was not implemented by the Legal Aid Commission; if the recommended rate had been introduced at the time it actually had made the recommendation and then index linked, (a) what it would be now; and (b) what it is now;

- (3) what the implications are for human rights and admissibility of evidence in criminal trials in cases where there is a significant delay in providing an advocate for a person in custody; and
 - (4) whether the Legal Aid Committee refused at a recent meeting to agree proposals from the Isle of Man Law Society to increase hourly rates and hours of coverage to 24/7 – 365 days on the basis of a substantial survey which indicated that at the increased rates there would be sufficient funds for advocates on call 24/7 and a back up available for serious or conflict cases; and whether this meant that the proposals never even reached the Treasury?
51. The Hon Member of the Council (Mrs Christian) to ask the Chief Minister -
When the Tynwald Auditor General Bill will be issued for consultation?
52. The Hon Member for Rushen (Mr Watterson) to ask the Minister for the Treasury -
Further to his answer to Written Question 1 at the 23rd June sitting of the House of Keys -
- (a) whether the contractor signed the Appendix D, part 4 form (page 59 of Capital Procedure Notes - 2006 edition);
 - (b) whether Treasury was aware of the issue before awarding the contract;
 - (c) whether the Treasury has the power to award a contract even though the requirements of being up to date with National Insurance, Company Tax, VAT and Income Tax payments is not met; and, if so, where this power is derived from; and
 - (d) who approved the use of this contractor and did they have knowledge that the requirements were not met?
53. The Hon Member for Rushen (Mr Watterson) to ask the Minister for the Treasury -
- (1) How many of the 5,415 outstanding income tax assessments requiring to be assessed as at 26th March 2009 were outstanding at the close of business on 30th April 2009; and
 - (2) how many tax returns for the year 2008/09 have to date been (a) issued (b) received (c) assessed (d) are due refunds and (e) have received refunds?
54. The Hon Member for Rushen (Mr Gill) to ask the Minister for the Treasury -
If he will outline all the consultation and implementation processes which Treasury was involved in prior to reaching policy implementing the withholding tax option when the European Savings Directive was introduced?

55. The Hon Member for Rushen (Mr Watterson) to ask the Minister for the Treasury -

- (1) Whether the Minister accepts that there are legitimate business cases in areas of high taxation for which 35% withholding tax would be both legal and legitimate;
- (2) when the Minister received his invitation to address the OECD and whether his appearance there was subject to agreeing to exchange of information from 2011; and
- (3) whether the UK Government has expressed a preference to the Government as to which option it would prefer the IOM Government to take regarding the European Savings Directive by 1st July 2009?

56. The Hon Member for Rushen (Mr Watterson) to ask the Minister for the Treasury -

What actions are being taken to offset the impact of medium and long term high inflation on the Island's reserves?

57. The Hon Member for Rushen (Mr Gill) to ask HM Attorney General -

Further to his written answer to my Question 32 at the January sitting of Tynwald, will he make a statement clarifying his comment that "the health professional, however, *may* take the patient's wishes as expressed in the advance directive into account when deciding the course of action" (my italics)?

58. The Hon Member for Douglas South (Mr Malarkey) to ask the Minister for Education -

Since the start of the school year in September 2008 to date, how many children have been suspended by each of the Island's Secondary Schools for (a) less than 10 days; and (b) more than 10 days?

59. The Hon Member for Rushen (Mr Watterson) to ask the Minister for Education -

Whether Rushen Primary School is willing and able to offer a site and a potential element of a community partnership for a low cost activity hall for Rushen?

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

In respect of the TT winter press conference at the Villa Marina -

- (a) what the total cost was of the conference;
- (b) whether payments were made in respect of guests attending from outside the Island;
- (c) if so, how much was paid in respect of each individual; and
- (d) how many of those brought to the Island competed in the TT races?

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

What the total expenditure was in respect of start payments for TT competitors and what sums were paid to individual riders?

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

What progress has been made towards the leasing and redevelopment of Port St Mary Railway Station?

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

- (1) What the additional cost was in respect of the accoutrements provided to each marshal station for the TTXGP; and
- (2) what the cost was of the bike and rider collection service in respect of the TT practices and races for 2008 and 2009?

64. The Hon Member for Rushen (Mr Watterson) to ask the Minister for Transport -

- (1) What financial provision is built into the RESA contract for the dredging, delivery and unloading of silt from the River Mersey; and
- (2) what this works out at per tonne?

65. The Hon Member for Onchan (Mr Karran) to ask the Minister for Transport -

What the cost is per month for the electricity to run the IRIS Scheme for Port Erin, Port St Mary, Castletown and Ballasalla?

66. The Hon Member for Onchan (Mr Karran) to ask the Minister for Transport -
- What the cost has been for the following accidents and failed projects -
- (a) lowering the flap gate in Peel;
 - (b) the collapse of the flap gate in Douglas;
 - (c) the repair to the vessel which hit the gate at Peel;
 - (d) the dredging cost in Peel this year; and how often this dredging will need to be carried out and at what cost;
 - (e) the building and removal of the screen at Peel to catch debris; and
 - (f) how close this accident in Peel came to causing serious flooding in the Power Station area;
 - (g) what explanation the consultants have given about failing to assess the need to have a lower flap gate; and
 - (h) to what extent the consultants are liable or accountable?