

TYNWALD

Tinvaal



QUESTION PAPER

Pabyr Feyshtyn

DOUGLAS
13th July 2010
at 10.30 am

FOR ORAL ANSWER

1. The Hon Member for Douglas East (Mrs Cannell) to ask the Chief Minister -

What the current status is of the new legislation on Disability Discrimination and when this legislation will become law?
2. The Hon Member for Douglas South (Mr Malarkey) to ask the Chief Minister -

When the outcome of the Tesco extension planning application enquiry will be announced?
3. The Hon Member for Onchan (Mr Karran) to ask the Chief Minister -

Further to Question 6 in the May sitting of this Hon Court if the Chief Minister will now publish the considered responses of the Council of Ministers and its Governance Committee to each of the recommendations made in the Wright Report?
4. The Hon Member for Onchan (Mr Karran) to ask the Chief Minister -

If he will make a statement on the current situation regarding the negotiations of a new Reciprocal Health Agreement; and whether the Government is satisfied that it will be in place prior to 30th September this year?

5. The Hon Member for Onchan (Mr Karran) to ask the Chief Minister -
If he will make a statement on the current position regarding the investigation into the proxy votes at the Douglas East by-election?
6. The Hon Member for Peel (Mr Crookall) to ask the Chief Minister -
Whether the Manx Electricity Authority will make a profit from the sale of gas through its pipeline to Manx Gas?
7. The Hon Member for Douglas South (Mr Malarkey) to ask the Chief Minister -
When he will direct the Chairman of the Manx Electricity Authority to provide Members of Tynwald with copies of the annual accounts of each of the retail outlets for the financial years 2007 - 2008, 2008 - 2009, 2009 - 2010?
8. The Hon Member for Malew and Santon (Mr Cregeen) to ask the Chief Minister -
Which officers in the Department of Trade and Industry negotiated the deal with Manx Gas on the proposed gas pipeline extension?
9. The Hon Member for Peel (Mr Crookall) to ask the Minister for the Treasury -
When rate rebates are given to ratepayers due to construction work being carried out locally, whether the construction company responsible should compensate the Local Authority for its losses?
10. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for the Treasury -
Whether she has established the impact of the recent UK Emergency Budget on the Isle of Man and what the main points are that will affect the Island, and in particular if she has established what the phrase used in the UK Budget "Anti Avoidance Rules" means, and what impact this may have on the Island?
11. The Hon Member for Douglas South (Mr Malarkey) to ask the Minister for the Treasury -
Who is responsible for the maintenance and upkeep of property, land and trees that fall into the ownership of the Treasury after a company has been put into liquidation and wound up?

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

If she will give an undertaking to initiate a full multiplier benefit analysis (sometimes referred to as LM3) for the Isle of Man, in a bid to give a clear indication as to the benefits (or not) of supporting Manx domiciled business as opposed to a non Manx domiciled business and any benefits this may have to the Isle of Man Economy?

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

If she will circulate to Hon Members copies of the business case supplied to Treasury by the Department of Transport in relation to the RESA project at the Isle of Man Airport, and in particular the section relating to the need for the marine promontory at the eastern end of the main runway, along with the documentation generated within Treasury leading to Treasury approval for the project, in order that Hon Members can assess for themselves: -

- (a) whether the information supplied by the Department of Transport was accurate, unbiased and up-to-date;
- (b) whether the scrutiny carried out by Treasury was thorough, robust and sufficient; and
- (c) whether there are lessons to be learned for future major capital projects?

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

In order to assist young people to tackle negative pay increases, rising rates and standing charges, together with the threat of increased mortgage rates, whether she will consider providing a special tax allowance in her next budget principally directed at people with mortgages or residing in private sector tenancies?

15. The Hon Member for Douglas East (Mrs Cannell) to ask the Minister for Home Affairs -

How many fines have been issued to motorists illegally using car-parking spaces for the disabled in each of the last three years and what the maximum fine is?

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

Who administers the seized asset fund; how much is in it; and how the money has been spent from the fund?

17. The Hon Member for Council (Mr Turner) to ask the Minister for Infrastructure -

In respect of the period from the 9th August 2005 to 31st March 2010 whether statutory orders were routinely made by officers of the Department of Transport purportedly under delegated authority; whether authority was properly delegated to such officers in accordance with section 3 of the Government Department Act 1987; and in particular whether all temporary road closure orders issued in this period were lawfully made?

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

(a) how much the car park for the Home of Rest for Old Horses cost;

(b) how many cars the car park holds; and

(c) who paid for it?

19. The Hon Member for Douglas South (Mr Malarkey) to ask the former Minister for Transport (who retains responsibility for the Langness enquiry) -

Now that the Langness right of way decision is going to the Court of Appeal -

(i) who will have to pay for this; and

(ii) how much it is likely to cost?

20. The Hon Member for Onchan (Mr Karran) to ask the Minister for Infrastructure -

In view of the fact that the Airport Division of his Department was projected to have a revenue deficit of nearly £5 million for the current financial year, according to the 2010 Budget 'Pink Book', and that this deficit is likely to be larger due to passenger figures being lower than forecast: -

(a) whether the projected revenue deficit amounts effectively to a Government subsidy of about £7 per single air passenger journey to or from the Island;

- (b) whether such a subsidy could be considered to amount to unfair competition to the Steam packet Company and would appear to be incompatible with Government policy with regard to reducing carbon emissions;
- (c) what initiatives are being considered to reduce the revenue deficit, for example by cost savings, or by imposing a 'development charge' on all passengers, such as at Blackpool Airport; and
- (d) whether more radical solutions should be considered, such as leasing the Airport to a private operator, with appropriate safeguards for the Manx economy?

21. The Hon Member for Douglas East (Mrs Cannell) to ask the Minister for Social Care -

What progress has been made with the Housing and Local Government Bill which was subject to public consultation over nine months ago?

22. The Hon Member for Onchan (Mr Karran) to ask the Minister for Social Care -

With regard to the Janet's Corner Redevelopment, Castletown - Projects 4 & 5 -

- (a) why these projects did not go out to competitive tender in line with normal practice;
- (b) why the fact that these projects had not gone out to competitive tender was not made known to Hon. Members in the Tynwald Papers or otherwise prior to Members voting on the motion;
- (c) why he believes that he was able to obtain a more advantageous price for Manx taxpayers by not going out to competitive tender; and
- (d) whether the methodologies adopted for these projects were the most advantageous means for Manx taxpayers of providing public sector housing?

23. The Hon Member for Douglas North (Mr Houghton) to ask Her Majesty's Attorney General -

If he will continue to provide Members with legal advice to assist their enquiries with constituents?

24. The Hon Member for Onchan (Mr Karran) to ask Her Majesty's Attorney General -

Further to the answer to Question 32, given in written form to the May sitting of this Hon. Court, relating to materially inaccurate and/or misleading information being submitted to the Planning Authority in pursuit of a planning application, whether the laws relating to fraud may be used for a prosecution in such a situation, i.e. obtaining a benefit by dishonest means; if not, what changes in legislation would be required in order that a prosecution could be brought and the benefit obtained by dishonest means automatically be rendered null and void in the event of conviction?

25. The Hon Member for Douglas East (Mrs Cannell) to ask the Minister for Education and Children -

Whether it is his intention to withdraw support for swimming lessons for primary school children and the annual Dolphin Trophy swimming gala held at the National Sports Centre and, if so, why?

26. The Hon Member for Douglas East (Mrs Cannell) to ask the Minister for Education and Children -

How many pupils attending St Ninian's High School require the teaching of English as an additional language and how many are expected for the forthcoming academic year?

27. The Hon Member for Douglas East (Mrs Cannell) to ask the Minister for Education and Children -

Whether he is aware that the Isle of Man is a signatory to the United Nations' Convention on the Rights of the Child, and whether he has taken note of articles 28 and 29 in particular when considering cutbacks in the teaching of English as an additional language?

28. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Education and Children -

If he can confirm that if measures cannot be found to make savings/generate more profit at the refectory of the Isle of Man College, that all 17 posts will be made redundant and that the staff have been told that if this does happen there is very little chance of them being re-employed elsewhere in his Department?

29. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Education and Children -

What assistance his Department is lending to the staff of the Isle of Man College refectory to work out ways of identifying savings and the refectory becoming more profitable?

30. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Education and Children -

Whether the first staff of the refectory of the Isle of Man College knew of their 17 posts being possibly made redundant was 10.20am on Tuesday, 29th June 2010?

31. The Hon Member for Peel (Mr Crookall) to ask the Minister for Education and Children -

What the Department has done with and how it plans to use the information gathered over sixteen years and supplied to it by the 'European Longitudinal Study of Pregnancy and Childhood' (ELSPAC) in the Isle of Man?

32. The Hon Member for Onchan (Mr Karran) to ask the Minister for Education and Children -

In the light of the increase in the number of students in Manx schools needing EAL provision (English as an additional language) -

- (a) what justified a cut of 40% in EAL provision in one school and the situation where provision is generally is not at sufficient levels to address the social educational need for these students; and
- (b) what safeguards his Department has made to protect education standards for this provision to allow these children to integrate fully into Manx society?

33. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Environment, Food and Agriculture -

Pursuant to his answer at the June 2010 Tynwald regarding the elm tree population of the Isle of Man, how he proposes the conservation of this important population?

34. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Environment, Food and Agriculture -

(a) Whether he considers the 300,000 or so elm trees on the Isle of Man of significant international importance; and

(b) What impact their loss would have on our environment and the chances of the Island signing up to the bio-diversity convention?

35. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Environment, Food and Agriculture -

What positive impacts the Island's elm tree population gives to the environment, bio-diversity and wildlife; and what negative impacts would result from the loss of the elm tree population?

36. The Hon Member for Onchan (Mr Karran) to ask the Minister for Health -

a) What categories of hospital staff are not directly employed by the Department of Health; and

b) What the cost was for each such category in each of the last three financial years?

37. The Hon Member for Onchan (Mr Karran) to ask the Chairman of the Communications Commission -

If he will make a statement on the change in ownership of Manx Telecom and the possible future implications for the Isle of Man with particular regard to the fact that Manx Telecom is a monopoly supplier in certain sectors of the telecommunications market and a vital component of the Isle of Man infrastructure?

38. The Hon Member for Onchan (Mr Karran) to ask the Chairman of the Water and Sewage Authority (Mr Crookall) -

What safeguards the Authority has in place to stop Water Authority ratepayers from subsidising sewage operations of the Water and Sewage Authority?

39. The Hon Member for Onchan (Mr Karran) to ask the Chairman of the Water and Sewage Authority (Mr Crookall) -

Whether AECOM and Hyder Consulting are advisors to the authority and therefore have a pecuniary interest in IRIS expenditure if they get the professional fees associated with the bid which they have put together for the IRIS capital project?

40. The Hon Member for Onchan (Mr Karran) to ask the Chairman of the Water and Sewage Authority (Mr Crookall) -

What is -

- (i) the percentage rate of the overall cost AECOM and Hyder receive respectively as payment for their professional services; and
- (ii) the actual amount that AECOM and Hyder receive respectively as payment for their professional services in relation to the IRIS project?

41. The Hon Member for Onchan (Mr Karran) to ask the Chairman of the Water and Sewage Authority (Mr Crookall) -

Whether AECOM expects to receive further payment in respect of the contractual management of IRIS, over the life of the various treatment works as proposed?

FOR WRITTEN ANSWER

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

Further to the economic assumptions in the Hymans Robertson Report –

- a) what the increase in Isle of Man GDP was during the year 2009;
- b) what the forecast increase in Isle of Man GDP is during the year 2010;
- c) if GDP does not increase during the next 20 years whether the Hymans Robertson proposals will still be affordable;
- d) if GDP declines by 4% per annum during the next 20 years whether the Hymans Robertson proposals will still be affordable; and
- e) if the Isle of Man Government were to cease providing final salary pensions for all new public sector employees, converting them to defined contribution schemes, what the peak annual cash outflow to pay existing pensioners their defined benefit pensions would be?

43. The Hon Member for Douglas North (Mr Houghton) to ask the Minister for Social Care –

In respect of the affordable housing development at Harcroft which was commissioned by the Department of Local Government and the Environment:

- (i) what the meaning is of the pre-emption period and how it was operated;
- (ii) how long a pre-emption period is and how the resident is affected in law when the pre-emption period comes to an end;
- (iii) what the maximum period of ownership is within which a resident is obliged to sell their property to the Department;
- (iv) what other covenants apply to this development;
- (v) what the meaning is of the 21 year Restriction Period;
- (vi) how the Top Up Loan operates and what arrangements exist for repayment;
- (vii) when residents become free from all encumbrances;

- (viii) at what stage residents can sell their house on the open market;
- (ix) what the meaning is of a 70/30 share and how it can be settled by a purchaser;
- (x) at what stage the Bond held by the Department is released;
- (xi) what the rules are in relation to extensions of properties following any planning approvals which may include conservatories, garages etc.?

44. The Hon Member for Douglas North (Mr Houghton) to ask the Her Majesty's Attorney General -

In respect of Section 26 of the Criminal Justice and Police Act 2007 -

- (i) what the purpose is of Section 26; and
- (ii) whether an employer is able to prevent an employee, who is a witness of fact and/or can give evidence in relation to an issue in proceedings or a trial and who is willing to give such evidence, from giving evidence?

45. The Hon Member for Douglas East (Mrs Cannell) to ask the Minister for Health -

Whether he has received a business case in support of setting up a service to enable patients to undergo breast reconstruction surgery on Island and, if so, what the determination of the Department is?

46. The Hon Member for Peel (Mr Crookall) to ask the Minister for Health -

What the Department has done with and how it plans to use the information gathered over sixteen years and supplied to it by the 'European Longitudinal Study of Pregnancy and Childhood' (ELSPAC) in the Isle of Man?

47. The Hon Member for Onchan (Mr Karran) to ask the Minister for Health -

What the original budget was for the new Nobles' Hospital; what the final total cost was; what items have been leased, e.g. beds; and whether they were originally in the budget?

48. The Hon Member for Onchan (Mr Karran) to ask the Chairman of the Water and Sewage Authority (Mr Crookall) -

Who is responsible for checking that the figures prepared for the cost of capital expenditure of IRIS by AECOM and Hyder as professional advisors to the authority are:

- (i) accurate; and
- (ii) reflect the best value for the public purse; and that the option proposed provides the best option for the Island aesthetically?

49. The Hon Member for Onchan (Mr Karran) to ask the Chairman of the Water and Sewage Authority (Mr Crookall) -

Whether AECOM and/or Hyder are involved in the Project Management; whether AECOM or Hyder undertake any of the construction work itself associated with IRIS, this includes owned sub-companies; and whether AECOM or Hyder assign any of the Capital Works to any contractor?

50. The Hon Member for Rushen (Mr Gawne) to ask the Chairman of the Emoluments Committee (Mr Speaker) -

When the Emoluments Committee will report on proposals in relation to Members' Pensions, with special reference to Members making a contribution to their pensions?