



HOUSE OF KEYS OFFICIAL REPORT

RECORTYS OIKOIL
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PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 26th March 2013

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Present:

The Speaker (Hon. S C Rodan) (Garff);
 The Chief Minister (Hon. A R Bell) (Ramsey);
 Hon. D M Anderson (Glenfaba); Mr L I Singer (Ramsey);
 Hon. W E Teare (Ayre); Mr A L Cannan (Michael);
 Mr P Karran, Mr Z Hall and Mr D J Quirk (Onchan);
 Mr R H Quayle (Middle); Mr J R Houghton and Mr R W Henderson (Douglas North);
 Hon. D C Cretney and Mrs K J Beecroft (Douglas South);
 Hon. C R Robertshaw and Mrs B J Cannell (Douglas East);
 Hon. J P Shimmin (Douglas West);
 Mr R A Ronan (Castletown); Hon. G D Cregeen (Malew and Santon);
 Hon. J P Watterson, Mr L D Skelly and Hon. P A Gawne (Rushen);
 with Mr R I S Phillips, Secretary of the House.

Business Transacted

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The House adjourned at 11.13 a.m.

House of Keys

The House met at 10.00 a.m.

[MR SPEAKER *in the Chair*]

The Speaker: Moghrey mie, good morning, Hon. Members.

Members: Good morning, Mr Speaker.

5 **The Speaker:** The Chaplain will lead us in prayer.

PRAYERS

The Chaplain of the House of Keys

Good wishes on retirement of *Hansard* Editor, Mr Clive Alford

10

The Speaker: Hon Members, I would like to draw to your attention that this is the last sitting when Clive Alford of *Hansard* will assist with preparation of the Official Record of our sitting. Clive retires on 14th April, his 65th birthday. On behalf of the House, I would like to thank him for his 10 years' service to the House and to Tynwald and we wish him a long and happy retirement.

15

Members: Hear, hear.

20

Tribute to former Senior *Hansard* Editor, Mr Adrian Pilgrim

The Speaker: Hon Members, I would also like to record our sadness at the news of the death of Adrian Pilgrim, the former Senior Editor of *Hansard*. He had no close family but he had many close friends and to all those who were close to him we send our condolences. Adrian gave 30 years' devoted service to Tynwald, from March 1973 to 2003, when he retired owing to ill health. Adrian was also prominent in his support for the Manx language. Much of the translation work for Tynwald was done by him.

30

He is remembered with affection and respect by all who knew him.

Members: Hear, hear.

35

ELECTION OF DEPUTY SPEAKER

Mr Singer elected

40

1.1. Election of one Member to become Deputy Speaker.

To replace Mr Corkish, a Member of Council.

45

The Speaker: Hon. Members, we turn to Item 1 on the Order Paper, the election of the Deputy Speaker.

Section 9A(1) of the Representation of the People Act 1995 requires the House, forthwith following a vacancy arising, to elect a Deputy Speaker. Mr Corkish has now accepted a seat on the Council and has been sworn in.

50 I should draw Hon Members' attention to the relevant provisions of the Representation of the People Act 1995, as amended by the Presiding Officers Act 2008, under which appointment as a Deputy Speaker automatically takes out of office any Minister.

55 The election is governed by Standing Order 9, which provides that if only one Member is proposed and seconded as Deputy Speaker, he or she shall be called to the Chair without the question being put; but if there is more than one candidate, there must be a ballot of the Members present, and the candidate who receives the highest number of votes in that ballot shall be Deputy Speaker of the House.

I shall proceed as follows. When a Member has been nominated, I shall seek a seconder for that nomination before calling for any further nominations. Hon. Members nominating and seconding a candidate may make a short speech in support of their nominee.

60 If more than one Member is nominated and seconded, we shall proceed by ballot and the Member receiving the highest number of votes will be elected.

Therefore, Hon. Members, I call for nominations and seconds.

Hon. Member for Douglas North, Mr Houghton.

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

I have great pleasure in nominating the Hon. Member for East Douglas, Mrs Cannell, to the position of Deputy Speaker for the remainder of this session, sir.

70 Mrs Cannell has a distinction in her parliamentary duties. Having been elected to this Hon. House in 1996, she now serves her fourth term. I feel that she has all the skills and integrity to hold such an office, and I beg to move that she be nominated as Deputy Speaker, sir.

The Speaker: Hon. Member for Michael.

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

I am very pleased to second Mrs Cannell as Deputy Speaker.

She has a long and distinguished service to this Hon. House, and her grasp of legislation and the technicalities of debates and rules and questioning are well known. Her wit and charm would go admirably into the role, as would her withering gaze. *(Laughter)*

80 I beg to second.

The Speaker: Hon. Member for Malew and Santon.

Mr Cregeen: Thank you, Mr Speaker.

85 I have the pleasure of nominating the Member for Ramsey, Mr Singer.

Mr Singer has spent nearly 40 years since he was first publicly elected. He has spent 13 years in Stockport County and 21 years serving the Isle of Man. Since I have known Leonard in the last two years, I think he would make a very good Deputy Speaker, would be impartial and would serve the House well.

90 **The Speaker:** Hon. Member for Onchan, Mr Hall.

Mr Hall: Thank you, Mr Speaker.

95 I rise to my feet to nominate my colleague and friend, the Hon. Member for Onchan, Mr Karran.

I think Mr Karran has made a significant contribution and dedication to this House, spanning over 25 years of continuous service, matched by very few, and I hope Hon. Members will support his candidature.

Thank you, Mr Speaker.

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

Mr Gawne: Gura mie eu, Loayreyder.

I wish to second Mr Karran's nomination.

105 I believe that, of all the Members in the House of Keys, none have the knowledge and experience ó or few can equal the knowledge and parliamentary experience ó of the Hon. Member for Onchan, and I think he would make a very worthy Deputy Speaker.

The Speaker: Hon. Member for Douglas East, Mr Robertshaw.

110 **Mr Robertshaw:** Mr Speaker, I have great pleasure in seconding the Member for Ramsey, Mr Singer, for the post of Deputy Speaker.

Having worked with Mr Singer now for a year and a half, I have come to hold him in high regard and feel he would fill the post admirably.

115 **The Speaker:** If there are no other nominations, I declare nominations closed.

Could I ask the Secretary to read the names of the nominees who have been proposed and seconded.

120 **The Secretary:** Mrs Cannell has been nominated by Mr Houghton and Mr Cannan; Mr Singer has been nominated by Mr Cregeen and Mr Robertshaw; and Mr Karran has been nominated by Mr Hall and Mr Gawne.

125 **The Speaker:** I would like to ask to be tellers the Hon. Member for Castletown, Mr Ronan, and the Hon. Member for Douglas South, Mr Cretney.

A ballot took place.

130 **The Speaker:** Hon. Members, the result of the election for Deputy Speaker is as follows: Mrs Cannell received 5 votes; Mr Singer received 12 votes; Mr Karran received 6 votes.

I therefore declare Mr Singer elected and offer the warm congratulations of myself and of the House.

Several Members: Hear, hear.

135 **Mr Singer:** Thank you, Mr Speaker.

Can I thank my proposer, Mr Cregeen, and my seconder, Mr Robertshaw.

It is a great honour to be appointed as Deputy Speaker, and I thank Members for their support.

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

Question of Urgent Public Importance

145 **CHIEF MINISTER**

Drug Advice Service and Helpline (DASH) Action to avoid closure

150 The Hon. Member for Douglas North (Mr Houghton) to ask the Chief Minister:

155 *What immediate action he will take to avoid the imminent closure of the Drug Advice Service and Helpline (DASH) and to provide alternative funding to maintain this charity's proven and vital commitment to continue to effectively support those in our community affected by drugs in the future?*

The Speaker: Hon Members, you will have seen already the text of an Urgent Question which was submitted to me in writing by the Hon. Member for Douglas North, Mr Houghton.

160 Under Standing Order 3.5.1(4), I have decided that this is urgent and also relates to a matter of public importance. I therefore interrupt the business on the Order Paper to allow Mr Houghton to ask the Urgent Question standing in his name, notice of which was sent to the Chief Minister at the end of last week.

I call Mr Houghton.

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

I am very grateful that you are allowing this Question today.

I beg to ask the Question standing in my name, sir.

170 **The Speaker:** I call on the Chief Minister, the Hon. Member Mr Bell, to reply.

The Chief Minister (Mr Bell): Mr Speaker, the Department of Social Care has carried out a comprehensive review into the provision of addiction services and established that the community would be best served by one service encompassing drugs, alcohol and gambling. It was determined that one organisation provided the most resilient and cost-effective method of delivering such services to a small population.

175 I understand that DASH was approached to see if it would extend its services, but it declined. Consequently, the Department of Social Care awarded a three-year contract to provide a combined addiction service to the Isle of Man Alcohol Advisory Service, which has recently been renamed Motivate.

180 Until recently, approximately 90% of the operating costs of DASH were met by funding from the Department of Social Care. In February 2012, the Department wrote to DASH, giving six months' notice of its withdrawal of financial support with effect from 31st August 2012. Financial support was provided from the Seized Assets Fund to assist the provision of DASH's core services over the final six months of 2012-13 while DASH explored the possibility of merging with another local charity or putting in place its own fundraising. Treasury advised at the time that this was strictly a one-off grant.

185 Unfortunately, DASH has been unable to secure sufficient funding to sustain its operations, and applied, in February this year, for £200,000 from the Seized Assets Fund to cover its running costs for two years. After seeking the views of the relevant agencies, Treasury considered the application on 6th March, and acting on the advice received from the Departments of Social Care, Health, Home Affairs, and Education and Children, decided not to support it.

190 Through the contract awarded to Motivate, services are being put in place which Government believes will more than cover those previously provided by DASH. Government Departments do not agree with the suggestion is that if DASH were forced to close, then essential help would be lost to vulnerable members of the Island community, in particular under-18s and families. In fact, the new Tier 2 services for recreational and dependent drug users provided by Motivate will ensure the Island's community has access to an enhanced and cost-effective approach to service provision based on the models of care identified by the UK's National Treatment Agency. In addition to Motivate, the *crashtest.im* website is highly successful in engaging with the public, while the Drug and Alcohol Team also provides confidential advice. Taking into account all of these matters, Members may conclude that funding DASH would represent a duplication of service and an inefficient use of resources that could be directed elsewhere.

195 I must also point out that the DASH application was considered to be an inappropriate use of the Seized Asset Fund, which is not intended to finance ongoing services. Even if the £200,000 had been granted to DASH, its service is not sustainable in the long term without further Government funding or very successful fundraising.

200 Mr Speaker, I do recognise the work carried out by DASH since its inception in 1996, and I would like to acknowledge the contribution that DASH and its Director of Services, staff and volunteers have made over the past 17 years in supporting Government to address drug-related issues in the local community. However, I am assured that the people of the Isle of Man are well served by the contract with Motivate, which also represents the best use of our resources at a time of significant challenge.

215 **The Speaker:** Mr Houghton, a supplementary question.

Mr Houghton: Thank you, Mr Speaker.

It is quite unbelievable what the Chief Minister has said to this House today. In the meetings that I have had with him and representatives of that charity

220 Can the Chief Minister confirm to me whether he has reneged from all the support he has given this charity right up to this morning? Has he reneged? Has he turned his back on the wonderful work of this charity? Can he confirm that, sir?

The Speaker: Chief Minister.

225 **The Chief Minister:** I find Mr Houghton's comments *very* disappointing, I have to say, Mr Speaker, because the Hon. Member knows full well that I have worked tirelessly over the last 12 months to try and find resources for DASH. It was on my initiative that the Seized Assets Fund was used in the first place to give them an extension of life. It was on my personal initiative that I

230 attracted private sector support to the charity, which has enabled the helpline to keep going. So it is insulting, I have to say, Mr Speaker, for the Hon. Member to make these comments at this point.

I have not reneged on anything. I am commenting on the situation as I find it at the moment. These are the facts that have taken us to the position we are today, following the observations and contributions made from the various Departments of Government which are affected by it.

235 I still believe DASH have played a very important part, they have played an excellent role in helping people, and I am as disappointed as the Hon. Member that we have not been able to, at this stage, find a way to keep them going.

The Speaker: Supplementary question, Mr Karran.

240 **Mr Karran:** Vainstyr Loayreyder, obviously the Ard-shirveishagh would agree that the fact is that this charity would have shut a year ago, only for his intervention.

245 Would the Ard-shirveishagh not agree that the fact is that we are still waiting for a meeting with the Ard-shirveishagh over this issue, because of our concerns about the independence of DASH as far as this issue is concerned, and that there will be a meeting in the very near future to discuss this issue over the funding of DASH?

250 Would he also not agree that the fact is that, when we talk about the Departments concerned, it was after the fact that the Member for Home Affairs was told that they had been refused the emergency funding from the Seized Assets Fund, and that we are waiting for a meeting with him to discuss it further, as far as the future of DASH is concerned?

The Speaker: Chief Minister to reply.

255 **The Chief Minister:** Yes, Mr Speaker, the Hon. Member is right. He approached me a little while ago to ask for a meeting to discuss the position of DASH, especially bearing in mind his position with the Department of Home Affairs and having responsibility for the Drug and Alcohol Strategy. I have agreed to meet the Hon. Member. Unfortunately, due to unforeseen circumstances at the end of last week, I was not able to have that meeting, but I intend to meet with him as soon as possible to discuss it further.

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

Mrs Cannell: Thank you, Mr Speaker.

265 The Chief Minister said that the Department of Social Care have had a comprehensive review, in terms of the facilities and the very essential and vital service that DASH were providing, in an effort to extend it to cover gambling. Has the Chief Minister been given any kind of briefing by this Department in terms of who are Motivate, what kind of track record do they have ó bearing in mind that DASH had been established since 1996, (**Mr Houghton:** Hear, hear.) have a true track record and a very good and reliable reputation for treating people in a very private and confidential manner?

270 **Mr Houghton:** Hear, hear.

A Member: Shame!

275 **The Speaker:** Chief Minister.

The Chief Minister: I have had no specific briefing on those issues, but I think the Drug Advisory Service is very well known.

280 **The Speaker:** Hon. Member for Douglas South, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

285 Whilst welcoming the Chief Minister's comments and support for DASH, could he clarify why this actually did not go out to tender in the first place, because DASH may well have wanted to tender for it.

Also, could he clarify whether DASH provided a service for under-18s, a helpline and support for family members, (**Mr Houghton:** Hear, hear.) and did Motivation addiction services actually provide these services at the time of being awarded the funding?

290 **The Speaker:** Chief Minister.

The Chief Minister: My understanding, Mr Speaker, is that the Department wished to extend the role of the addiction service to include gambling, and DASH were not prepared to review their remit to encompass that, I understand.

295 The other points that the Hon. Member made are absolutely right. DASH, of course, have provided a very good service for under-18s and for families, but it was their unwillingness to extend the service to cover gambling ó which obviously is a concern at the moment in the Department ó that has coloured this decision.

300 **The Speaker:** Hon. Member for Rushen, Mr Skelly.

Mr Skelly: Gura mie eu, Loayreyder.

Can the Chief Minister advise if the Social Policy Committee and the third sector involved with drugs and alcohol issues were consulted, and if there was full support for this decision?

305 **The Speaker:** Chief Minister.

The Chief Minister: I have to say, I do not know if the Social Policy Committee was consulted, Mr Speaker, but certainly the relevant Departments were.

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

Mr Quayle: Thank you, Mr Speaker.

315 Can the Chief Minister confirm that the contract given to Motivate will cover minors and will include work in our secondary schools? Further, will it provide an out-of-hours service?

The Speaker: Chief Minister.

320 **The Chief Minister:** I believe that is the case, Mr Speaker, but I have not seen the contract so I cannot be absolutely sure of it.

The Speaker: Hon. Member, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

325 In response to the Chief Minister's previous answer, that is not the case; that will not happen out of hours.

If the Chief Minister *does* support this charity, like he says he does, would he support assisting me with meeting with the Treasury Minister in order to gain some substantial funding from the Seized Asset Fund, which is earmarked for drug rehabilitation and associated issues such as this? Would he give us that support? This is not Government support I am seeking today; it is money from a fund which currently has £1.2 million in there. Does he support that, sir?

The Speaker: Reply, sir.

335 **The Chief Minister:** Mr Speaker, I made it very clear in my initial comments that it was at my initiative that DASH approached the Seized Assets Fund in the first place. It was at my recommendation again this year that they approached it for a second time.

340 Treasury, having reviewed the situation, believe it would be inappropriate. We do, though, have £1 million ó in excess, I think, of £1 million ó sitting in that fund at the moment, which is there for a purpose, and it is important that we make use of it. I will certainly have another conversation with Treasury, but I do not need the Hon. Member for North Douglas's help in that matter.

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

Mr Shimmin: Thank you, Mr Speaker.

350 I rise as a trustee of the former Alcohol Advisory Service, now Motivate, and would ask the Chief Minister if he would support me in facilitating a meeting for all Members of Tynwald in order to put across the work that is done. It does appear that, in attempting to defend one charity, there has almost been an undermining of another charity that has worked for many years ó much

longer than others established here ó and it would be useful to actually get that information to Hon. Members. Would he facilitate such a process?

355 **The Speaker:** Chief Minister.

The Chief Minister: Yes, I am very happy to do that, Mr Speaker.

360 I think it is very important that Hon. Members and the wider public have full confidence that Government has a strategy in place to assist those who have problems with addiction, whatever that addiction might be and whatever age group that might fall within. I do think it would help everyone, and certainly from some of the comments which have been made and, I have to say, my own lack of knowledge in one or two of these areas, it would be very beneficial if we could have a presentation so that Members are fully aware of what the current situation is.

365 **The Speaker:** The Hon. Member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr Speaker.

370 Is the Chief Minister aware that the services that are being offered by alcohol advisory services include alcohol, of course, but also prison visits ó where, in the prison, 50% of inmates are there for drug-related offences ó that Motivate will also have weekly meetings, and has weekly meetings, with the drug and alcohol multi-disciplinary team, which DASH has never attended, these meetings?

375 In response to the comment about family support, that only DASH provides family support, this is not true, and Motivate offers such support via the young persons specialist, who has access to the family therapy clinic based in Cannes.

The Speaker: Chief Minister.

380 **The Chief Minister:** I am very pleased to accept that reassurance from the Hon. Member. As a Member of Social Care and of Health, he will obviously have more contact with these services than I have.

The Speaker: Hon. Member for Rushen, Mr Skelly.

Mr Skelly: Gura mie eu, Loayreyder.

385 Does the Chief Minister believe Government is winning the battle of drugs and alcohol on the Isle of Man, and does he believe that Government's Drug and Alcohol Strategy is delivering results?

390 **The Speaker:** We are widening out beyond the Question on the paper now. It is not a debate. Chief Minister.

Mr Houghton: The answer to that is no.

395 **The Chief Minister:** I think if drug seizures and the activity of the Police Force are an indication, then clearly they are having some success in removing elements of drug supplies from the streets. Whether overall the so-called war on drugs, which is being carried out not just on the Isle of Man but on a wider basis, is appropriate I think is a different question altogether and needs some very serious investigation in terms of the results which have been seen worldwide, frankly.

400 **The Speaker:** Hon. Member, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

405 In a previous answer to one of my questions to the Chief Minister, Mr Speaker, he said he would speak to the Treasury again about seeing if he can get funding from the Seized Asset Fund for this worthy charity. Could I ask him if he would actually meet with the Treasury formally on this, like he has promised to do in the past? I thank him for all the work that he has done in the past, but can he make great haste and meet with the Treasury Minister before Easter and report back, on the decision that has been taken, before Easter, Mr Speaker, so that if that is in the negative then measures can be taken for another place, sir?

410 **The Speaker:** Chief Minister.

The Chief Minister: I have given a commitment to meet the Hon. Treasury Minister.

415

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Ard-shirveishagh not agree that the fact is that very few of us have done more in this House as far as drugs are concerned, but the fact is that yourself and your good offices actually kept DASH afloat last year? (**Mr Houghton:** Hear, hear.)

420

Would he not also agree the fact that, as the Member responsible for drugs and alcohol as far as Home Affairs is concerned, we should have some control over the Department of Social Care as far as what they decide to do; and will he make sure that there will be a date this next week when we will meet on a mutually convenient day to discuss the concerns we have as far as DASH is concerned, (**Mr Houghton:** Hear, hear.) allowing for its independence on the issue?

425

The Speaker: Chief Minister.

The Chief Minister: I think it is very important, Mr Speaker. I do not think there is difference of opinion on this, that most Members want to see an effective service in place (**Mr Karran:** Hear, hear.) to give support for those afflicted by the various addictions which are around these days. This point scoring really does not help matters very much, I think, to take us forward.

430

Mr Houghton: It is not point scoring.

435

The Chief Minister: I have, I repeat now, done my utmost over the last 12 months to keep DASH afloat, in a number of areas, including bringing in private sector support for the charity, which I have to say is more than the charity itself has done during this last 12 months, (**A Member:** Hear, hear.) and I will continue to do my best (*Interjection by Mr Houghton*) to find a solution which could keep it going. I have given a commitment, Mr Speaker, to speak to the Treasury Minister and to have an urgent meeting with the Member for the Drug and Alcohol Strategy, Mr Karran.

440

I would reiterate, though, it is important that all agencies of Government work together to find a common approach to this. It should not be one of conflict between the various sectors. We should be trying to find a workable solution, not forgetting that the key element in all this is support for the individual who has the addition in the first place, not power games within Government.

445

Mr Houghton: That is why we want an independent outsideí [*Inaudible*]

450

The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

I am delighted to hear the Chief Minister's commitment to try and resolve this issue and to speak to Treasury again, because that does seem to be where the stumbling block is. (**Mr Houghton:** Hear, hear.)

455

With regard to the prison visits, my understanding is that DASH were asked if they would do this and they said they could not with the resources that they had, but if funding was provided to them they were more than happy to undertake this additional service ó which is why they have not been doing the prison visits, simply because their resources do not stretch to this. I would be grateful if the Chief Minister could just clarify that my understanding of this is correct, and again that they would have been quite happy to tender for this had they been allowed to tender.

460

The Speaker: Chief Minister.

465

The Chief Minister: I am not sure what the position is on the prison visits, but clearly the prison visits are an important part of any treatment of addiction, as I think over a third of people who are in prison at the moment are in prison for drug-related offences.

470

The Speaker: I will take two more supplementaries. Mr Skelly.

Mr Skelly: Gura mie eu, Loayreyder.

If the Chief Minister believes Government is delivering results, can he explain why the BBC recently reported that 12% of our population are alcoholics, whereas the UK is less than 5%?

475 **The Chief Minister:** I cannot, Mr Speaker.

The Speaker: Finally, Mr Karran.

480 **Mr Karran:** Vainstyr Loayreyder, will the Ard-shirveishagh clarify for this House that, trying to work within his Government's system, I asked for a meeting about this issue long before this Question was known to myself or it was ever dreamed up? Would he not agree that the fact is, whilst DASH might not have done very much as far as fundraising is concerned, it is not exactly a sexy charity and is very prone to public opinion to try and get money out of the general public, so they are in a difficult position as far as that is concerned? Would the Hon. Chief Minister be honourable and not tell me that I am grandstanding, when I asked for an urgent meeting long before this Question was put down on this paper?

485 **The Speaker:** Chief Minister, the reference to the integrity of the Hon. Member is quite unnecessary. (A Member: Hear, hear.) Standing Orders require that Members do not reflect on the character and conduct of any person.
490 Chief Minister.

The Chief Minister: I was not aware I had made those comments, Mr Speaker. Sorry, I know it is early in the morning, but I am not impugning anyone's integrity on this. I fully appreciate the sincerity of everybody who is involved in both Motivate and DASH in wanting to bring assistance to those who have this problem.
495

I have already, Mr Speaker, on two or three occasions this morning, agreed that I will meet the Hon. Member. I have already had several discussions with him over this last week. Yes, I will confirm that he approached me before this Question was put down and before I became aware of it.
500

I do not understand what the aggravation is on this, Mr Speaker. I have given a commitment to see the Hon. Member. I share his concerns about this and I want to be sure we have a fair and honourable solution to this particular problem, which will strengthen, or at least maintain the support for those with addiction issues across the Island.
505

Questions for Oral Answer

510

TREASURY

Douglas West by-election Electoral register

515 2.1. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

When the last date is for registration for potential voters in the Douglas West by-election to be included in the electoral register?

520 **The Speaker:** Hon. Members, having dealt with the Urgent Question, we turn to Item 2 on the Order Paper, Questions for Oral Answer. Mrs Beecroft has requested that her Oral Question 4 be answered in writing and Mr Cannan has withdrawn his Question 13 and Written Questions 4 and 5.

525 I call the Hon. Member for Douglas South, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.
I ask the Question standing in my name.

530 **The Speaker:** I call on the Minister for the Treasury to reply, Mr Teare.

The Minister for the Treasury (Mr Teare): Thank you, Mr Speaker.
It was announced yesterday that the Douglas West by-election will take place on 23rd May. As this date falls in the quarter commencing 1st April, the last date for any new people to sign up to

535 the electoral register was 18th March. Therefore the votersø roll that will be used in this by-election, will be current and the compilation of the list complies with the statutory requirements.

Hon. Members, current estimates are that there will be approximately 4,018 people eligible to vote in this by-election and I am sure that you would join with me in encouraging each and every one of them to exercise their vote.

540 **The Speaker:** Supplementary question, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

545 Could the Minister explain why they actually closed the register a couple weeks before the date where it is updated? It seems funny when it is updated to 1st April that they close the books on 18th.

550 Would the Minister not agree with me that people who actually want to register to vote in this by-election are being denied their democratic right by this archaic system that we have? We live in a world of modern technology: would he not agree with me that it is about time that we found a way of updating the electoral register much more often than every quarter?

The Speaker: Treasury Minister to reply.

555 **The Minister:** The guidelinesí well, not guidelines really, the regulations are set out in the Registration of Electors (Amendment) Regulations 2007 and that provides that the votersø roll is produced on a quarterly basis, except ó and there is one exception ó in the run-up to a general election, when there are special provisions in place to have a rolling votersø roll, which actually closes seven days before the election.

560 With the uncertainty of by-elections, I think that the present system does work well, because we have to recognise we are all mortal. Heaven forbid that some of us might fall off the tree and there would be a respective by-election. This system does work and I feel that, if there is a concern about it, then the matter should be addressed to primary legislation.

At the moment, Mr Speaker, I have not heard any arguments, bar the opinion adduced by the hon. questioner that this system is not fit for purpose.

565 **The Speaker:** Mrs Beecroft.

570 **Mrs Beecroft:** Would the Minister concede that I actually asked this Question because I was contacted by somebody living in Douglas West, who was very upset to find out that they could not get on the register in time, or their child could not get on the register in time, who was going to be 16 in the intervening period between the general election and now. Would he not acknowledge that most peopleí actually we have not long had a general election. They do not gear themselves up to actually be on electoral registers in time toí 18 months after it.

575 **The Speaker:** Minister.

580 **The Minister:** Everybody has a responsibility to ensure that they are on the electoral roll. Those who are minors and under 16, but who will be 16 before the date of the next revision of the votersø roll, can actually get on the votersø roll with an annotation against their name and that is not effected until their 16th birthday. So I think that angle is already covered.

Settlement payments Gagging clauses

585

2.2. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

590 *How many settlement payments were made which contained a gagging clause in each of the last five years broken down by Department and the total amount paid by each Department?*

The Speaker: Question 2, Mrs Beecroft.

Mrs Beecroft: I ask the Question standing in my name.

595 **The Speaker:** Again, I call the Treasury Minister, Mr Teare.

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

To start, I wish to clarify that the term "gagging clause" is not used to be applied by Government. In order to try and answer the Question, I assume that the Hon. Member for Douglas South is referring to employment employee settlement agreements, as defined under the Financial Direction 30.

Financial Direction 30 was introduced in January 2010 and states:

1. It is the general policy of the Treasury that no confidential payment shall be made without the prior written approval of the Treasury.

2. This policy is made solely in connection with agreements to settle employment disputes concerning officers.

3. An application to the Treasury by an accounting officer to make a confidential payment must be supported by a signed approval of the Minister for the Department, or Chairman of the Statutory Board and the written advice or counsel from the Attorney General's Chambers. A settlement agreement may be embodied in a formal court order containing a gagging clause.

4. For the avoidance of doubt, this policy specifically does not relate to any aspect of the supply of goods or services made under a tender contract, or to payments which may be made by law enforcement organisations in the recruitment of covert human intelligence sources.

Treasury acknowledges that there will be legal circumstances which make the inclusion of a confidentiality clause within a settlement agreement and in such a situation, advice of counsel must be obtained from the Attorney General's Chambers.

605 According to Treasury records, payments approved under FD30 since 2010 were: in 2010, one for the Department of Infrastructure at £6,878.53, one for the Department of Social Care £7,351, one for the Department of Education and Children for £11,119.57 and one for the Department of Home Affairs for £10,200; in 2011, one for the Department of Infrastructure £27,500, one for the Department of Economic Developments at circa £45,000, two for the Department of Home Affairs totalling £12,000, and one for the Department of the Community, Culture and Leisure totalling £3,000; finally in 2012, one for the Department of Social Care £41,458, one for the Department of Health £27,073.

610 However, Mr Speaker, the question refers to information in each of the last five years. Therefore in relation to any payments which predate the introduction of FD30, the Treasury has sought such details from Departments. I will circulate this information as soon as it is available, sir.

The Speaker: Supplementary question, Mrs Beecroft.

620 **Mrs Beecroft:** Could I just clarify that my Question did not restrict it to employment. It was actually much wider than that; it was anything that contained a gagging or confidentiality clause in.

625 Could the Minister also say and I appreciate he may not have this information to hand, so I would be happy if he would circulate it, if he does not have it to hand could he clarify in respect of these confidentiality clauses, whether they were at the request of the individual or at the request of the Department?

The Speaker: Minister.

630 **The Minister:** These are normally the culmination of negotiation between the employee or employees presented, as the case may be, and the Department. So it is not necessarily something that would be initiated by the Department; this would be something that would evolve over a period of time during the negotiation process.

635 As far as the first part of the question is concerned, I have to say I have forgotten, so I apologise.

The Speaker: Mrs Beecroft.

640 **Mrs Beecroft:** Yes, I am happy to repeat it. The Minister misunderstood the Question and thought it related just to employment when the Question did not relate just to employment, it did not mention employment, so I would be grateful, if he has not got the information that I did ask for in my Question, if he could circulate it later.

645 **The Speaker:** Minister.

The Minister: I will certainly do my best, but here again, Mr Speaker, I did not want to engage Treasury in unnecessary work. It would be helpful, if all Hon. Members could be more specific in their Questions and I am pleased to receive Questions, there is no difficulty with them, but if they are more accurately focused, it would be to everybody's benefit, sir, I am sure.

650

The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.
Would the Minister not agree with me that my Question is actually accurate? It is him who inserted another word into my Question and assumed it was just relating to employment, when in fact it did not.

655

The Speaker: Minister.

660 **The Minister:** I think I have dealt with that already, sir. Thank you.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, could the Shirveishagh Tashtee assure this House that the likes of the cases where we got rid of the former head of the Department of Tourism and the former Chief Executive of the MEA, when I actually had personal conversations with them to the point that they would give the impression it was actually Government that wanted to have the confidential clauses?

665

Will the Shirveishagh also, maybe, if he is looking at this question, also the issue of the fact that how many people have been quietly given early retirement and what is that financial cost in order that they keep their confidentiality, as far as issues are concerned, and is he aware of any Members, as far as that is concerned?

670

675 **The Speaker:** Treasury Minister.

The Minister: There are facilities available to employees to take early retirement and it can be for operational reasons, it can be because the job is no longer there, and with the restructuring of Government which is currently under place, which has to be continued, we need the flexibility to give staff the opportunity, if they so desire, to take early retirement.

680

I think that the MARS scheme delivers the ability to downsize without the costs which we had seen in the past. So I feel, myself, that we have reached a good compromise in our employee negotiations.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh Tashtee then give an assurance to this House that the practices, like I said, with those two individuals, are not happening today; also that the practice of any gagging order being given to people taking preferential retirement as part of their retirement is not happening as well; and if it is happening, will he make sure it does not happen in future?

690

The Speaker: Minister.

The Minister: Of course, all requests for early retirement which involve a claim on public exchequer are subject to Treasury overview. So we do review each one carefully and consider the individual circumstances. As I have said before, they do have early retirements and for operational reasons, and I am sure that will continue.

695

Hon. Members will realise as part of the last Budget we did indicate that our headcount would be reducing by 100 per annum for the next four years. So Government and the taxpayer need to retain that flexibility, sir.

700

Mr Karran: Will there be a gagging order on the individual?

705 **The Speaker:** Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

If I could just try once more, would the Minister give a commitment to answer my question in full, as it is written? He keeps saying he has answered that, but he has not. Will he give that commitment to circulate the information I have asked for?

710

The Minister: I feel I have answered the Question as it was drafted, sir. (*Interjection by Mr Karran*)

715

**Community bank
Current regulations**

2.3. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

720

Whether the formation and opening of a community bank would be permitted under current regulations?

725

The Speaker: Question 3, Mrs Beecroft.

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

730

The Speaker: The Treasury Minister, Mr Teare.

The Minister for the Treasury (Mr Teare): Mr Speaker, prior to preparing to respond to this Question, I sought clarification from the Hon. Member for Douglas South as to her interpretation of 'community bank'. I am thankful for the clarification which she provided.

735

In terms of this Question, the Hon. Member is asking about the ability for someone to form a company similar to the Bank of Dave model, which was the focus of a recent television programme. The Bank of Dave model is not what we would commonly regard as a bank, in terms of its licensing, operation, or regulation. It is, in essence, a peer-to-peer lending company.

740

Neither in the UK, nor on the Island are peer-to-peer lending companies subject to regulatory oversight. On the Island, they would, however, be required to be registered with the Isle of Man Office of Fair Trading as a money lender and the Island's AML/CFT legislation would also apply to such a company.

745

With this in mind and returning to the Question, if anyone wished to set up a Bank of Dave type company, the Financial Supervision Commission's regulations would not be applicable. The word 'bank' however, could not be permitted on the Island, as this would indicate holding out as being a bank without a deposit-taking licence.

750

Hon. Members, we are very fortunate to be living in an Island where the standards of regulation are high. I would stress to anyone considering this type of venture, that a peer-to-peer lending company would not be licensed by the FSC. It would not be regulated by the FSC and perhaps most importantly, anyone who provided money under a peer-to-peer model would not be protected by regulatory capital requirements, or by the Depositors' Compensation Scheme.

Thank you, Mr Speaker.

755

The Speaker: Hon. Member, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

In the Minister's Answer to this Question, has he also thought about the introduction of Government bonds?

760

The Speaker: Minister.

The Minister: Thank you, Mr Speaker.

765

I thought I dealt with that in the Budget debate, but it is something that is actively under consideration, because the Treasury needs to consider how the £35 million bank borrowing from the Manx Electricity Authority, due for repayment in July this year, should be refinanced and certainly at the moment, all options are under consideration, including going back to the old mortgage bond type style of deposits from the general public.

The Speaker: Mr Skelly.

770

Mr Skelly: Gura mie eu, Loayreyder.

Does the Treasury Minister agree the Isle of Man has lost considerable bank deposits this last year, that has had a negative economic impact on the Island?

Does he also agree we should be considering new initiatives to help rebuild those deposits?

775

The Speaker: Again, we are widening out this Question. Up to you, Minister.

The Minister: Thank you, I would just like to put him right.

780

We have not lost considerable bank deposits. We have lost bank deposits, yes, but part of that nominal loss is reflected in currency movements. If we have a look at the underlying trend, it has been deposits have gone down, yes, I will concede that, but not by a substantial amount, as I think was said in the question.

785

This really would not address any decline in bank deposits, because it is not a bank that I made that abundantly clear in my Answer that it would not be regulated and very importantly, any person who made a deposit with an organisation of this type would not be covered by the depositors' protection scheme.

The Speaker: Mr Karran.

790

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh Tashtee not agree that if we could get his Department off the fence as far as sorting out the problems we have got with the present 1993 Credit Unions Act, which I had written to and raised when I was a Minister as far as the issue is concerned, will he as a matter of urgency sort out the problems we have got under the 1993 Act of the Credit Unions Act in order that we can actually maybe start getting credit unions on the Island?

795

Is he aware I have already written to the Chief Minister, not so long ago, about this subject as well, that there is a need for change so that the legislation can come in force and will he give some time period for that to be resolved?

800

The Speaker: Minister.

805

The Minister: The 1993 legislation for a credit union was brought forward, as I understand, at that time by pressure, because there was perceived to be a demand for it. We have not had any applications, to the best of my knowledge, from individuals wanting to set up a credit union, but I am aware that there are issues, because basically, the maximum sum that a credit union can accept and it is not as a deposit, but it can accept a share capital of £5,000 and that equates to the maximum loan that the credit union can make as well.

810

Once again, deposits made by credit union are not insured under the depositors' protection scheme. They would have to arrange commercial insurance in the marketplace. They would also have to arrange insurance in the marketplace for potential fraud by directors and officers, so there are barriers there, but those barriers are there to protect those vulnerable people who actually participate in this type of scheme. They are there for a very good reason and I would suggest to the questioner that if we do take those barriers away and a problem occurs, then there would be considerable pressure on the Government to step in and to compensate the depositors.

815

The Speaker: Mr Skelly

Mr Skelly: Gura mie eu, Loayreyder.

820

Does the Treasury Minister agree that the *vires* to create a nationalised bank or an impact investment bank is held with the Post Office and can he confirm if this has ever been considered and who has reviewed this option?

The Speaker: Mr Teare.

825

The Minister: I feel we are widening the Question now, but the *vires* to create a bank at the Post Office, I have not gone through the Post Office Act with that in mind, so I am unable to comment on that.

I would be very nervous indeed, about Government setting up a bank. I do not think that is a road that we should go down. It is better left to the private sector that or some might have a different

830 view after the events of 2007-08 ó but I feel, myself, that we are served by five banks at the moment and also the Government is already involved to a certain extent with supporting industry in a pseudo-capitalist role, through the Department of Economic Development, and also house purchases through the Department of Social Care. These schemes are delivering very tangible results and do work well.

835 **The Speaker:** I am quite happy that the last supplementary was within the scope of the Question.

Mr Karran, further supplementary.

840 **Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh not agree that what we have is a repeat of history of what happened in 1993, as far as the credit unions are concerned? The fact was when it came down to the formation of a credit union that was keenly supported in the north of the Island, it was because the then Member, Mr Mann, was part of the APG.

845 Will the Hon. Minister get out of the playground and accept the fact that we should be following the UK, as far as credit union legislation is concerned and the fact that they put the surety up, as far as the insurance is concerned and actually get on with the job, so that we can actually allow the possibility of the creation of credit unions on this Island on the same basis as citizens in the Irish Republic and the United Kingdom.

850 Would the Hon. Member also not agree that there is actually a woman in Hutchinson Square that has had several meetings with different people, I do not know whether she has had one with the Chief Minister and this is the sticking point, is the issue of the childishness of this Department in the fact that he will not change ó ?

The Speaker: Hon. Member, you have made your point. Treasury Minister.

855 **The Minister:** So we come to the heel of the argument, sir, that the depositors should be insured by the Government ó is the simple fact.

Mr Karran: On the same basis as the UK and the Irish Republic.

860 **The Minister:** Let us have a look at what has happened in the UK and the Irish Republic, if we can. There have been very substantial bailouts at very substantial cost to the taxpayer. I could not recommend to another place that we would put the taxpayers, as it were, neck on the line for that. I am sorry sir.

865 **The Speaker:** Hon. Members, Question 3 is finished.

870 **Suspension of Standing Order 3.5.1(2)
to take remaining Oral Questions
Motion lost**

875 **The Speaker:** We have reached the end of our allotted time for Oral Questions. Hon. Member?

Mrs Cannell: Mr Speaker, yes. I am happy to seek the House's support for the suspension of Standing Orders to take the remaining questions on the Order Paper.

880 **The Speaker:** Mr Houghton.

Mr Houghton: I beg to second.

The Speaker: Is that agreed, Hon. Members?

885 **Mr Watterson:** Divide please.

The Speaker: We will put it to the vote.

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

FOR

Mr Hall
Mr Karran
Mr Ronan
Mr Singer
Mr Quayle
Mr Cannan
Mr Cregeen
Mr Houghton
Mr Henderson
Mrs Beecroft
Mrs Cannell
The Speaker

AGAINST

Mr Quirk
Mr Crookall
Mr Anderson
Mr Bell
Mr Teare
Mr Robertshaw
Mr Shimmin
Mr Watterson
Mr Skelly
Mr Gawne

890

The Speaker: With 12 votes for and 10 against, the motion therefore fails to carry. The remaining Questions will be answered in writing. (**Mrs Cannell:** Shameful.)

Item 3. There are three Questions on the Order Paper for Written Answer, as well as Oral Question 4 and the replies will be distributed.

895

Questions for Written Answer

TREASURY

900

RBSI, NatWest and Isle of Man Bank FSC monitoring

905

2.4. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

Whether the Financial Supervision Commission is watching particularly closely the destination of funds placed by (1) Royal Bank of Scotland International, Douglas branch; (2) NatWest, Isle of Man branch; and (3) the Isle of Man Bank?

910

Answer: This Question is particularly relevant to the way many banks on the Island transact their business, so it is important that I explain the position.

First, supervisory matters between the FSC and its licence holders are confidential to the parties concerned. So obviously I cannot comment on the detail of individual cases.

915

As Members will know, a key part of the business of many banks here is to raise deposits which may be deployed elsewhere within their groups. The FSC monitors this position very closely and liaises regularly with relevant regulators.

920

For the most part, it means that where locally-sourced deposits are lent upwards within groups it is to the UK regulated sector. There are differing arrangements in place for capital and liquidity to be held independently according to the perceived standing of the bank group. For larger banks of systemic importance subject to additional safeguards in the parent jurisdiction, the arrangements will be more flexible.

925

COMMUNITY, CULTURE AND LEISURE

National Sports Centre Use by Manx Taekwondo

930

2.5. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Community, Culture and Leisure:

935

Why the Manx Taekwondo club has been denied use of the National Sports Centre for competition purposes?

Answer: The Manx Taekwondo Club has not been denied the use of the National Sports Centre for a Taekwondo competition.

940

Bus service Increase in management pay

945

2.6. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Community, Culture and Leisure:

Whether the management involved with the bus drivers received a 20p-an-hour increase in pay and a £400 cash payment?

950

Answer: No group of staff in the Department received both a 20p-an-hour increase in pay and a £400 cash payment.

955

**Bus service
Managers' overtime**

960 2.7. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Community, Culture and Leisure:

Whether managers in the bus service get paid an overtime rate when they work above their contracted hours or receive time off in lieu?

965 **Answer:** Supervisors are contractually entitled to overtime for additional hours. Senior staff are not entitled without prior authorisation to overtime and are expected to work flexibly to avoid incurring overtime costs.

970

**Bus drivers' dispute
Statement**

975 2.8. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Community, Culture and Leisure:

If he will make a statement on the bus drivers' dispute?

980 **Answer:** I am happy to provide a brief update on this matter.
Before my appointment as Minister in July, my Department first spoke to bus driver union representatives on the issue of paid lunch breaks on 1st March 2012, within days of the Department's budget being confirmed in Tynwald Court. Members will recall that my Department has suffered some of the greatest reductions in funding, with the 2012-13 budget year requiring savings totalling £1.7 million. One of the measures approved by the Department was the removal of paid lunch breaks on the basis that such breaks could no longer be afforded or justified.

985 Negotiations were conducted with the Industrial Relations Officer providing conciliation and mediation. Ballots on possible solutions were held once in September and twice in October. As these ballots had been on offers that had the support of the drivers' union but were all unsuccessful the Department felt that it had no other way of securing the savings other than terminating employment on the existing terms and conditions and offering immediate re-employment on new terms and conditions, which it did on 12th October 2012. The new contract was accepted by all drivers.

990 Since that time, negotiations have continued, albeit under the added pressure of industrial action. A further ballot concluded on 12th December, with a significantly revised proposal being put to ballot concluding on 11th February. Unlike previous results, in this case the proportion of those against acceptance fell to just over half the total number of drivers eligible to vote. A revised offer was immediately put but regrettably some sort of difficulty within the union led to this not being put to the members and union representation being passed to the UK.

1000 More recently, the union has signalled that it may be willing to give up the paid lunch break and seek a reversion to the other elements of the original contract. Discussions on this are currently being progressed through the Industrial Relations Officer.

1005 I would like to make it very clear that the contract that was enforced following the giving of statutory notice has secured the savings that my Department needed to make for 2012-13. It also provided for efficiency gains that allowed the impact of the changes on the earnings of individual drivers to be significantly reduced and that will allow us to meet the challenges of the 2013-14 budget year without needing further negotiation. That is why I was willing to guarantee that the new terms would remain in place until 2014 and have offered to extend this a further year if a negotiated solution can be achieved. Such guarantees have real value in these changing and challenging times. I very much regret the inconvenience that strike action causes to the public but have been heartened by the number of calls I have received to tell me to hold the line in the face of off-Island demands for solutions that cannot be afforded or justified. Our ability to provide strike services improves each time. Our savings are secured. I will most certainly be holding firm if any saving that adds up to £300,000 a year will be welcome; anything less will be unacceptable. I would like to make it quite clear that with the reductions in the Department's budget, it has been a priority of mine to reduce the impact of the cuts on staff through efficiencies and to protect jobs. If

the Department is unable to make savings it will lead to the loss of jobs which we have tried to avoid.

1020

**Bus service
Bus cleaners**

1025 2.9. The Hon. Member for Middle (Mr Quayle) to ask the Minister for Community, Culture and Leisure:

How long current overtime payments to bus cleaners have been in force; whether it was cost effective to reduce the number of bus cleaners from six to four; and what plans he has to change this arrangement?

1030

Answer: The current working agreement dates back to 8th September 2004 and we believe the previous one was not dissimilar. Since the bus network review, the number of buses in the fleet has fallen from 89 to 71 and, as such, the amount of work to be undertaken has fallen pro rata. This allowed the establishment to be reduced from six to four which is quite separate to the overtime issue.

1035

Like many areas of Government, the Working Agreements reflect the practices agreed with Whitley Council in terms of premium days and overtime. Throughout Public Transport much effort has been put into successfully modernising these Working Agreements and negotiations have been going on with the cleaners' representatives for some time. A revised Agreement will come into effect in April 2013 that will address the issue of the excess level of guaranteed overtime.

1040

At the same time interior cleaning for deep cleans will be undertaken by outside contractors. The overall savings will be around 25% of the previous cost.

1045

HEALTH

**Health Service
Whistleblowing policy**

1050

2.10. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for Health:

1055

What his policy is on whistleblowing in the Health Service?

Answer: In 2006 the Department was the first Government Department to devise its own Whistleblowing Policy. In 2007 this was used to devise a Government-wide policy for all public sector workers.

1060

I am sure you will agree that this proactive step demonstrates the Department's commitment to ensuring that staff have a vehicle to raise their concerns.

In addition to the policy, the Department has put in place procedures for raising and escalating concerns, which is guidance for nurses and midwives as directed by the Nursing Midwifery Council.

1065

Similar guidance is available for doctors and healthcare professionals from their professional bodies, which we also endorse within the Department, and encourage staff to use these procedures in conjunction with the local Whistleblowing Policy.

1070

As healthcare professionals, the Department's staff have a professional duty to report any concerns which put the safety of people in their case, or public, at risk. The Department supports staff in speaking up on behalf of patients and remind them that it is an everyday part of their role and, just as raising genuine concerns represents good practice, doing nothing and failing to report concerns is unacceptable. The Department encourages genuine concern to be raised and support staff who act with the best intentions in accordance with the principle laid down in both the Whistleblowing Policy and their professional guidance.

1075

Health Service
Waiting times and death rates

1080 2.11. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for Health:

What plans he has to introduce legislation to make the manipulation of waiting times or death rates a criminal offence?

1085 **Answer:** This Question is prompted by remarks made by the United Kingdom Secretary of State for Health following the publication of the Francis Report.

I endorse the principle that published data should be accurate and free from manipulation. As the Hon. Member will appreciate, there are multiple NHS Trusts in the United Kingdom supervising significant numbers of hospitals. Any legislation designed to achieve uniformity of approach in the UK context would need to be considered closely to determine whether it was the most appropriate vehicle for equivalent use in the Isle of Man.

1090 The Francis Report is a very significant publication. The Department has already begun to consider what implications the Francis Report has for healthcare here; a process likely to continue for months ahead.

1095

ECONOMIC DEVELOPMENT

1100

mytravel.uk contract
Compliance with financial regulations

2.12. The Hon. Member for Middle (Mr Quayle) to ask the Minister for Economic Development:

1105 *Whether his Department has complied with Isle of Man Government financial regulations and procurement processes for the contract given for mytravel.uk?*

Answer: In answer to the Hon. Member's Question, the Department obtained early advice from Treasury Procurement and complied with Government Financial Regulations and procurement processes before the contract was awarded.

1110

ENVIRONMENT, FOOD AND AGRICULTURE

1115

Countryside Care Scheme
Question withdrawn

1120 2.13. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Environment, Food and Agriculture:

Whether the Countryside Care Scheme is working?

Answer: [Question withdrawn]

1125

EDUCATION AND CHILDREN

1130

School nurture groups
Policy change

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

1135

Why the Department is abandoning nurture groups in schools; and what consultation and impact study have been undertaken in determining this policy change?

1140 **Answer:** Firstly, the Department is not abandoning nurture provision; all schools which currently have provision are keeping it. I would like to use this opportunity to explain nurture provision to the Hon Member and others.

1145 Nurture provision is in place in some of our primary schools and three of our secondary schools. In recent years, three schools have asked to give up their nurture groups as they were struggling to find pupils who could benefit. At the same time, we opened two new groups, one in an area of relatively high deprivation. We have provision which has evolved. Some are run on the lines of the traditional model, teacher plus Education Support Officer in a separate room with usually between six and nine children, others are run by support staff who operate nurturing principles but take guidance on what work children complete from the class teacher. They use the same diagnostic tests and targets the Boxall Profile to support these children who should only attend for relatively short periods (possibly six to eight weeks). The whole purpose is to give children the emotional stability and social skills to rejoin the class. In some schools, the Education Support Officers supports children as they reintegrate.

1150 Our goal should be to successfully reintegrate as quickly as possible. It is imperative that the children never lose sight of their identity as a mainstream class member.

1155 In our experience having both models, and in our review of experience elsewhere (some local authorities in England and Scotland have nurture) there is very little evidence to show that a model using two Education Support Officers is less effective; indeed, the link with the mainstream class can be even stronger.

1160 I can reassure Members that Manor Park, Jubilee, Ballacottier, Peel Clothworkers, Victoria Road, Auldyn and Ree Gorrey Primary schools will continue to have two members of staff devoted to Emotional and Social Wellbeing, as will Ballakermeen High School, Ramsey Grammar School and Castle Rushen High School where nurture currently exists.

1165 There is a small resource saving to be made from this change, but that money will remain, in full, in the Special Needs budget, which has not been reduced in any way. Special Needs, though, is a demand-led budget and we do have an influx this year of children with complex needs coming into our schools.

1170 This change should be seen as a modernisation of our approach, but we are still offering a high level of support for children who need it and increasingly we are targeting it on schools which can identify on-going need. It should be noted that most local authorities who have taken up nurture are in areas of high or relatively high deprivation.

1175 The Ofsted Report on Nurture Group Approaches found that they could make a difference to primary age children who might be at risk of exclusion for a first or subsequent time. It should also be noted that there is a very low level of exclusion in Manx Primary schools. Only 16 primary age children have been suspended in the last year. This is 0.27% which is very low ó England is 0.91% (three times higher).

In short then, all schools who have nurture keep it. It will be staffed properly, albeit differently. Where special nurture rooms exist they will remain as part of the provision for the school.

1180

SOCIAL CARE

Glenside, Douglas Future plans

1185

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

1190 *What future has been decided for Glenside, Victoria Road, Douglas; and what the reason is for works being carried out on the premises?*

1195 **Answer:** The remaining residents of Glenside have this month been successfully relocated to their new homes and the empty buildings are currently subject to surveys and health and safety risk assessments to enable the buildings and site to be made secure whilst future opportunities for the site are reviewed.

The Department of Social Care is currently in discussion with Treasury and Department of Infrastructure and other Government Departments reviewing the future options for Glenside, and other strategically owned Government assets, to make best use of them in delivering Government's objectives over the next five years and beyond.

1200 Glenside is a key site in the Douglas Area which could provide my own or other Department's with an opportunity to meet their planned development needs.

The Options appraisal for Glenside is considering the future of the whole of the site and this exercise will be informed by the strategic review of other sites in and around Douglas as part of the 'bigger picture' strategic review.

1205 I imagine that the Hon. Member in referring to 'works being carried out' has observed the activities to make the buildings safe and secure.

TREASURY

1210

Government employees Numbers; terms and conditions

1215 3.1. The Hon. Member for Castletown (Mr Ronan) to ask the Minister for the Treasury:

How many people currently in receipt of emoluments or pay for services rendered to the Isle of Man Government at any time in the last 12 months, across all Departments, Offices and Statutory Boards in terms of the following categories –

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- (a) full-time employment;*
- (b) part-time employment;*
- (c) fixed-term contract;*
- (d) consultancy contract; and*
- (e) trustee or commission member*

1225

are also in receipt of an employment-related public sector pension from the Isle of Man Government?

1230 **Answer:** A similar Question to the above was asked at the February sitting of the Court of Tynwald by Mr Karran MHK. Since this time, the Office of Human Resources has been undertaking the lengthy task of collating the information required by that Question. The Office has agreed to expand its current exercise to include the new element of this Question shown as part (e) and Treasury will publish a response to Tynwald Members when the information is finalised.

1235

COMMUNITY, CULTURE AND LEISURE

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Bendy bus trials Details

3.2. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Community, Culture and Leisure:

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When the current bendy bus trials (a) started; and (b) finished; how many of the buses have broken down in that period; and what has been the total cost of the trial to date?

1250 **Answer:** The first bus was used for driver training from Wednesday, 6th February. The trial commenced when the schools returned on Monday, 18th February and continued until Friday, 15th March 2013.

1255 Of the three buses we borrowed, two have broken down at some point. In total there were five on the road breakdowns; however, two of those were as a result of drivers being cautious with warning lights in unfamiliar vehicles where normally they would have continued. The faults generally related to the vehicles being stood over this last winter and our unwillingness to spend more than we had to on the buses that we borrowed for the trial. If the outcome of the trial is successful, we would select potential buses to buy with great care and would replace, as part of the commissioning process, any parts that deteriorate when a bus is not used.

The cost of the trial has mainly been the cost of shipping the buses here, as where we have used one articulated bus in place of two double-deckers, we have obviously saved operating costs.

1260 We estimate that the trial in total has cost less than £10,000. I regard this as a worthwhile investment, not only because we gave a commitment that there would be an independent trial before any decision was made about the use of these buses on the Island, but also because we stand to achieve annual savings of £300,000 if we are to proceed.

1265

HEALTH

Recall of breast patients Biopsy test results

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

1275 *Why large numbers of breast patients are being recalled to discuss practice and results in connection with previous biopsy tests, and if he will make a statement?*

Answer: As you would expect of any clinician taking up a new post, a review of their patient caseload was undertaken by Ms Bello, the relevant Consultant. As part of this review, 17 patients were listed as being on the early recall system by previous Consultants. These are patients who have had a mammogram and subsequent procedures as part of the normal screening process and, for clinical reasons; a decision has been taken to re-screen the patient earlier than the routine screening timetable. A small number of these patients had refused the procedure offered to them i.e. a biopsy, and are therefore included in this number and were being monitored by repeated screening.

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1285 As is normal practice, Ms Bello arranged an MDT ó Multi Disciplinary Team meeting, to discuss the patients with the necessary professionals involved in the treatment and decision making for these patients.

Following this, 10 of the patients have been returned to the routine two-yearly breast screening programme and seven patients have been invited back for further assessment to ensure closure of their treatment.

1290 Therefore, in summary, the actions taken by Ms Bello are those expected of a Consultant in their normal practice and the number of patients involved is not large as stated in the Question.

The Hospital screens approximately 5,000 women per year and therefore 17 patients do not constitute a large number.

1295 It is most unfortunate that Ms Bello has to be distracted from her work in treating patients to supply this information. Whilst it is important that hospital activity is open to question, the Consultant and her team practice to national standards, which are regulated and monitored constantly. I would not expect that a Consultant carrying out a job we have employed her to do to an extremely high standard, should be subject to constant political scrutiny of her clinical decision-making.

1300

ENVIRONMENT, FOOD AND AGRICULTURE

1305

Cattle and sheep Questions withdrawn

1310 3.4-3.5. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Environment, Food and Agriculture:

3.4 What the size of the dairy herd in 2004 was; what the size now is; and why the herd is decreasing?

1315 *3.5 How many beef cattle and sheep were exported in (a) 2006; and (b) 2012; and how many animals were slaughtered on Island in (i) 2006; (ii) 2007; (iii) 2008 (iv) 2009; and (v) 2012?*

Answer: [Questions withdrawn]

Orders of the Day

1320

BILL FOR FIRST READING

1325

Summary Jurisdiction and Miscellaneous Amendments Bill 2013

The Speaker: Item 4, Bill for First Reading, I call on the Secretary of the House.

The Secretary: The Summary Jurisdiction and Miscellaneous Amendments Bill 2013. Member in charge, Mr Teare.

1330

BILL FOR CONSIDERATION OF CLAUSES

1335

Weeds (Amendment) Bill Clauses considered

5.1. Mrs Beecroft to move.

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The Speaker: Item 5, Bill for consideration of clauses.

We turn to the Weeds (Amendment) Bill and I call on the mover, Mrs Beecroft to move clauses.

1345

Mrs Beecroft: Thank you, Mr Speaker.

Clause 1: this clause will give the Act resulting from the Bill its short title.

I move that clause 1 stand part of the Bill.

The Speaker: Mr Gawne.

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Mr Gawne: Gura mie eu, Loayreyder.

I beg to second and reserve my remarks.

The Speaker: I put the question that clause 1 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

1355

Clause 2.

Mrs Beecroft: Clause 2 provides that the resulting Act will expire on the day following its promulgation. The amendments made by the Bill will have been inserted into the Weeds Act 1957 on the date on which Royal Assent is announced.

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I move that clause 2 stand part of the Bill.

The Speaker: Mr Gawne.

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Mr Gawne: Gura mie eu, Loayreyder.

I beg to second and reserve my remarks.

The Speaker: I put the question that clause 2 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

1370

Clause 3.

Mrs Beecroft: Clause 3 introduces the amendments to the Weeds Act 1957.

I move that clause 3 stand part of the Bill.

1375

The Speaker: Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

I beg to second and reserve my remarks.

1380 **The Speaker:** I put the question that clause 3 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 4.

1385 **Mrs Beecroft:** Clause 4 repeals section 1 of the Weeds Act 1957. Section 1 is no longer relevant to current practice in relation to the management of weeds. If the current provisions of the 1957 Act were followed to the letter, it would mean that all injurious weeds listed must be removed by a specific date each year, therefore resulting in a complete extermination of those weeds. This duty is considered unachievable and contrary to sound environmental practice and convention.

1390 I move that clause 4 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

1395 **The Speaker:** I put the question that clause 4 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 5.

1400 **Mrs Beecroft:** Clause 5 substitutes section 2 of the 1957 Act. This new section is consequent to the removal of section 1 from the Act. The inclusion of this particular section is to enable the Department the ability to focus on issuing notices to occupiers of any land to cut down and destroy specified injurious weeds within a set timeframe specified in the notice.

1405 The issuing of notices is easier to enforce and will only be used in cases of severe infestation, which will impact on agricultural land. This focus is expected to achieve the reduction of risk to animals on agricultural land.

I move that clause 5 stand part of the Bill.

The Speaker: Mr Gawne.

1410 **Mr Gawne:** I beg to second and reserve my remarks.

The Speaker: I put the motion that clause 5 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 6, please.

1415 **Mrs Beecroft:** Clause 6 amends section 3 of the 1957 Act in order to improve the wording of that section and to introduce clarity in respect of the fine that may be imposed following summary conviction.

1420 I move that clause 6 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

1425 **The Speaker:** I put the question that clause 6 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 7.

1430 **Mrs Beecroft:** Clause 7 amends section 5, to provide that, where an inspection is necessary under the 1957 Act, that inspection may only take place at what could be considered a reasonable time and with reasonable notice extended prior to that inspection.

I move that clause 7 stand part of the Bill.

The Speaker: Mr Gawne.

1435 **Mr Gawne:** I beg to second and reserve my remarks.

The Speaker: I put the question that clause 7 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

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Clause 8.

Mrs Beecroft: Clause 8 makes an amendment to the marginal note in section 6 of the 1957 Act, in order to reflect the actual content of that section. The heading to that section will read ~~Proceedings~~ rather than ~~Recovery of penalties~~ as currently recorded.

1445

I move that clause 8 stand part of the Bill.

The Speaker: Mr Gawne.

1450

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 8 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 9, please.

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Mrs Beecroft: Clause 9 inserts two new sections 7A and 7B. The newly inserted section 7A provides for the Department to produce a code of practice containing guidance on the prevention of spread of ragwort. Ragwort poisoning may have a devastating effect on horses, as well as being damaging to the welfare of cattle and other livestock. Ragwort in the correct place, however, where no such risk exists, contributes widely to the biodiversity and flora and fauna of the Manx countryside.

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The code is currently being prepared with input from stakeholders, including horse owners and the Manx National Farmers' Union and is intended as a means to educate in relation to managing the growth of ragwort, rather than its complete eradication. Any code made under the provisions of the resultant Act will require laying before Tynwald and will be admissible as evidence in court for the determination of any questions relating to any prosecutions taken under the Act.

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The newly inserted section 7B enables the Department by order to amend the existing definition in injurious weeds.

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Mrs Beecroft: This is to address any future introductions of additional or new injurious weeds into the Isle of Man. Any order made under this section may be made by the Department with reasonable haste and submitted to Tynwald for approval at the next available sitting. This will allow the Department to act in a timely manner, when further injurious weeds are identified. I move that clause 9 stand part of the Bill.

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The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

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The Speaker: I put the question that clause 9 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Finally, clause 10.

Mr Watterson: Big finish, Mrs Beecroft.

1485

The Speaker: Mrs Beecroft.

Mrs Beecroft: Clause 10 makes a number of minor amendments to the 1957 Act, in particular, it inserts a definition of ~~Department~~ into section 9. This particular definition previously sat in the now amended section 2.

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A further amendment is made to remove a reference in the definition injurious weeds to giant hogweed. This invasive plant is now dealt with under the provisions of the Wildlife Act 1990, where it is an offence to plant or grow giant hogweed. The provision within the Wildlife Act supersede those of the Weeds Act 1957, enabling giant hogweed to be dealt with on any land, rather than just agricultural land, as provided for in the 1957 Act. Giant hogweed is non-native to the Isle of Man and tends to grow along water courses. It has been the subject of an ongoing Department eradication programme in recent years.

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This clause also repeals two redundant Orders which have previously amended the 1957 Act.

I move that clause 10 stand part of the Bill.

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The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

1505 **The Speaker:** I put the question that clause 10 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

1510 **Good wishes to Deputy Speaker and Clerk
from the House of Assembly, Turks and Caicos Islands**

1515 **The Speaker:** Hon. Members, that concludes the business of the House today. I am sure you will join me in wishing our visitors from Turks and Caicos Islands a safe journey home. They return later today or first thing tomorrow. To Josephine Connolly, the Deputy Speaker and Tracey Parker, Clerk of the House of Assembly, you have been most welcome in the Isle of Man. I hope that your visit has been useful and I would be grateful if you would convey to the House of Assembly in Grand Turk the fraternal greetings of the House of Keys in Douglas Isle of Man. (**Members:** Hear, hear.)

1520 The House will now stand adjourned until the next sitting, which will take place at 10.30 a.m. on Tuesday 16th April in Tynwald Court.

The House adjourned at 11.13 a.m.