



HOUSE OF KEYS OFFICIAL REPORT

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PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 11th February 2014

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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); Hon. T M Crookall (Peel);
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 and Mr C C Thomas (Douglas West);
Mr R A Ronan (Castletown); Hon. G D Cregeen (Malew and Santon);
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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House of Keys

The House met at 10.00 a.m.

[MR SPEAKER *in the Chair*]

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

5 **Members:** Good morning, Mr Speaker.

The Speaker: The Chaplain will lead us in prayer.

PRAYERS

The Chaplain of the House of Keys

1. Questions for Oral Answer

CHIEF MINISTER

1.1. Commercial aircraft – Registration and licensing measures

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

If he will he consult with the Ministers, political Members and technical officers in the Departments of Infrastructure and Economic Development to bring forward appropriate measures such that –

(a) any commercial passenger aircraft and crew operating to or from the Isle of Man must comply with either the legislation in the jurisdiction of registration, or licence, or equivalent UK legislation, whichever is the more stringent, irrespective of the jurisdiction in which –

(i) the aircraft is registered;

(ii) the Air Operator's Certificate is held;

(iii) the aircraft is owned and/or controlled; and

(iv) the crew is licensed; and

(b) a confidential whistleblower hotline is established and that any complaints of irregularities and breaches of regulations are investigated on the Island immediately, as well as being passed to the jurisdiction of registration, or licence of the aircraft, crew or management?

The Speaker: Now, Hon. Members, we turn straight to the Order Paper and Item 1, Questions for Oral Answer. I call on the Hon. Member for Onchan, Mr Karran.

10 Mr Karran, please.

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

The Speaker: I call on the Chief Minister, Hon. Member for Ramsey, Mr Bell.

15 **The Chief Minister:** Mr Speaker, in relation to part (a), all commercial passenger flights to and from the Isle of Man are operated by the holder of an air operator certificate issued by a European Union member state. Currently these are the United Kingdom, the Republic of Ireland and the Czech Republic.

20 EU member states have agreed by treaty to use common aviation requirements enshrined in European legislation. All the flight operators are therefore bound by this legislation. This means that the basis of part (a) of the Question is incorrect, as the different jurisdictions are not working to different standards, but rather to a common European standard.

25 I understand that the appropriate officers from both Departments have studied the recently published final accident report carefully, and briefed their respective Ministers, who are satisfied that there are no actions required by the Isle of Man in this instance.

30 That said, if Hon. Members have further questions they wish to raise on this matter, then I will request the two Departments to hold a briefing for Hon. Members with the relevant officers present, so that all concerns can be aired and addressed. If Hon. Members have specific concerns, then they are welcome to submit written details to the Director of Civil Aviation in the first instance.

35 Turning to part (b), the question in relation to whistleblowing, there is already provision in the Employment Act 2006 which protects workers who make a disclosure on a wide range of matters, including breach of legal obligations and danger to the health and safety of individuals, from detriment or dismissal, provided the workers are not engaged in work wholly or mainly outside the Isle of Man, as clearly Isle of Man law cannot be extended to other jurisdictions, so workers who are employed by foreign air operators will be subject to and protected by the employment law of their country of employment.

40 In addition, certain aviation professionals are required by legislation to make mandatory occurrence reports, if they feel there is a potential safety concern, and there is a form available on the Aircraft Registry website for this purpose.

Thank you, Mr Speaker.

The Speaker: Mr Karran, supplementary.

45 **Mr Karran:** Would the Ard-shirveishagh not agree that the expert professionals who wrote the accident report, as far as the Cork airport crash, said that specifically, on page 139, paragraph 289, where it states that the EU regulations do not apply to the Isle of Man, which sets out its own legislation, although it may adopt UK CAA regulations, which derive from the EU regulations through its own Civil Aviation Authority?

50 Would the Ard-shirveishagh like to comment on the issue that the fact is that the jurisdiction as far as the Isle of Man is outside the EU, as far as the operation of the air operator licence?

The Speaker: Minister.

55 **The Chief Minister:** Mr Speaker, I am not familiar with that particular paragraph. I can only repeat the Answer I have given to the Question: that the responsible authorities in the Isle of Man have studied this report very carefully, the regulatory oversight for the Isle of Man is to the CAA, and the Isle of Man is bound by EU legislation.

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

Mrs Beecroft: Thank you, Mr Speaker.

With regard to part (b) of the Question and the Chief Minister's Answer, could he confirm that in fact, in early 2010, an example was sent to the Director of something that happened on

65 14th December 2009 in respect of duty periods, and one in particular of nearly 14 hours, which
was outside what this particular pilot should have been doing? Would he confirm that the
conclusions in the final report... There were 54 conclusions and four of them actually related to
tiredness and going beyond, exceeding flight and duty times. So could the Minister comment on
that?

70

The Speaker: In inviting the Minister to respond, of course, we seem to be dealing with an
individual case, on which you will almost certainly not have the details.

The Chief Minister: I do not have any of these details – these are silly questions, Mr Speaker.

75 If the Hon. Members have genuine concerns about these, they should be addressed to the
Departments which have responsibility for it, and if we had had enough notice in advance of
these questions, I could have done some research to make sure that the answers were here this
morning. (**Several Members:** Hear, hear.) (*Interjections*)

80 I really cannot comment on issues of several years ago, of which I have no involvement at all.
I just reiterate the offer I have made, Mr Speaker, in my original Answer, that if Members have
these detailed questions that they want answering – and I am not suggesting for a moment that
they are not legitimate questions – I am more than happy to lay on a presentation for Members
by the relevant officers, who can explain in more detail the specific issues raised by Members.

85 **The Speaker:** Mr Karran.

Mr Karran: Would the Ard-shirveishagh not agree that to try and make out that where there
have been fatalities, this issue is a silly question belittles the whole seriousness of the situation?

90 Does he not agree that the fact is that what we need to know is: is there an effective,
efficient way of whistleblowing when people have concerns, when issues were using the Island
for air hours that were seen as excessive, if it was a UK operator?

The Speaker: Chief Minister.

95 **The Chief Minister:** Mr Speaker, I am not belittling the Question. The point I am making is
there are obscure issues, which I have not had any foreknowledge of the questions, otherwise I
could have researched the answer. To go back in time, looking for specific details of the nature
the Hon. Member asked for, needs some time to research. I do not have that answer here.

100 But I would just repeat again, if Members have these specific concerns, please contact me
and we will arrange a presentation.

The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

105 Would the Chief Minister reconsider his remarks about them being silly questions,
particularly given that he was Minister for Economic Development at the time that this
particular issue was submitted to his Director of Aviation, and he was questioned about it at the
time? I am surprised his memory is that bad.

110 **The Speaker:** Chief Minister.

The Chief Minister: Sadly it is, Mr Speaker. (*Interjections*)

I repeat to the Hon. Member, I am not demeaning the question. I am demeaning the way it
was... I am commenting on the way it was presented.

115 If we had some foreknowledge of these questions, I could research the detail. This is a very
sensitive and very important issue, which I know a lot of people are very concerned about. It is

important that the answers that are given are accurate, and unless I can get some advance warning of these questions, it is difficult to give a specific answer, without having that knowledge which is given to me by the professionals we employ to review these situations.

120

The Speaker: Final supplementary, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Ard-shirveishagh not agree that, yes, we are all on, or should be on, the same side as far as anything to do with the Isle of Man is concerned, but would he not agree that the likes of the issue of the whistleblower actually being ignored making representations (**Mrs Beecroft:** Yes.) needs to be made sure that it does not happen again? Have the recommendations and the recognition of that, from the independent safety report, been taken on board by the Department, as far as that issue is concerned?

125
130
130 Would the Minister not agree that the problem is with individual Members that we cannot have the nice little chats that the likes of the other Member that was responsible, as far as the other side of civil aviation is concerned on this issue, and that what we want to make sure is that we do not slur the Island, as far as this important issue is concerned? But it *needs* to be addressed.

135 **The Speaker:** Chief Minister.

The Chief Minister: Mr Speaker, I have no idea what the Hon. Member is talking about, when he is talking about 'nice little chats'. I do not know what he implies –

140 **Mr Karran:** The Minister for Infrastructure –

The Speaker: Hon. Member.

Mr Karran: – was on about it at the time – Mr Gawne, *accusing me. (Interjections and laughter)*

145

The Speaker: Hon. Member, the Chief Minister has the floor.

The Chief Minister: Mr Speaker, this is an extremely serious issue. Lives have been lost as a result of this particular accident, and every effort has been made to identify any shortcomings in the various processes around that. We do not take this subject lightly at all. There are no 'nice little chats', there are no behind-the-scenes chats –

150

Mrs Beecroft: And no silly questions.

155

The Chief Minister: And there are no silly questions (**Mrs Beecroft:** Yes.) – except the method it is carried out by. (**A Member:** Tut-tut!)

Mr Speaker, I understand Members' concerns about this. The report has been thoroughly studied by all our professionals that we pay high salaries for to review. We have had a response from those professionals, and they have given the answer that we have.

160

I can only reiterate once again, rather than trying to make a headline here today, it would be much more effective if we really want to ensure an effective response to this if Members are concerned about that, to either meet the professionals on a one-to-one or have a presentation from the Departments, which can give Members the absolute assurance that they need and more specific answers to some of the complicated questions. I do not have access to every page of the report from the Irish authorities that carried out this original review, but my Government officers *have* reviewed this and are comfortable with the recommendations.

165

170 **The Speaker:** We move to Question 2, Hon. Member for Douglas South, Mrs Beecroft.

Mr Gawne: Mr Speaker, I have been trying to catch your eye.

Mr Cretney: Hear, hear.

175 **The Speaker:** I beg your pardon. Do you have a supplementary?

Mr Quirk: Point of order.

Mrs Cannell: Point of order then.

180

Mr Gawne: I am rather concerned that the Hon. Member Onchan is suggesting that I was doing things inappropriately when I was Infrastructure Minister. *(Interjection)* What I asked was if the Hon. Member for Onchan wished to find out more, he could come in and talk to us and we could explain all the issues, and if he still had questions he could then ask them in a parliamentary setting.

185

The way in which the Hon. Member for Onchan has portrayed the past, *(Interjection by Mr Karran)* I believe is wholly out of order, and I would ask you to rule on the matter.

Mrs Cannell: Point of order. *(Interjections)*

190

The Speaker: Hon. Member, we are in Question Time. That is not a question.

Mr Gawne: No, but it is a point of order.

195

Mr Cretney: Somebody just abused him. *(Interjections)*

Mrs Cannell: He did not say point of order then.

The Speaker: I would hope Hon. Members would respect the fact that we are in Question Time. If the Hon. Member wishes to make a personal statement, he can apply to do so in the normal manner.

200

Mr Gawne: So you are not ruling on the matter?

TREASURY

1.2. Pinewood Film Advisors – Films made since becoming Media Development Fund managers

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

How many films have been made since Pinewood Film Advisors became the managers of the Media Development Fund; and how much has been invested in each of the films?

The Speaker: Question 2, Hon. Member, Mrs Beecroft.

205

Mr Cretney: Hear, hear. *(Interjections)*

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

210

The Speaker: The Minister for the Treasury, Mr Teare.

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

215 Since the transfer of the Media Development Fund to Pinewood Film Advisors in October 2012, Treasury have approved four projects in film production and invested, in aggregate, £7,801,000.

This is slightly ahead of our original expectation of two films per annum, as quoted in our original proposal. The policy is to invest in a slate of films, and each film should be considered as part of our portfolio.

220 Hon. Members will appreciate that the individual investment made in each film is a matter of commercial confidentiality, given the very nature of the business, the interests of the co-investors and the prospective future return we would expect to generate from our investments.

Thank you, Mr Speaker.

225 **The Speaker:** Mrs Beecroft, supplementary.

Mrs Beecroft: Thank you, Mr Speaker.

230 Could the Treasury Minister confirm why he cannot give us a breakdown of the amounts that have been invested in each film, because of commercial confidentiality, when the previous Treasury Minister could, when the funds were under the management of CinemaNX?

And could the Treasury Minister further confirm what parameters, what targets, what objectives – or anything else he might care to name – has he put in place for Pinewood Film Advisors in respect of these films to know whether they have actually been a success or not? How can he measure that?

235 Thank you.

The Speaker: Minister to reply.

240 **The Minister:** I would remind the Hon. Member who has just resumed her seat, that the original film proposal was done through a different structure. We are now dealing with a plc and there are other co-investors in these films with us, whereas before, that was not normally the case.

245 So therefore there are commercial sensitivities here and I am not prepared to announce the... or to give details of the investments in each individual film. As I said in my original Answer, this is part of a slate of films.

As to what targets were agreed, those targets have been dealt with before. They were in the original proposals presented and agreed to in another place in June 2012, and it has also been subject to parliamentary Questions, which I dealt with at that time, sir.

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

Mrs Cannell: Thank you, Mr Speaker.

255 Whilst there might be some commercial sensitivity, given the set-up with the Pinewood Film Advisors, does the Minister not acknowledge that in fact there is a great deal of public money – Isle of Man public money – that is invested in this set-up; so at the very least, will he give assurance to the House this morning that we are beginning to make money on this and it is successful? If he can give us an idea of how much, that would be wonderful too, but will he appreciate that this is public money invested in this and we need to be assured that it is working and well invested?

The Speaker: Minister to reply.

260

The Minister: Yes, I do appreciate it is public money. As I said before, there is a slate of films that we have invested in. Most of these films are in what they call 'post-production', so the final version of the film is currently being prepared, edited etc, before it can be distributed.

265 We have issued... I think it is *Camera Trap* and also *Christmas Candle*. They are part of an overall slate of films and, as far as we are concerned, the investment is working as we anticipated.

What I would remind Hon. Members of is that this was part of a programme where we would invest in Pinewood as well – Pinewood Shepperton plc. The notional profit on the shareholding is already in excess of what we have invested.

270

Mrs Cannell: Which is?

The Speaker: Mrs Beecroft.

275

The Chief Minister: £12 million. You know how much we invested.

Mrs Beecroft: Thank you, Mr Speaker.

280 The Treasury Minister mentioned *Camera Trap* and *Christmas Candle*. Could he just clarify what the other two films are; and could he clarify – (*Interjection*) Because I am really not sure where this confidentiality comes into it. I am not asking for the co-investors' sums to be disclosed; I am asking for taxpayers', the Manx people's money to be disclosed... how much we got in these films.

285

Mr Henderson: Hear, hear.

The Minister: In addition to *Camera Trap* and *Christmas Candle*, we have *Our Robot Overlords* and *Pressure*. Those are the ones that were dealt with.

290

Mrs Cannell: So you have got four.

Mrs Beecroft: He is not answering the other bit.

The Speaker: Mrs Beecroft.

295

Mrs Beecroft: Thank you, Mr Speaker.

Could I ask the Treasury Minister once again to clarify why Manx taxpayers' money is subject to confidentiality? I am not asking for the co-investors' funds to be disclosed.

300

The Speaker: Minister to reply.

The Minister: I am not prepared to give details of the investments in each individual film. We have to respect commercial confidentiality and I am not prepared to break commercial confidentiality.

305 This investment has worked, and I feel (*Interjection by Mrs Beecroft*) that it has been a very good diversification for the economy of the Isle of Man.

If I could just remind the Hon. Member that she and her colleague in the Liberal Vannin Party, in another place, voted against diversifying the economy (**Mrs Beecroft:** Rubbish!) and they also voted against (**Mrs Beecroft:** Rubbish!) job opportunities for our young people.

310

Mrs Beecroft: Oh, Mr Speaker! (*Interjections*)

Mr Karran: Vainstyr Loayreyder, before we are reduced to a playground, (*Interjections*) would the Minister not agree, with the experience of being nearly 29 years in this Hon. House, that generally, when Ministers are hiding behind confidentiality, they have got something to hide? (*Interjections*)

315

The Speaker: I regard that as a comment and certainly not a question.

Mr Shimmin: An allegation.

320

The Speaker: I will take a final supplementary, Mrs Beecroft.

Mr Cretney: It's alright for him.

Mrs Beecroft: Thank you, Mr Speaker.

325

Given the restrictions of commercial confidentiality in all of this, the Treasury Minister has just stated it has worked. How can he demonstrate to us that it has worked? What return has there been?

330

The Minister: I am delighted to say, as I said in an earlier supplementary, that the notional profit on the shareholding exceeds the investment in the films, so –

Mrs Beecroft: That has nothing to do with the investment –

The Minister: – what part of 'working' doesn't she understand?

335

Mr Karran: She understands accountancy, while you don't!

Mrs Beecroft: Mr Speaker, point of order.

340

Mr Henderson: Question.

The Speaker: What is the point of order?

345

Mrs Beecroft: A point of order that my question has nothing to do with the investment in the share purchase, which is what the Treasury Minister is now referring to, thereby dodging my question.

Mr Karran: Absolutely.

350

The Minister: Can I clarify that, please?

Mrs Beecroft: Okay.

355

The Speaker: It is not a point of order. The Minister answers your question... (**A Member:** Absolutely.) (**Mr Cretney:** Hear, hear.)

Mr Karran: You're not going to expect them to actually tell you what the facts are.

360

The Speaker: The purpose of Question Time is to pose questions and receive answers. (**Mrs Beecroft:** Yes.) Do you have a further supplementary question? If you have, I shall let you pose it.

Mrs Beecroft: Thank you, Mr Speaker.

365 Would the Treasury Minister not get side-tracked with answers on the investment, the share purchase – which I have not asked? Would he clarify how he can make the statement that the investment in films has worked – which he just did – and could he clarify how it has worked, what the return has been, what we have earned on that; not the investment?

370 **The Minister:** I just advise the Hon. Member who has resumed her seat to try and keep her blood pressure down, because there are lots of strains on the Health Service as it is at the moment.

375 **Mrs Cannell:** Point of order, Mr Speaker. *(Interjections)* There are an awful lot of personal accusations, innuendos and insults against backbenchers; and please, sir, would you rule on this?

The Chief Minister: LibVan should withdraw them, then.

380 **Mr Gawne:** The other way round.

The Speaker: Hon. Member, the Minister is entitled to reply as he wishes, in accordance with Standing Orders.

385 **Mr Karran:** If he's cornered, he cannot... *[Inaudible]*

The Speaker: The Standing Orders require that an answer... any statement for whose accuracy the Member asking it must accept personal responsibility. Minister.

390 **Mrs Cannell:** Don't accuse people of having high blood pressure.

The Minister: Thank you, sir.

395 Could I just refresh the Hon. Member's memory? When this proposal was brought forward, it was in a document presented to another place in June 2012 and the investment in the company and the investment in the films was part of an overall strategy – and that, I would suggest, is working well.

The Speaker: Hon. Member for Michael.

400 **Mr Cannan:** Thank you very much, Mr Speaker.

Listening to the responses, isn't it time for a bit of honesty in the House at the moment, **(Mrs Cannell and Mrs Beecroft: Hear, hear.)** for the Treasury Minister to admit that this investment in films is entirely inappropriate for the current circumstances that we find ourselves in? Doesn't he agree that the money would be far better spent investing in sport, tourism, leisure, or even infrastructure, where we can seek direct returns **(Mrs Cannell: Hear, hear.)** for the people of this Island and we could have benefits that would be long-lasting, rather than just short term? **(Mrs Cannell: Hear, hear.)**

410 **The Speaker:** Reply, sir.

The Minister: I do not agree. I did not mention anywhere that this investment was entirely inappropriate: that is far from the case. It was agreed by another place in June 2012, and I have to say I am very pleased that we did not listen to the siren voices at that time who were encouraging us to consider other proposals. One of those proposals was featured on the front

415 page of *The Times* in June 2012 and is subject to investigations, as I understand it, by the Inland Revenue – so we certainly avoided that one, Mr Speaker.

The Speaker: Mrs Beecroft, a final supplementary.

420 **Mrs Beecroft:** Thank you, Mr Speaker.

Just a point of clarification, actually, if I may. I would like to thank the Treasury Minister for being so concerned about my health, but I assure him, and all Members and anybody of the public listening to him, that my GP has confirmed that I have the blood pressure of a teenager. (**Several Members:** Ooh!) So he has no need to concern himself.

HEALTH

1.3. Francis Report – Working group's report

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

When he expects the committee reviewing the Francis Report to produce their report; and when this report will be available to Tynwald Members?

425 **The Speaker:** We move to Question 3. Hon. Member for Douglas South, Mrs Beecroft.

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

430 **The Speaker:** Minister for Health, Mr Anderson.

The Minister for Health (Mr Anderson): Mr Speaker, the Department issued the report of the working group that reviewed the Francis Report on Thursday, 6th February, together with an accompanying press release. Tynwald Members were sent an electronic link to the report, which
435 is available online, on the afternoon of the same date.

The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.
440 Could the Minister confirm that the report has been made available and that the West Midlands Review team have knowledge of it and it is available to them? Will they be able to incorporate the findings of that report into their own?

The Speaker: Reply, sir.

445 **The Minister:** I have already stated it is publicly on a website and we can quite easily direct the West Midlands Review to have a look at it to see if there is anything that marries up with their recommendations.

450 **The Speaker:** Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

455 Would the Minister just confirm that he will direct them to that? I would just hate an excuse at the end of the day that it was out of time or they had produced their draft report before it was issued, or something like that. So would he give an undertaking to direct them to that report and that they can include it in their review?

The Speaker: Mr Anderson.

460 **The Minister:** Mr Speaker, I am very happy to direct them to the report.

Mrs Beecroft: Thank you.

ECONOMIC DEVELOPMENT

1.4. Isle of Man Airport – Unannounced ramp inspections

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

How many unannounced ramp inspections were carried out at the Isle of Man Airport on commercial passenger aircraft in each of the calendar years 2009 to 2013; and for each year, how many were -

(a) as a result of information received from official sources;

(b) as a result of information from whistleblowers; and

(c) carried out at random; and

in how many cases were irregularities discovered; and if he will categorise them?

The Speaker: Question 4. Hon. Member, Mrs Beecroft.

465 **Mrs Beecroft:** I ask the Question standing in my name, Mr Speaker.

The Speaker: Minister for Economic Development, Mr Shimmin.

The Minister for Economic Development (Mr Shimmin): Thank you, Mr Speaker.

470 For clarification, the Department of Infrastructure and the Isle of Man Airport do not have any responsibility to conduct ramp inspections on visiting aircraft. It is the Department of Economic Development's Civil Aviation Administration who conduct periodic oversight of foreign commercial aircraft visiting the Isle of Man.

475 In 2009, there were two unannounced ramp inspections at Ronaldsway, with no irregularities. In the same year, there was another visit to Ronaldsway after a complaint from a passenger. The finding was not considered to be an immediate safety issue.

There were no ramp inspections from 2010 to 2013, and there was no information received during that period from any source that would have warranted a ramp inspection.

480 The principal source of information received from official sources is the EU Safety Assessment of Foreign Aircraft (SAFA) reports, which are contained in a central database. This database contains reports from all 29 EU member states on unannounced ramp inspections. After studying reports relating to operators that visit Ronaldsway Airport, the Isle of Man CAA could make its own ramp inspection, if warranted. I understand that the Isle of Man CAA has conducted reviews of the relevant reports and found no matters that would have warranted a
485 ramp inspection.

The Speaker: Mrs Beecroft, a supplementary.

Mrs Beecroft: Thank you, Mr Speaker.

490 Could the Minister just clarify what an unannounced random inspection can actually cover –
what areas can they inspect and what can they cover; and if there have not been any since 2009,
how can the Minister be sure that everything is alright when the planes are leaving here?

The Speaker: Minister.

495 **The Minister:** Firstly, Mr Speaker, I will arrange for all Members to have circulated what is
included in an unannounced ramp inspection. I am not a specialist in this area, as indeed the
Chief Minister has been reporting before; therefore I will check with the Isle of Man CAA to
ensure that all information provided is accurate in such a sensitive and important area.

500 With regard to the safety assessment of visiting foreign aircraft, I did point out that the Isle of
Man CAA has conducted reviews of all the relevant reports and found no matters that would
have warranted the inspection. Therefore, it is not as if these planes are not being inspected.
The reports on those inspections are being monitored by our own people on the Isle of Man
from those 29 European countries.

505 It also is worth pointing out that that database contains reports from the inspections of
British Airways, Flybe, easyJet, Aer Lingus and Van Air Europe, who are the operators of the
Citywing arm of the ticket sellers.

The Speaker: Mrs Beecroft, a final supplementary.

510 **Mrs Beecroft:** Thank you, Mr Speaker.

Again, it is not actually a supplementary. I would just like to thank the Minister for his
response and for volunteering to circulate information that he did not have to hand.

Thank you.

515 **Mrs Cannell:** Hear, hear. That's the way to do it, Chief Minister.

1.5. Cork air crash – Subsequent changes to air safety policy

The Hon. Member for Onchan (Mr Karran) to ask the Minister for Economic Development:

*(a) What changes in policy his Department has implemented with regard to improving the
safety of commercial passenger aircraft operating to and from the Isle of Man since the crash
at Cork Airport on 10th February 2011 and the publication of the preliminary accident report
on 16th March 2011; and*

*(b) what further changes in policy his Department intends to implement as a result of the
contents of the final accident report into this incident, published on 28th January 2014?*

The Speaker: Question 6. Hon. Member for Onchan, Mr Karran.

A Member: Five.

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

The Speaker: Minister for Economic Development to reply.

The Minister for Economic Development (Mr Shimmin): Mr Speaker, may I take this opportunity to express sincere condolences to the families of those who lost their lives in the accident and deepest sympathy to those injured or adversely affected by the accident.

The aircraft concerned was regulated by the Spanish National Aviation Authority and was in Irish air space, having flown from the United Kingdom. The aircraft and its Spanish operator conducted flights in the United Kingdom and other EU member states.

The Irish Air Accident Investigation Unit investigated the accident over a period of almost three years. My Department has studied the report carefully. In our view it is a very good report, which identifies the probable cause of the accident, identifies the contributory causes, explains the oversight responsibilities and explains the relevant international aspects of civil aviation. The report does not contain any safety recommendations made to the Isle of Man, which should not be surprising as none of the contributory causes identified involve the Isle of Man or the ticket seller.

As a result, my Department has not made any changes in policy as a result of either the preliminary or the final accident reports into the Cork air accident on 10th February 2011.

The Speaker: Mr Karran.
Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

Whilst the report did not actually mention any areas of safety that were specific to the Isle of Man, would the Minister not acknowledge that it did, inasmuch as the structure was concerned, under the heading 'Intra-Community Air Service', where it says:

'Neither the Ticket Seller nor the Owner had any accountability under these Regulations, as neither held either an Operating Licence or an Air Operator Certificate.'

And in the final conclusions, from 43 to 47... Would the Minister confirm that he has actually read these conclusions and that he is satisfied that nothing actually needs to be done about the structure, rather than the specific recommendations on safety?

The Speaker: Minister to reply.

The Minister: Mr Speaker, it is really only the conclusions that I have read; I have not read the entire report. However, I am confident that the elements of questioning the Hon. Member has made are being picked up by my officer sitting in the gallery, and we will give a response – once again, from the professional people – to those points, so that I am not ad-libbing on the floor of the House of Keys.

I would put on record my appreciation of the Director of Isle of Man CAA, Mr Hartley Elder, who yesterday – sadly for us, but happily for him – handed in his resignation and will be moving to the south of England. But I do put on record at this opportunity my thanks for his and his team's professionalism, not just in this regard but in all matters to do with the Aircraft Registry. (**Several Members:** Hear, hear.)

We will ensure for the Hon. Member that there is a response on those specific points within a short turnaround time, Mr Speaker.

Mrs Cannell: Hear, hear.

Mrs Beecroft: Thank you.

The Speaker: Hon. Member for Middle.

Mr Quayle: Thank you, Mr Speaker.

I rise to my feet with some concern about these questions to my Minister and the Chief Minister.

575 Would the Minister agree with me that, given the seriousness of the crash at Cork Airport and the tragic loss of life, I would have thought it imperative that any Member of this Hon. House with any concerns would visit the head of the Aircraft Registry to get his expert advice? (**Several Members:** Hear, hear.)

580 As the political Member with responsibility for the Aircraft Registry, I can vouch for the technical knowledge and experience of the team led by Mr Hartley Elder and the high standing held by our Aircraft Registry throughout the world. (**Mrs Cannell:** Question.) It is the ninth biggest in the world. We have not long –

The Speaker: Question, Hon. Member.

585 **Mr Quayle:** I am asking would he not agree with me, sir. (*Interjections*)

Also, would the Minister be surprised to learn that on at least three occasions the Hon. Member for Onchan, Mr Karran – who has raised questions and I am sure is going to hit me with a supplementary – has been invited to visit the officers of the Aircraft Registry (*Interjection by Mr Gawne*) to discuss his concerns, but has not accepted any of these invitations? (*Interjection*)
590 (**A Member:** Hear, hear.) (*Interjections*)

The Minister: I do not think there is anything there for me to reply to, Mr Speaker.

595 **The Speaker:** Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

Would the Minister agree with me that questions were actually being raised by Mr Karran before the accident? (**Mr Karran:** Hear, hear.) The questions were raised in public and we actually wanted answers in public.

600

Mr Karran: And you rubbished me then, too.

The Speaker: Reply, sir.

605 **The Minister:** Mr Speaker, I think the general comment coming out from across the floor, about 'You rubbished me then, anyway,' is unhelpful. Not everybody rubbishes him every time, and I think this persecution complex is getting a little bit old hat these days. (**A Member:** Hear, hear.)

610 However, from my point of view, the Hon. Member for South Douglas is saying that the Hon. Member was concerned about this in advance. All Hon. Members in this Court and another place are very concerned about any aspect regarding the safety and welfare of not just our people but of others. The Hon. Member for Onchan and the Member for South Douglas are appearing now to raise an issue which is extremely sensitive, and I am grateful to my colleague in Middle, who has pointed out the professional standing of our Isle of Man Aircraft Registry, which is second to none, and therefore any apparent denigration or criticism of that is unhelpful.

615 I put on record I believe that my officers have appropriately evaluated a good report to explain what happened in this tragedy, and the lessons of those countries involved and their operations will be learned. If there are lessons for the Isle of Man to learn, I pointed out that we will revisit those recommendations 43 to 47 in order to see if there is anything that we would tweak in our own policies of doing it.

620

I think this whole conversation highlights the fact that in tragic situations we have to be extremely sensitive.

A Member: Hear, hear.

625 **The Speaker:** Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Minister not agree that it is not the issue of the Aircraft Registry we are concerned about? It is the issue of the operation of virtual airlines. That is the issue that we are worried about.

630 Is it not a fact that the issue of... whistleblowers had made representations before anything did happen and it was ignored by his officers in this House?

Would he not agree that if people did not feel so insecure about the issue of parliamentary privilege not extending further than this Hon. House, we might be able to have a more open and honest dialogue outside this Hon. House when we are dealing with issues of such magnitude as this issue here?

635

The Speaker: Minister.

The Minister: Mr Speaker, I am attempting to try and retain my previous position, but when the Hon. Member once again talks about honesty... He also then talks about virtual airlines and whistleblowers as if there is something untoward in the way in which these airlines operate. That is because somebody has approached him and complained. What he calls a whistleblower, we would call a complaint about a style of operation which happens on the Isle of Man, which somebody does not like but actually is the same type of operation everywhere else – as if the Isle of Man should set itself apart from and be unapproachable to all of these airline operators... is where the misinformation comes onto this floor, which is damaging to the credibility of the Isle of Man.

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The bodies involved in the Aircraft Registry are the same as the Isle of Man Civil Aviation Authority. The qualifications and the expertise within that area have to be maintained at the very highest level; otherwise, we would not be as reputationally solid as we are.

650

If the Hon. Member has issues which are not just complaints about a style of operation somebody does not like – we could do that about a thousand things in our community – if it is to do with safety, then my officers will never ignore it. If it is to do with the structure of virtual airlines, as the Hon. Member refers to it, then let's talk about the wider operation of all airlines travelling to and from the Isle of Man, the UK and the EU – and that will be a more interesting debate. But at the moment, I would put on record that if somebody has issues regarding safety of operators coming in or out of the Isle of Man – what the Hon. Member calls whistleblowers – my officers want to know about it, because that is the highest and most important purpose for their existence – the safety of the travelling people. Therefore, we do not denigrate any aspect of whistleblowers or any official source to say we can improve safety.

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660

The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

665 The Minister previously said – and I thank him for looking at items 43 to 47... Would he have a revisit of 48 to 51 as well, please, because this is all about the structure that I was talking about. It starts off at 48:

'The Ticket Sellers marketing and operational activity was such that it was portraying itself as an airline.'

This is not a normal thing, Mr Speaker, or it would not be in the report, stated as it is. It is something that is fairly unique, that we had a virtual airline.

670 I really would implore the Minister to have another look at those areas and again let us have an update on it.

Thank you.

The Speaker: Minister.

675 **The Minister:** Mr Speaker, pleased to do that and I look forward to the apology from the Hon. Member for South Douglas if in actual fact the comments that she is making here are not factually correct – that this actually is a normal practice; because once again she is portrayed it as if we are doing things totally unique, differently and therefore more dangerously than elsewhere. *(Interjection)*

680 So, if I get the clarification, I hope the Hon. Member will consider the answers as well as the questions.

Two Members: Hear, hear.

Leave of absence granted

685 **The Speaker:** As we move to Question 6, I just want to make clear that apologies for absence have been received from Mr Watterson, who is unwell, and therefore, for the record, I have been pleased to grant leave of absence for today's sitting.

CIVIL SERVICE COMMISSION

1.6. DEC senior management structure – Benchmarking with the UK

The Hon. Member for Douglas West (Mr Thomas) to ask the Chairman of the Civil Service Commission:

Pursuant to the statement in the House by the Minister for Education and Children on 28th January 2014, in connection with the advertised Director of Education post, what evidence he received that the Education Department's senior management structure had been reviewed and benchmarked against that of equivalent providers elsewhere in the British Isles?

The Speaker: Question 6. Hon. Member for Douglas West, Mr Thomas.

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

The Speaker: The Chairman of the Civil Service Commission, Mr Cannan.

695 **The Chairman of the Civil Service Commission (Mr Cannan):** Mr Speaker, as indicated by the Minister for Education at the sitting on 28th January, the Department of Education and Children undertook a review of the continuing need for the post of Director of Education prior to the recruitment process being initiated to fill the vacancy which will shortly arise with the retirement of the present incumbent.

700 Reviews regarding the continuing need for a post, whether Civil Service or otherwise, are conducted by the Department, Board or Office concerned, and such reviews will, as appropriate, be undertaken in the context of the strategy, policies and priorities of the individual entity, taking into account value for money and other considerations. Whether or not a Department,

705 Board or Office reviews or benchmarks its senior management structure against other relevant organisations at the time a single vacancy occurs must be a matter for the individual organisation concerned.

With regard to the specific vacancy, the Department of Education and Children, having satisfied itself of the continuing need for the role, requested that a recruitment process be initiated. As part of that process, a role description and person specification were provided and, as indicated previously by the Minister, an initial review was conducted by an officer of the Office of Human Resources with experience of job evaluation methodology to assess the extent to which, if at all, there was a requirement to subject the role to a formal evaluation by way of a JESP scoring panel prior to it being advertised.

710 As Chairman of the Civil Service Commission, I considered the outcome of this evaluation review and accepted the advice that I received, which was that the role continued to be applicable to the band 5 to 8, and thus should be advertised on that basis.

715 With regard to the specifics of the Hon. Member's Question, I can confirm that I did receive a copy of the role description prior for the post and the outcome of the review of the band applicable to the role. I did not receive any information relating to a review or benchmarking the senior management structure of the Department, and in the context of the recruitment process for a single role I would not expect to, the Department having already satisfied itself that there was a continuing need for the role.

The Speaker: Mr Thomas, a supplementary.

725 **Mr Thomas:** Thank you, Mr Speaker, and to the Chairman of the Civil Service Commission for that full Answer.

Especially in the light of revenue constraint and mushrooming pension liability, and also in the light of the modernising of ministerial government and changing Departments, is the Civil Service Commission Chairman surprised that his office is not able to review posts at all levels, including at the top of the Civil Service?

730 For instance, I have here an example from an English county council which has 40 secondary schools, 50 primary schools, four special schools, colleges of further education, social care, youth offending – and they manage that entire portfolio with just three directors, whereas we have four directors.

735 **The Speaker:** Chairman to reply.

The Chairman: Thank you, Mr Speaker.

740 Just for clarification, the Civil Service's interpretation of its role is to appoint such persons who may be necessary to be civil servants, arrange for the recruitment and training of civil servants, make all necessary promotions and transfers of civil servants in and between Departments, Boards and Offices of Government.

Fundamentally, it must be for the Board or Office or Department to decide whether its structure is applicable. I can understand to a degree where the Hon. Member is coming from here, but I would say that it is going to get very confusing if the Civil Service Commission, the Department and the Minister, the Transforming Government team and the Chief Minister all have different views on how a Department should be structured.

745 Really, the job of the Civil Service Commission is to interpret the job description and make sure that the individual is being paid fairly as a result of that interpretation of the job description. It is not the job of the Civil Service Commission to march round, requesting Departments and Ministers to review their Departments.

750 Really, it is the job of the Ministers, when they go into a Department, to satisfy themselves that the operation they see in front of them is applicable to the financial circumstances, and ultimately they are responsible to the Council of Ministers and indeed to Tynwald for whether or

755 not the size of their Department is actually relevant to the circumstances. It is not the role of the Civil Service Commission.

WATER AND SEWERAGE AUTHORITY

1.7. Peel sewerage works – Feasibility study

The Hon. Member for Douglas South (Mrs Beecroft) to ask the Chairman of the Water and Sewerage Authority:

If he will place the draft feasibility report for location of a sewerage works to serve Peel in the Tynwald Library for public inspection?

The Speaker: We turn to Question 7. Hon. Member, Mrs Beecroft.

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

The Speaker: The Chairman of the Water and Sewerage Authority, Mr Houghton.

765 **The Chairman of the Water and Sewerage Authority (Mr Houghton):** Thank you, Mr Speaker.

The feasibility study for Peel sewage treatment works is currently being undertaken and is not yet complete.

770 Flow surveys are being procured to determine the flows within the sewer systems. In parallel, biological load surveys are also being procured to determine the biochemical oxygen demand and the suspended solids content of the sewage at various locations within the catchment. It is hoped that these surveys will be able to commence later this month.

775 Tidal dispersion surveys and modelling have been procured to predict the dispersion of flow from the various outfall locations and the effect on the bathing beach. These surveys were scheduled to commence prior to Christmas. However, due to the adverse weather and storms, this work has been delayed. The tidal dispersion surveys remain weather dependent as a good weather window is required to allow the seabed monitoring equipment to be deployed. It is hoped this will be forthcoming in the next few weeks, such that the actual survey can commence.

780 Once the surveys are complete, the feasibility study report will be completed and presented to Peel Commissioners, which is now programmed for mid-June this year. If the Commissioners support the recommendations contained within the report, the report will then be placed in the Tynwald Library.

Thank you.

785 **The Speaker:** Mrs Beecroft.

Mrs Beecroft: I am going to miss the Chairman for his responses.

A Member: Does she know something we don't?

**Procedural –
Rules for supplementary questions**

790

The Speaker: Hon. Members, that brings us to the end of Questions for Oral Answer.

As we come to the end, I just wanted to make one or two points to the House. I remind Hon. Members that the rules for supplementary questions are equally valid as those laid down in Standing Orders for the Questions printed on the Order Paper. I refer Members in particular to Standing Order 3.4.2:

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‘A Question shall... contain no argument, inference, imputation, unnecessary, disparaging, abusive or ironical word;’

The point has been made during the course of Question Time that phrases such as ‘cosy chats’ have been used, questioning Members’ honesty, (**A Member:** Hear, hear.) whether in a political sense or other sense –

800

Mrs Cannell: And ‘high blood pressure’.

The Speaker: – and the word ‘rubbishing’.

805

Hon. Members, while not strictly unparliamentary, I consider that the use of this language does sail rather close to the boundary. I will not be inclined to allow what might be considered as normal political parliamentary banter back and forth actually to breach Standing Orders, so I ask Members just to reflect on that particular Standing Order as they ask and as they answer the questions.

Hon. Members, Item 2, Questions for Written Answer: there are 15 of those and the replies are being distributed.

810

2. Questions for Written Answer

CHIEF MINISTER

2.1. Sewerage – User-pay charge

The Hon. Member for Douglas West (Mr Thomas) to ask the Chief Minister:

Why sewerage was not included as a potential user-pay charge in his Keys statement on 11th June 2013?

Answer: The powers to levy the charge come from the Flood Risk Management Act 2013 which received Royal Assent in October last year.

The response to the Hon. Member's Question on 11th June 2013 clearly pointed out that it was not possible to set out a full list of all services and timetables, as work was still ongoing in relation to this complex and far reaching subject.

2.2. Government subsidy – Public Transport, Housing, Leisure, Environment

The Hon. Member for Douglas West (Mr Thomas) to ask the Chief Minister:

What levels of subsidy Government provides to Public Transport, Housing, Leisure and the Environment?

Answer: I can confirm that the figures requested are available in the 2013-14 Pink Book, which is a public record, and will also provide further details if required.

Public Transport

820 net cost - £8,241,000

The Public Transport figure includes both bus and railways.

Housing

825 Direct subsidy for Public Sector Housing is made by the Department of Social Care in the form of deficiency payments to Local Housing Authorities and loan charges for the Department of Social Care's own public sector housing stock. For the year 2012-13 the Housing Deficiency payment was £4,410,716.80, the loan charge for that year was £597,900. To date in 2013-14 we have paid out £2,745,056.77 (ignoring accruals) and the loan charge *budget* is £647,200.

830 Eligible First Time Buyers can also receive a subsidy under the House Purchase Assistance Scheme, which provides financial assistance to purchase of a property. For 2012-13 total grants paid was £354,358 and top up loans £901,979. For 2013-14 to date grants of £436,357 have been paid and top up loans £1,223,159.

835 The Department provide a limited grant aided scheme for those living in the private sector for home improvement and energy conservation measures. Total grants of £63,546.01 were paid during 2012-13, and for 2013-14 to date £40,938.03 has been paid.

In addition, the Equipment and Adaptations scheme, which is means tested, provides financial and technical assistance in the provision of specialist equipment and/or housing

840 adaptations to assist individuals to maintain independence in their own homes across both the public and private sector, £174,602.23 was paid in grants during 2012-13, £161,086.77 has been awarded during 2013-14 to date.

Leisure

Leisure net cost - £6,177,300

845 **Environment**

The Department of Environment, Food and Agriculture has a dedicated Environment Directorate which provide a wide range of services to both protect the environment from people and people from the environment. There is no direct subsidy to the environment. However, the annual revenue cost for the Environment Directorate is £410,591.

**2.3. Planning Committee minute –
Request for a copy**

The Hon. Member for Douglas West (Mr Thomas) to ask the Chief Minister:

If he will provide me in confidence a copy of the Planning Committee minute of the Council of Ministers meeting on 5th December 2013, which was referred to by the Minister of Infrastructure in Tynwald on 22nd January 2014?

850

The proceedings of the Council of Ministers are statutorily confidential under section 6(2) of the Council of Ministers Act 1990. However, the appointment of the Planning Committee is a matter of public record and the information is due to be published in the Summary of Proceedings this week.

855 I can confirm that the Summary of the Proceedings of the Council of Ministers which covers the meeting held on 5th December 2013 shows the following record:

Appointment of the Planning Committee

860 Council considered a paper and confirmed its previous appointment of the following persons to the body known and to continue to be known as the Planning Committee for the purposes of the Planning Committee's determination of planning applications under the Town and Country Planning (Development Procedure) (No 2) Order 2013 (such function having been delegated by the Minister for Infrastructure to such Planning Committee):

865	Mr Skelly MHK (Chair)	
	Mr Alexander Lawrence Ian Cottier	appointment to expire 22.11.15
	Mr David Evans	appointment to expire 22.11.15
	Mr Peter Young	appointment to expire 22.11.15
	Mr Walter Gilbey	appointment to expire 29.08.17
870	Mr Adrian Kermode	appointment to expire 29.08.17

**2.4. Freedom of Information Act –
Estimated cost of implementation**

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

If he will estimate the cost of implementing a Freedom of Information Act; and how close Government is to achieving the aims of a Freedom of Information Act, with its current regimes in place for the release of information at public request including the Data Protection Act access for information requests?

Answer: As this House was advised on 12th November 2013, given that a Freedom of Information Act is demand led, it is extremely difficult to accurately predict the cost of implementation.

875

In giving my answer, I estimated that an overall limit on the cost of implementation may be up to £500,000 per year for the initial stages, dependent upon the timescale over which preparation is undertaken. I also advised that I considered that the sum of £500,000 ought not to be exceeded within any financial year going forward.

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These estimated costs, focusing as they do on central implementation, are subject to a number of variables including how many complex requests will be received or how many may progress to an appeal stage.

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Since providing my answer, the Council of Ministers has published the draft Freedom of Information Bill 2014, consultation on which began yesterday and is scheduled to run for the next six weeks.

Being conscious of the need to balance the competing demands of openness, confidentiality and affordability, the Council of Ministers has sought to set the parameters of the statutory regime in such a way as to minimise its upfront costs.

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This balance has been achieved, for example, by proposing in the draft Bill to phase the introduction of a statutory regime, limiting its chronological scope, streamlining the review and appeals framework with a focus on informal resolution and providing a statutory right of access to residents of the Isle of Man.

The draft Bill also proposes that, in certain circumstances, the Code of Practice on Access to Information will continue to operate.

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The consultation exercise provides an opportunity for public authorities to provide feedback on the potential implications of a Freedom of Information Act, including costs, and these will be included in the impact assessment to accompany the final version of the Bill.

900

Given that access to Government information is already covered by a Code of Practice, which works well, it is anticipated that the type and range of information available under the Act will be broadly similar to what is already available to the public. The Act will alter the basis on which information can be requested and the circumstances under which it will be made available. Its proposed amendment to the statutory confidentiality of Council of Ministers proceedings for information created after 11th October 2011 is an example of such an alteration.

905

The fundamental difference is that the Act creates a legally enforceable right to access information and therefore it has to be more prescriptive than the present Code in a number of areas ranging from the requirements necessary for a request to be valid through to the review and enforcement provisions.

910

In accordance with all other freedom of information regimes, the Act (like the Code), contains exemptions from the right of access; in the Act, it is proposed that these exemptions are either absolute or qualified (the latter requiring an assessment of the public interest).

TREASURY

2.5. Balance of capital fund – Statement

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

If he will make a statement on the balance of the capital fund and capital fund commitments?

Answer: The capital fund finances our current and future capital expenditure programme. It is replenished annually from the repayment of previous borrowings by Departments and Statutory Boards.

915 Treasury can vary the amounts of these repayments by the levying of an interest charge on these borrowings. As part of the rebalancing of the revenue budget this interest charge was reduced to zero in 2010-11 and the revenue budgets of Departments reduced accordingly.

920 As a result the 2012-13 year-end balance of £52.2 million within the Capital Fund is projected to fall to close to zero by 2015-16. We will then need to ensure that the annual income of the fund at least meets its expenditure: a figure I estimate to be around £60 million. Current repayments are around £30 million per annum. To achieve the goal will require the reintroduction of interest charges, payable by Departments from their revenue budgets.

The balance between the need to rebuild the capital fund and undertake capital expenditure and the pressure on revenue budgets to accommodate the cost is one we reconsider annually and I will provide updated plans in this respect in my Budget next week.

2.6. Income from fees, charges, contributions etc – Provision for charged-for basis

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for Treasury:

What was Treasury's actual or estimated total income from fees, charges and contributions etc in (a) 2011-12 (b) 2012-13 (c) 2013-14 (d) 2014-15 and (e) 2015-16; and which additional provision is being considered to move onto a charged-for basis?

925 **Answer:**

	(a)	(b)	(c)
	2011-12	2012-13	2013-14
	(actual)	(actual)	(budget)
	£	£	£
Pension Contributions	36,967,578	33,618,602	37,500,000
Reimbursements	15,267,733	11,382,876	12,598,564
Sales of Goods and Service	43,069,786	41,470,789	44,329,140
Rental Income	14,647,464	15,319,190	14,192,601
Fees Levies And Charges	22,619,908	21,828,791	23,955,845
Other Non-Trading Income	3,469,437	3,749,420	3,478,590
Miscellaneous Income	4,510,001	5,167,966	3,828,637
Total	140,551,907	132,537,634	139,883,377

Notes:

1. The above shows Government income from all sources apart from taxation (Income Tax, National Insurance Contributions, Value Added Tax and Customs Duties) and investment income.
2. The figures include income received from or recharged to other Government bodies and from recharges to the Capital Account (for example, where the Department of Infrastructure's Operations Division undertake work on a Capital Scheme). For example, 'Reimbursements' principally relate to recharges of costs for services provided between Departments.
3. Amounts for 2011-12 and 2012-13 (question (a) and (b)) have been extracted from actual amounts posted to the Government finance system for these years.
4. Amounts for 2013-14 (question (c)) have been extracted from budgets uploaded into the Government finance system for 2013-14, as at January 2014.
5. Amounts for 2014-15 and 2015-16 are updated as part of the Government budget process and are not available for publication prior to the Government Budget being presented to Tynwald later in the month.

6. Departments, Offices and Boards are responsible for determining which services attract charges and the level of these charges. Changes to charges are submitted to Treasury and then Tynwald for approval, either due to specific statutory provisions or as part of the Government budget process.

7. The figures above exclude the non-revenue funded Statutory Boards (being the Isle of Man Post Office, Isle of Man Water and Sewerage Authority and Manx Electricity Authority) or local government income collected through Rating.

2.7. Annual tax cap – Implications of increase

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for Treasury:

How much tax revenue is likely to be generated by each increase of £5,000 in the annual tax cap; and what evidence he has that individuals would restructure their tax affairs or relocate business activities if the tax cap were to increase?

Answer: An increase of £5,000 in the tax cap amount would generate estimated additional annual revenue of £380,000 assuming that those individuals currently within the cap do not restructure their tax affairs, relocate their business activities or cease residence for Manx income tax purposes.

930 The Assessor of Income Tax cannot predict the actions of any specific individual as a consequence of any increase to the tax cap amount. Wealthy individuals always have the option of relocating to jurisdictions which can offer them attractive packages including tax capping and business development opportunities. More countries are becoming aware of the benefits of attracting wealthy individuals to their shores and against this backdrop of increasing
935 competitiveness it is vitally important that we maintain our position.

The Island's competitors' regimes equivalent to the tax cap are significantly more complex. For example, the UK tax regime allows a UK resident but not domiciled person to choose to be taxed on a remittance basis if a charge of up to £50,000 is paid. In Jersey and Guernsey the regimes are also more complicated but the figures frequently quoted for their 'caps' are
940 £125,000 and £110,000 respectively. Details of the different regimes can be found on the websites of the major accountancy practices.

Tax capped individuals make a significant contribution to our economy which extends much wider than the amount of income tax that they pay. The companies that can be readily identified as associated with tax capped individuals employ in the region of 360 staff and for the 2012-13
945 tax year paid in excess of £27.5 million in remuneration and remitted more than £2.25 million in ITIP and £4.4 million in National Insurance contributions which coupled with the tax paid by those subject to the tax cap brings a total direct benefit of £15.8 million to the exchequer. Those individuals who are not necessarily engaged in business activities they are nevertheless investing in local financial institutions and purchasing goods and services which creates and supports jobs
950 elsewhere in our economy

2.8. European Fourth Money Laundering Directive – Statement

The Hon. Member for Onchan (Mr Hall) to ask the Minister for Treasury:

What recent assessment he has made of the European Fourth Money Laundering Directive; whether it will increase or decrease transparency of company beneficial ownership; and if he will make a statement?

Answer: The Fourth EU Money Laundering Directive is designed to impose additional anti-money laundering and combating the financing of terrorism requirements and is currently still in draft form. One of the key areas addressed by the draft Directive is the matter of beneficial ownership of legal persons (companies) and arrangements (trusts) and in this regard the draft Directive has been examined in order to determine its implications in terms of transparency of company beneficial ownership.

Beneficial ownership is addressed in articles 29 and 30 of the Directive (corporate structures and legal arrangements respectively). The requirement of the Directive will be that the ultimate beneficial owners of the structures must be identified by the service provider. Moreover the identification must be made available to competent authorities and obliged entities upon request. This represents the same identification requirement as contained in the relevant Financial Action Task Force international standards (Recommendations 24 and 25).

An obliged entity is defined as persons and institutions responsible for applying anti-money laundering and combating the financing of terrorism rules. For the Island, this is any business listed in schedule 4 of the Proceeds of Crime Act 2008, but may differ across jurisdictions. Competent authorities include the tax assessor, Financial Intelligence Unit and regulatory bodies. It must be pointed out that these identification requirements are already enshrined in Manx Law and have been for a number of years. The directive as it is currently drafted does not, therefore, increase or decrease transparency from the current standard.

As part of the consultation process, the Committees of the European Union on Economic and Monetary Affairs (ECON) and Civil Liberties, Justice and Home Affairs (LIBE) provided a report to the European Commission requesting (amongst other things) that the ultimate beneficial ownership should be disclosed to a central authority and made available to competent authorities and obligated entities. This proposition is due to be debated by the European Parliament in mid-February 2014.

A representative of the Island's Financial Supervision Commission attended a meeting at HM Treasury, along with representatives of the Jersey and Guernsey Commission in April 2013 to discuss the provisions of the draft Directive. Since that time the Commission has kept a watching brief on developments in this area, particularly from the viewpoint of the Island's commitment on beneficial ownership. It is not anticipated that further action will be needed until the Directive has been finalised.

2.9. Hyder Consulting Limited – Payments made 1990-2008

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

Pursuant to his Answer to Question 2.1 on 28th January in Keys if he will list all payments to Hyder, in respect of their fees and expenses, between 1990 and 2008 broken down by amount and from which Government Department?

Details of payments to Hyder Consulting Limited during the period from 1st April 2008 to 31st December 2013 were set out in answer provided to Question 2.1 in the House of Keys on 28th January 2014.

Hyder Consulting Limited has been engaged by Government Departments over a number of years. Records are not held accessible for all payment details prior to April 2008.

INFRASTRUCTURE

**2.10. Road Traffic Regulation Act 1985 –
Income from and costs incurred**

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for Infrastructure:

What the income was or will be from Road Traffic Regulation Act 1985 fixed penalty notices in (a) 2012-13 (b) 2013-14 and (c) 2014-15; and what costs are incurred in the administration of fixed penalty notices?

Answer: Fixed Penalties are issued under the Road Traffic Regulation Act 1985, in respect of parking offences, and the Licensing and Registration of Vehicles Act 1985, in respect of vehicle offences. Fixed Penalties for offences committed under the Road Traffic Act 1985 can also be issued by the Department's Traffic Wardens who have similar enforcement powers as a Police Constable in relation to the control and regulation of traffic.

All income generated by the Department from the issue of Fixed Penalty Notices is collected by Treasury and paid into general revenue.

Information regarding the number of notices issued and income received by Treasury is given in the table below.

Year of issue	No of Tickets Issued	Income received
2013-14 to January 2014	9,783	£467,000
2012-13	10,459	£398,000

The Department cannot accurately predict income likely to be generated in the next financial year, 2014-15. However, based on income received in previous years it can be estimated that income is likely to be in the range £450,000 to £500,000. As well as enforcing parking restrictions, designed to ensure traffic flow, safety and the fair use of bays, the enforcement work undertaken helps ensure that individuals pay vehicle duty and it is probable that if less enforcement was undertaken the non-payment of vehicle duty would increase.

The Department incurs total costs of approximately £340,000 per annum to undertake this enforcement work.

**2.11. Government run car parks –
Income and costs**

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for Infrastructure:

What the (a) customer and client income and (b) costs (broken down by employee, capital finance, central support services, and other) are for each of Chester Street, Drumgold Street, Lord Street an Parade Street car parks?

Answer: The information from within the Government's accounting system for the Chester Street, Drumgold Street and Parade Street East and West car parks is detailed below. Central administration costs for these car parks are not recorded separately; however, this does not involve any significant amount of cost or time. The cost for car park attendants is not allocated

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to individual car parks and is currently all recorded against the Chester Street car park. The income is the total income from the multi storey car park complexes and includes pay and display income, contract parking income and shop rentals where applicable.

1020

Chester Street Car Park

INCOME	TOTAL	-£940,935.63	
EXPENDITURE			
Basic Pay – Whitley Council Manual Workers	£31,197.70		
Overtime – Whitley Council Manual Workers	£20,601.95		
Allowance – Whitley Council Manual Workers	£776.91		
ERNI – Whitley Council Manual Workers	£3,982.17		
Misc Award – Whitley Council Manual Workers	£651.35		
Superannuation – Whitley Council Manual Workers	£1,336.54		
Agency Staff – Admin and Clerical Staff	£2,304.22		
Agency Staff – Other Agency Staff	£9,374.01		
Building Maintenance – Cyclical	£21,568.24		
Building Maintenance – Planned	£14,418.42		
Building Maintenance – Reactive	£42,501.11		
Energy Costs – Electricity	£40,888.67		
Rates	£32,922.13		
Cleaning – Contract Cleaning	£36,584.86		
Cleaning – Window Cleaning	£870.00		
Cleaning – General Cleaning Materials	£29.50		
Pest Control – General	£39.86		
Waste Disposal – Confidential Waste	£119.40		
Waste disposal – Refuse Collection-Disposal	£1,921.81		
Printing – Ticket Printing	£3,826.60		
Services – Secure Cash Handling	£15,415.88		
Communications – Telephones – General	£672.44		
Expenses – Miscellaneous	£1,290.41		
Loan Charges	£27,000.00		
TOTAL		-£310,294.18	
SURPLUS			£630,641.45

Drumgold street complex

INCOME	TOTAL	£438,104.51	
EXPENDITURE			
Building Maintenance – Cyclical	£19,002.49		
Building Maintenance – Planned	£5,676.60		
Building Maintenance – Reactive	£12,498.81		
Energy Costs – Electricity	£37,118.38		
Rates	£8,588.31		
Cleaning – Contract Cleaning	£38,762.24		
Waste Disposal – Refuse Collection Disposal	£646.93		
Printing – Ticket Printing	£2,392.80		
Services – Secure Cash Handling	£13,327.25		
Communications – Telephone – General	£378.15		
Loan Charges	£109,600		
TOTAL		247,991.96	
SURPLUS			£190,112.55

Parade Street – East and West

INCOME	TOTAL	£382,370.46	
EXPENDITURE			
Rates	£7,311.60		
Maintenance	£21,075.93		
TOTAL		28,387.53	
SURPLUS			£353,982.93

HEALTH

**2.12. Drug price rises –
Estimated cost to NHS**

The Hon. Member for Onchan (Mr Hall) to ask the Minister for Health:

What estimate he has made of the cost to the NHS of drug price rises since September 2011; and if he make a statement?

Answer: Despite an annual inflation of approximately 3% year on year, a number of initiatives have been undertaken in past years to ensure cost-effective prescribing; during the last year, the following areas have received particular attention:

1025 **(1) GP Prescribing Initiative scheme**

The 70% generic prescribing threshold remains as pre-requisite for taking part in the Prescribing Incentive Scheme (it should be noted that more than 80% all medicines dispensed are generics yet they cost only approximately 30% of the drugs bill) This scheme includes:

- 1030 (a) Cease prescribing a number of products of limited clinical value i.e. Omacor, Icaps and similar preparation of vitamins, minerals etc. advertised for the prevention of age-related macular degeneration, glucosamine and certain multivitamin products.
- (b) To ensure that certain local guidelines for the prescribing of gluten free products and baby milks are followed.
- 1035 (c) To produce and implement a Standard Operating Procedure for repeat prescribing aimed at preventing over-ordering and thus reducing waste.

(2) Under the Medicine Management QOF element of the GP contract targets have been set for the following drug groups:

- 1040 (a) The use of angiotensin-converting enzyme inhibitors (ACE) (BNF 2.5.5.1) in preference to more expensive drugs which affect the rennin-angiotensin system (BNF 2.5.5). (Both these drugs are commonly used for hypertension).
- (b) The use of low cost statins and ezetimibe.
- 1045 (c) Antibacterials with emphasis on overall reduction in the number of prescriptions, and especially, cephalosporins and quinolones, in order to reduce antibiotic resistance and the incidence of MRSA and C.Difficile.
- (d) Non-steroidal anti-inflammatory drugs with emphasis on overall reduction of the number of prescriptions and if an NSAID is required to choose either Naproxen or Ibuprofen.
- 1050 (e) A reduction in the prescribing of hypnotics.

1055 These initiatives are being carried against a universal problem of product shortages. In recent years the number of shortages have increased as a consequence of a number of factors, including rationalisation of production sites, measures taken by manufacturers to control the market for their medicines, the growth in use of generic medicines (nationally and internationally) and price pressures. A weak Pound and strong Euro has reduced the benefits from using parallel imported products; increasing the demand for UK medicines both from UK pharmacies and internationally and making the problem of medicine shortages even more severe.

1060 In particular, the cost of some commonly used generic drugs has increased tenfold, resulting in an increased burden on the pharmaceutical budget.

A working group to look specifically at medicine waste was set up by the Primary Care Prescribing Committee and various actions from this group are currently being progressed:

- 1065
- Encouraging all GP practices to have a standard operating system for dealing with requests for repeat prescriptions, this has been further emphasised during my practice visits this summer to all GP practices.
- 1070
- Inspecting all community pharmacists' systems to ensure that they comply with both contractual and professional requirements when requesting repeat prescriptions for their patients. Ensuring that all pharmacists help patients maximise the use of their medicines by engaging them in the Medicines Usage Review Service or the New Medicine Service both of which are enhanced services under the Pharmacy Contract.
- 1075
- Working with our hospital colleagues where in-patient transfers, admissions and discharge and the use of patients' own medication can be organised to try and reduce waste and duplication of medicines.
 - The prescribing and dispensing of end of life medicines and medicines used in care homes which can result in wastage. It should be noted that this is a very sensitive area to address.
 - Incentivising pharmacists to 'not dispense' prescriptions, which has already resulted in savings.
- 1080

Despite these problems, the initiatives carried out have resulted in the drug expenditure by GPs as shown below:

Period Name	Total Items	Total Actual Expenditure	Actual Cost Per Item
Financial year 2009-2010	1,358,508	£16,949,291	£12.48
Financial year 2010-2011	1,407,354	£17,370,079	£12.34
Financial year 2011-2012	1,422,121	£16,671,469	£11.72
Financial year 2012-2013	1,440,534	£15,628,010	£10.85
Financial 2013-2014 (YTD)	Est. for full year 1,470,034	Est. for full year £15,630,559	£10.63

HOME AFFAIRS

2.13. Isle of Man Constabulary – Accreditation for crime scene investigations

The Hon. Member for Onchan (Mr Hall) to ask the Minister for Home Affairs:

Whether the Isle of Man Constabulary has been granted accreditation for standards and technical competence for crime scene investigations; if so, when the accreditation is due for renewal and reassessment; what the annual costs and charges are for (a) initial accreditation and (b) maintenance of accreditation; and if he will make a statement?

1085 **Answer:** British policing is undergoing a fundamental realignment. The creation of a College of Policing, which is likely to be granted a Royal Charter, is part of a drive to make policing a profession similar to that of nursing. The accreditation of police officers is a major first step towards this. Certain professionals, such as crime scene investigators, have been subject to

some form of an accreditation regime for some time, but the extension of this regime across the whole of policing will bring considerable challenges.

1090 The Chief Constable has met the Chief Constable who heads the new College of Policing in order to determine inter alia how the Isle of Man Constabulary can gain and maintain accreditation for its officers. Accreditation will be necessary if the Island's courts are to be satisfied as to the professional standards and competency of police officers. Dialogue is continuing in an effort to arrive at a solution that meets the Island's needs and is cost effective. Discussions will be held with the other Crown Dependencies next month to help determine a
1095 concerted approach.

As regards the specific issue of crime scene examiners, the cost of training an officer is in the region of £6,500 for the first training module, £5,500 for the second module and £2,500 for a refresher module. This total of £14,500 does not include the costs of additional training in matters such as crime scene management. The Constabulary's entire training budget for 2013-
1100 14 is £111,000.

Accreditation of crime scene investigators comes under the aegis of the College of Policing and is being reviewed. Three of the Constabulary's four crime scene investigators are accredited to the required level; one is accredited to a higher level, specialist level and arrangements will be made at an appropriate point in the future to update the accreditation of the fourth officer. It is
1105 important, though, not to consider this issue of crime scene investigator accreditation in isolation. The dialogue I referred to above will allow the Chief Constable to make informed decisions about the accreditation of all officers.

Given the fullness of my Answer, I do not intend to make a statement on this matter but would be happy to arrange for the Hon. Member to meet with the Chief Constable if this would
1110 assist or perhaps he could raise that matter through the Police Advisory Group which the Hon. Member chairs.

2.14. Lord Adebawale's Independent Commission Report – Mental Health and Policing; Assessment

The Hon. Member for Onchan (Mr Hall) to ask the Minister for Home Affairs:

What assessment he has made of the report produced in the United Kingdom by Lord Adebawale's Independent Commission on Mental Health and Policing; whether the report and recommendations can provide a useful framework for the Isle of Man Constabulary and the National Health Service; and if he will make a statement?

Answer: In his Annual Report for 2012-13 the Chief Constable made mention of the increasing demands being placed upon the Constabulary by people with mental health
1115 problems. The challenges of working with mentally ill people and ensuring that they and the wider community are protected is becoming harder for the police. The Chief Constable estimates that at least 20% of all incidents to which the police are deployed have a mental health aspect.

I believe that work is needed to ensure that better collaboration exists between the police,
1120 other criminal justice agencies and the health service. Dialogue to help achieve this is underway. The Department and the Constabulary are committed to ensuring that progress is made. The report of Lord Adebawale's Independent Commission on Mental Health and Policing is one document that will be considered as part of this work.

Given the fullness of my Answer, I do not intend to make a statement on this matter but
1125 would be happy to arrange for the Hon. Member to meet with the Chief Constable if this would

assist or perhaps he could raise that matter through the Police Advisory Group which the Hon. Member chairs.

WATER AND SEWERAGE AUTHORITY

2.15. Sewerage charge – Anticipated income and cost of sewerage function

The Hon. Member for Douglas West (Mr Thomas) to ask the Chairman of the Water and Sewerage Authority:

How much the authority (a) expects to collect from its sewerage charge and (b) needs to perform the functions to which the sewerage charge relates, in 2014-15?

Answer:

(a) The anticipated income generated by the Sewerage Charge in 2014-15 will be £2 million, less any discounts taken.

1130

(b) The cost of the sewerage function in 2014-15 is budgeted to be £9.46 million as outlined below:

1135	Pay	£2.01m
	Operating Costs	£4.00m
	Local Authority Interest	£0.17m
	Depreciation	£3.28m
	Total Costs	£9.46m

1140 The Authority will receive a Treasury Grant of £6.33 million and budgeted income from Communication Fees and other chargeable works of £0.46 million giving a total income of £6.79 million.

The Sewerage Function is therefore budgeting a trading loss on the revenue account for 2014-15 of £2.67 million.

1145

Order of the Day

3. BILL FOR SECOND READING

3.1 Healthcare Professionals Bill 2014 – Second Reading approved

The Speaker: Item 3, Bill for Second Reading. In respect of the Healthcare Professionals Bill, I call upon the Hon. Member for Douglas North, Mr Henderson, to move.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

1150 I am pleased to be able to move the Second Reading of the Healthcare Professionals Bill for the Department of Health.

The overarching purpose of the Healthcare Professionals Bill is to prescribe the manner in which certain healthcare professionals are required to be registered and for related purposes.

1155 The main aim of the Bill is to facilitate new arrangements for doctors' revalidation by, in clause 5, giving the Department the legal authority to act as a designated body in the same way as a body in the UK would, so that it can appoint responsible officers. The appointment of responsible officers to report to the General Medical Council (GMC) is a new requirement. All doctors will be linked to a responsible officer, who must make a recommendation to the GMC on the fitness to practise of each doctor every five years.

1160 For various reasons – some legislative, some contractual and some historical – the Island is inextricably linked to the United Kingdom in the area of regulating its healthcare professionals, and the Department of Health is therefore obliged to closely follow the UK if it is to be able to continue to employ the services of qualified registered healthcare professionals.

1165 In researching how best to introduce new legislation for revalidation, it was identified that the existing legislation governing the regulation of various healthcare professionals would benefit from an update. Therefore, a secondary aim of the Bill is to update and improve the legislation around the regulation of various healthcare professionals, including doctors, nurses, midwives and, of particular interest to me, chiropractors – which I have been working for the last few years to include in such legislation, and I am pleased to be able to finally see this
1170 loophole on regulation here closed – osteopaths and some other relevant professionals, to bring the Island into line with the UK.

The interpretation in clause 3 establishes that all of the various healthcare professionals covered by the Bill will be subject to the same offences, and these offences are set out in part 3 of the Bill. The offences most significantly relate to operating as a healthcare professional without being registered with the legally recognised professional body in the UK.
1175

The need for legislation to be introduced to allow doctors' revalidation is important and urgent, (**A Member:** Hear, hear.) so I hope that Members will give their support to this Bill so that it can be progressed as soon as possible.

1180 The British Medical Association (BMA), which is the representative body for most doctors in the UK, has indicated that it is happy that the Bill establishes an equivalent regulatory system to the UK, and therefore has no objections to the Bill. Also, the Isle of Man Medical Society met last night and they wish to recognise that they support the BMA's letter which fully supported this Bill.

1185 Vainstyr Loayreyder, I beg to move that the Healthcare Professionals Bill be read for the second time.

The Speaker: Hon. Member, Mr Cregeen.

Mr Cregeen: Thank you, Mr Speaker.

1190 Very pleased to second this. I think they are much needed, these amendments, and I would hope that the Hon. Member would support, in the future, the regulation of X-rays from some of these establishments, because it is of great concern to me that they do carry out X-rays and they are not reported to the Hospital, and the case where people may get overdosed on radiation is a great concern.

1195

The Speaker: Hon. Member, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

1200 I too welcome this initiative. The simple question I ask the mover of this is, regarding revalidation for any doctors pending revalidation, will there be something to indicate a doctor or a practitioner, or any other organisation involved in this, is pending revalidation; and if that takes a long time? How would a person know that your doctor or your own person is not competent at the present time?

1205 **The Speaker:** Hon. Member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

1210 I congratulate the Hon. Member for North Douglas for bringing forward this Bill this morning and for being persistent in ensuring that legislation was brought forward to regulate chiropractors and osteopaths, because I do know it has been a personal wish of his and his colleague, Mr Houghton of North Douglas, for a considerable time. So I first of all give praise to him for being persistent and willing to bring it forward to the House.

1215 My understanding at the moment is that for the doctors who are established at Noble's Hospital, and probably Ramsey Cottage Hospital, validation is undertaken by the Director of Noble's Hospital. That is my understanding. I just wonder, am I correct in that – because this legislation seems to refer to a series of professionals who will do the revalidation of all the different categories. I just wonder how, in practice, it will actually work; and are we moving from the Director being the all-powerful one at Noble's Hospital, doing all the revalidation of all the surgeons, to a much more balanced revalidation programme, and if it is actually going to cost any more money in bringing it in.

1220

Thank you.

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

1225 **Mr Singer:** Thank you, Mr Speaker.

If I can help the previous speaker, there are no doctors at Ramsey Cottage Hospital particularly attached there – other than the GPs in the practice, who obviously would have to have revalidation.

1230 Could I ask the hon. mover, in relation to clause 6, is there any evidence that people are representing themselves? Do you see them in public, representing themselves as healthcare professionals? Is there any evidence at all that this is happening?

If there is and it does happen, what are the powers for the Department to take...? And if people are found to be guilty of misrepresentation, would it be the intention to publicise these in the newspapers etc, in the press, so that the public are well aware that this is happening?

1235

The Speaker: I call on the mover to reply.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

1240 I thank all the Hon. Members who have had input into this small but important piece of legislation for Second Reading this morning.

1245 The first query was from my hon. seconder, Mr Cregeen, whom I thank for doing that. He queried about X-rays. The point of this legislation is entirely to do with the legalities of registration. It is about building the confidence of the public and raising the standard of our healthcare professionals. The query with X-rays... I know where he is coming from on this, because I too have received enquiries from members of the public with regard to establishments in the Island that call themselves healthcare clinics, or do some sort of advertising to indicate that they are doing some sort of therapeutic work and that they have access on their own premises to X-ray machines.

1250 The professional use of such items and the professional guidelines which Noble's uses is a completely different matter. However, if there was a healthcare professional who was using such a machine in a manner which breached a professional code of conduct, then it is up to a complaint to be progressed in that matter, and I would be happy to look into any such issues on that front.

1255 The legislation specifically is more to do with the registration, although it can, as a side effect, concern itself slightly with professional behaviour and where to direct a complaint to. It may be that the Hon. Member would be well advised to communicate with our radiology department on the professional code of conduct or systems that are used for X-ray and the re-use of X-ray, which are quite clear.

1260 Mr Quayle queried about revalidation and how does the public know. When the process kicks in properly, then the UK professional register is available publicly and questions can be asked of any particular practitioner – and it can be checked quite easily, which is the whole point of the thing.

1265 Mrs Cannell wanted to know – and I thank her for her kind comments, because it has been a long road to get one small clause in here and it has taken some quite considerable effort, albeit the main part of the Bill is to do with medical practitioners – will the Director become the responsible officer. The answer is that at the minute it is envisaged that the Medical Director will assume... or whoever the Medical Director is in the future will assume that role of the senior responsible officer, and he has already been away on training courses to update in this direction.

1270 I can see that it will be a big job, and as time goes on the structure will have to be incorporated within the Health Service to cope with this. I am sure there will be some assistance as regards this, and we will just have to see how the situation unfolds – but unfold it will have to.

1275 I cannot say if there will be a cost or not a cost. There possibly will be a small cost. There will certainly be an additional use of the responsible officer's time in this role, but it is something that we will have to do. We have no choice in it: we have to mirror what is happening around us, and certainly within the UK, to ensure that our medical practitioners are up to the standard that we wish and in the adjacent jurisdictions. We have to have the reciprocity there.

1280 Mr Singer specifically looked at clause 6 and the misrepresentation. The honest answer is yes, there have been misrepresentations, and I am thinking of one particular one from about six or seven years ago from one of my constituents, which started this all off in the first place. That was dealt with, it was dealt with in a court of law and it was well publicised.

1285 With the implementation of this legislation, however, it makes it very clear to anyone who wishes to access the services of a healthcare professional that they should be registered, within the UK normally, with a UK professional body, and it clearly sets out a set of guidelines so the public can be reassured that the treatment that they are receiving is actually up to the standard that they are anticipating.

As such, this Bill now recognises that for anyone who is pretending or purporting to be a healthcare professional there is a fine of £5,000.

1290 **Mrs Cannell:** No, it is not enough.

Mr Henderson: Certainly, the Department will wish to know about any such person in the future and I am sure the Department will not hesitate to bring an individual to court who is in

breach of this legislation, and I am sure that it will be very well publicised and the public will know.

1295 With that, Vainstyr Loayreyder, I thank Hon. Members for their input and ask for their support on the Second Reading.

The Speaker: Hon. Members, I put the motion that the Healthcare Professionals Bill be read for the second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
1300

**4. Leave to introduce –
Bill to abolish Legislative Council –
Motion lost**

The Hon. Member for Rushen (Mr Gawne) to move:

That leave be granted to introduce a Bill to abolish the Legislative Council; and for connected purposes.

The Speaker: We turn to Item 4, leave to introduce – the motion in the name of the Hon. Member for Rushen, Mr Gawne. I call Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

1305 I would ask Hon. Members to just do one thing, and that is listen (*Laughter*) with an open mind. I know that the vast majority of Members will have already decided how they are going to vote, and I think that is probably unfortunate, and possibly that is one of the reasons why we ought to get rid of the Legislative Council – and I will explain why as we go through.

1310 I should say, because I had not appreciated just how sensitive some of our colleagues in the Legislative Council are... I must apologise to them publicly for upsetting them. Certainly that was not my intention. This is not about personalities. I believe that the Legislative Council provides a very useful function. I believe the Members are rather excellent people – they do a fantastic job, they work hard and they are diligent – so this is not about the Members. This is about the structure.

1315 In the same way – and perhaps this is not the best of analogies, but I will use it anyway – my family grew up on a particular settee. That settee ended up getting rather ripped and battered – cats were clawing at it, children were being sick on it (*Laughter*) – and we got to the point where we decided we needed to get rid of that settee. The kids were up in arms: ‘This is terrible! This is part of our heritage – we have grown up on this settee.’ And indeed they had, and it is absolutely right. (*Interjection*) Despite what it might sound like, I am not trying to undermine the Legislative Council, but we hear about heritage and, ‘This is all about ancient traditions,’ and all this. It may well be. Our natural instinct is to protect these things, but actually we have now got a new settee and it is a far better settee. The dirty, smelly old thing which was part of our heritage has now gone to the tip and we have got a new settee – and it does a better job than the other one.
1320
1325

So, what I am saying is please listen with an open mind. Perhaps you will hear something that might encourage you to support me; but if you do not, please do not support me out of some sympathy or because there is some ancient right that we should automatically have to introduce legislation. I do not think that that is right. I do not need to waste my time if Members are not going to support this. Equally, we do not need to waste the legislative drafters’ time.
1330

So let’s just have a look at what the Legislative Council is and was. The Legislative Council had been, for much of its existence, the executive: it was the Government; it was the Council of

1335 Ministers. That is what the Legislative Council was. That is why it was formed. It was not formed for some ancient, magical, fairy-dust reason. It was formed to be the Government of the Isle of Man. It was the henchman of the Lord of Mann. That is what the Legislative Council was: the executive – the unaccountable executive, the undemocratic executive, but it was the executive.

We now have a new Council – it is called the Council of Ministers. It *is* actually accountable, despite what some people might say. (**A Member:** Government henchmen.) I am inviting comments, I am sure, as I go through with this speech, but actually the Council of Ministers is accountable, it is the executive.

1340 What some Members seem to be implying is that the House of Keys is not up to the job of scrutinising the work of the Council of Ministers and holding the Ministers to account, and we need an unelected, unaccountable body – the Legislative Council – to do that work for us.

1345 That seems a very strange turning around of events. We have had a situation where both branches were unelected: the executive branch, which was the Legislative Council; and the House of Keys, which for most of its existence has been there to question the executive – that has been the main purpose of the House of Keys.

1350 Then, in the mid-19th century, this remarkable idea came along that perhaps we should not pick who we would have as Members of the House of Keys from amongst ourselves, we should actually... and indeed an ancient relative of mine was quite adamant that this was going to be the end of the world by actually allowing the people to decide who their Members should be. But we decided to do that in the middle of the 19th century, and the House of Keys, the body which scrutinised the executive, became democratic. We, the people, decided who should sit in here and who should scrutinise the work of the executive.

1355 Gradually, over the course of the 20th century, the Legislative Council stopped being the henchman of the Lord of Mann. It gradually gained some semblance of accountability, in that at least we, as Members of the House of Keys, decided who the Members should be.

1360 So we have had this complete turning around of events now, certainly since the 1960s, where actually Legislative Council is seen to be some kind of scrutiny body, some sort of body which holds the executive to account – quite extraordinary, in terms of the overall history of the Legislative Council. The Legislative Council had always been the executive – it was the Government – and now the arguments against what I am proposing seem to be that we need an unelected, unaccountable body to help scrutinise the executive. It seems a very strange argument, to my mind.

1365 The proposal that I am putting forward is relatively simple; in fact, it is very simple. We would get rid of the Legislative Council, ideally by the next election; however, I would be open to suggestions. We could drag it out, we could have a painful farewell over several years, if that is where we want to go, if we want to make it a bit easier on Legislative Council Members. But the top and the bottom of it is that we get rid of the Legislative Council.

1370 We would introduce a new committee stage in the House of Keys. That could take up to an extra month in terms of the delivery of legislation through the Keys, but that would still be several weeks shorter than the process of having to go through the Keys and then into the Legislative Council, so it would not necessarily add to the time. It might actually reduce the time that is taken. The legislation would be thoroughly scrutinised by a scrutiny committee at that committee stage. We could use the existing structures that we have – the three Policy Review Committees of Tynwald – or we could come up with some other form of scrutiny.

1375 Legislative Council roles in Departments could be undertaken by members of the public chosen for their experience and ability, if it is felt that we need lay members in Departments. There are plenty of people out there with lots of experience, who probably do not want to spend their time sitting in the Legislative Council but could provide very valuable support for Departments, if that is what we actually feel that we need. (*Interjection by Mr Anderson*)

A Member: Totally unelected. (*Laughter*)

1385 **Mr Gawne:** Yes, totally unelected and totally not making any decisions on the future of the Isle of Man, (*Laughter*) but helping people run Departments if that is what we believe is the right thing to do, if we seem to think that these members are not up to staffing all the posts that are required.

1390 Also, the expense of servicing the Legislative Council can be transferred into servicing the committee stage, which would allow potentially for more professional advice and support in terms of scrutiny, so we would actually probably end up getting better levels of scrutiny by having this more intense committee stage.

1395 So, why now? We have just had the debate about modernising ministerial government. I believe that that is a step in the right direction. It is not the whole journey in terms of reform – we have been hearing a lot about journeys towards fairness; the Hon. Member for Glenfaba is particularly keen on this – but I believe that we will continue to simplify the way in which we run our Government, and there are likely to be even fewer roles for Members of the House of Keys in Government as the reform process continues.

1400 So we will be left with a position where we have quite a few spare Members of the House of Keys looking for things to do, but we will also have this fantastic and vitally important unelected Chamber, without which Chamber somehow the whole system of scrutiny will fall apart, according to some Members.

1405 We are also in a position – of which if Members are not aware I would be very surprised, and certainly the Treasury Minister would be disappointed – where we have a third less income. Painful decisions are being taken across the public service. However, the parliamentary side of Government expenditure appears to be largely unaffected by the massive changes that are going along elsewhere. That is not to say that parliament is not doing its bit. The Clerk of Tynwald's Office is trying to slim things down, but the scale with which parliament is slimming down is quite small compared with certainly what a number of the Departments are having to face.

1410 So my view – and I know it is not shared by the majority in here, but I do believe that I have the right to put my view (**Several Members:** Hear, hear.) – is that we do not actually need the Legislative Council. We would miss it if it was gone, but we do not actually need it.

1415 What we need is democracy – proper democracy, true democracy – where the people decide who they want to represent them. Those people do their best, and come General Election time, if the people who have been elected fail to deliver, fail to provide the services and the standards that the people expect, then new people will be elected. Why we think that we have to have this Legislative Council, where people can go and sit in their retirement, I am not entirely sure.

1420 So this is a genuine attempt. I know people love to think of cynical and underhand reasons why certain motions may be put. This is a genuine attempt to do the right thing. It is a genuine attempt to look for fairness, to look for a better system, a simplified system. We are simplifying Government, but we do not appear to have the stomach – or some of us at least do not appear to have the stomach – to simplify the parliamentary structures. I think it is probably time that we did. We have had a long history of simplification or reform of parliament over many centuries, and I do believe that we seem to have slowed down in terms of that reform. It is time we speeded up again.

1425 This is bold, perhaps a bit radical – maybe too radical for some Members – but it is a genuine attempt to do the right thing. As I said at the start, please do not waste my time or the time of the legislative drafters in supporting my leave to introduce if you have no intention of supporting this at a later stage. It is a genuine attempt to try and do the right thing.

I beg to move.

The Speaker: Hon. Member for Douglas West, Mr Thomas.

1435 **Mr Thomas:** Thank you, Mr Speaker.
I rise to second, but reserve my remarks.

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

1440 **Mr Singer:** Mr Speaker, actually, if there had not been a seconder, I would have stood up and seconded this motion but made it quite clear that I intended to vote against it, because I believe these proposals need discussing to expose the hypocrisy of the Member who has put them forward. *(Laughter)*

I am absolutely astonished at this time –

1445 **The Speaker:** Hon. Member, I ask you to withdraw (**Mr Gawne:** Hear, hear.) the accusation of hypocrisy.

Mr Singer: Under your instruction, I will do that.

1450 I am astonished that, at this time of important and game-changing restructuring of Government and the pressure on Ministers to deliver, the proposer has the time to bring forward a Private Member's Bill and the time to devote to its format and the necessary wide-ranging consultation, whilst expecting also the Attorney General's Chambers, who are under pressure to produce very important legislation at this moment, to find time to draft the Bill.

1455 I have listened to the argument put forward by the proposer and I have to say, to me, there is not a cogent and pressing reason for the Bill at all. Certainly there has not been any clear indication of the consequences of getting rid of the Legislative Council if it were to become law.

I should think that certainly if the Minister had any ideas of seeking election to the Legislative Council in the future I would doubt that there would be a climate change in here to accommodate him.

1460 One of the first things he said was that the Legislative Council produces a useful function. That is what he said – some of the first words that he said. And then he started to talk to us about the Legislative Council, if it was disbanded, and he put all his arguments around a life's trauma of all the happenings on his settee. Certainly that is hardly a case. Then he seemed to be saying the Legislative Council should go because of its previous history, not what it actually does
1465 now.

I would have understood if the Minister had come forward with proposals to increase efficiencies and reduce expenditure, with suggestions perhaps, such as to reduce the number of Members of the Legislative Council, limit their responsibility, limit their pay structure, or even reduce the number of Members in this Hon. House (**A Member:** Hear, hear.) to save money. If
1470 so, I would have been happy to allow him to bring a Bill to the House; but this proposal has, in my view, nothing to do with such principles, as I will come to shortly.

I am the only Member of this House who has experience both of the House of Keys and the Legislative Council, and I am aware, therefore, of the necessity for a revising chamber to scrutinise legislation. You cannot just do away with the Legislative Council.

1475 We have to remember that Legislative Council Members are there because they wish to closely scrutinise legislation. That is the reason they are there. It is totally different to voting Members from this Chamber onto a committee on which they might not want to go, on which they might not want to sit, and therefore you could not guarantee that there would be that close... even then of the Bills. We know, even though Bills go through this House and then go to
1480 the Legislative Council, where they do find matters that need altering... sometimes even they do not find that, so just to get rid of them is not the answer.

So I think there was a very weak argument by the proposer in seeking leave, and one has to to... / have come to the conclusion that there is a totally different reason behind this proposal coming forward at this time, and I think some others might have ideas what it might be: currying
1485 public favour for the future.

I would speak to the proposer via the Chair, and say to him: concentrate on the important matters of the day as a priority, not being the captain of a ship... leaving a ship in stormy waters

and wanting to return when the sea is calm. You are there for leadership now on the matters affecting this Government, and it suddenly does not seem to be that it is all hands on deck.

1490 I hope that Hon. Members, who rarely refuse a request to introduce a Bill... but in this case I think there is neither the sincerity, in my view, nor the belief in the Bill from the proposer himself, and I would hope that Hon. Members vote against this motion.

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

1495

Mrs Cannell: Thank you, Mr Speaker.

I think, although it is provocative to suggest that we ought to consider abolishing the Legislative Council, I actually find it, in some weird fashion, to be quite refreshing.

1500 **A Member:** Why did you stand for Legislative Council, then?

Mrs Cannell: During my time in this House, we have tried on no less than four of five occasions to reform the Legislative Council and make them publicly accountable, and each time we have failed. Each time we have failed because they like what they are doing, how they do it and where they are, and they really do not want any change and certainly do not want any interference from this House – ‘How dare they?’

1505 Honestly, if some Members had been here some years ago when we had some very sterling speakers from the Legislative Council, who defended it to the hilt and suggested how dare we even consider that they should change or be reformed or be modernised or be publicly accountable... And then we had a change of mood several years later, where... ‘Well, yes, we are prepared to be publicly accountable, but we want to be senators and we want the whole Island vote.’ Of course, that was bound to fail, wasn’t it, because that would have made them more supreme, had that worked, than the actual publicly elected people’s representatives, the House of Keys. And so it goes on, and it goes on, and it has gone on and we have not changed.

1515 I think there is one thing for sure: we have lost a third of our income. The Government are looking at the scope of what they provide with possibly the view of accommodating that loss of the third of income. Government is shrinking, the services that Government provide going forward are going to shrink, so it does beg the question... if the money is reduced, the income has reduced, the services will be reduced from what the public can expect to be publicly financed, then surely the legislator should be reduced too. So I think it is actually quite timely.

1520 What I would say is that I support it and I will support him going forward, and if he is successful after Second Reading, I would refer it to a committee of this House, (**Mr Quirk:** For examination.) because there are ramifications. The Legislative Council is so closely entwined within our parliamentary structure – we rely on it an awful lot, and a lot of that reliance we have taken for granted over the years. If we were to change it or abolish it, we would seriously have to consider a whole new structure to take account of what they have actually done over the years.

1525 An example of that: the Legislative Council the way it is, currently rolls on, whereas we will go out every five years for an election. There comes a date in election year and that is when we cease to be Members; but the Legislative Council can roll on, so Government business can roll on. It is complicated, but it is not so complicated that it cannot be undone and a new structure put in. But it is complicated, so it needs proper thought. It also needs proper public consultation, because it is a very radical move – but still I find it refreshing.

1535 I want to remind the previous speaker that when he first came into this place with me in 1996, we were members of a group of politicians who called themselves the Alliance for Progressive Government, and their policies of the time – which I still uphold, and I would hope the Hon. Member for Ramsey still upholds somewhere... is that the Legislative Council should be reformed, they should be publicly elected. The other policy – and there was a report and a Select Committee that followed – proposed a unicameral system.

1540 **Mr Singer:** I opposed that.

Mrs Cannell: The APG policy was in support of a unicameral system. The Hon. Member said he did not support that, but the rest of the group did.

1545 What the Hon. Member for Rushen is proposing sounds to me like a unicameral system, only the numbers will be greatly reduced. We would only have 24, as opposed to 32, so there would be a reduction in numbers, which conforms with the loss of income, the restructuring of Government and the scope of Government.

1550 We would need to strengthen scrutiny, because that is where a very important role is still there and alive... that if a Bill is passed, it is not that we are incompetent and cannot read... Some of us do read the legislation. I have noted others do not, but it is our primary function, as a Member of the House of Keys, to actually scrutinise legislation as we are passing it to make sure that it reflects good law for the people and that there are no mistakes in it.

1555 Occasionally, after all the readings have been completed here and it goes to the Legislative Council, the Department which is sponsoring the said Bill will suddenly realise that there is a change that is required, or something has moved, internationally, quicker than the Bill has kept pace with, and so therefore the opportunity is there for the Legislative Council to make an amendment to it. They then have to pass it back to us. We have to agree the amendment. If we do not... Going back not so very long ago, if we disagreed with their amendment, the Bill fell and that was it – it just went into the long grass. Now we have a system where, if they propose an amendment and we say no, we do not like that, the Bill is still live but it is just delayed. We have to wait a while before we can send it off for Royal Assent.

1560 Things have evolved and they have got slowly better, but *very* slowly have they moved, so I think it is refreshing to actually look at... It has never been suggested to me in my time here that we should completely abolish the Legislative Council. I have always favoured reform and making them publicly accountable, but to completely abolish them... I had never considered the thought, but I think it is one that is worthy of considering.

Mr Singer: With a unicameral system, you must have done.

1570 **Mrs Cannell:** I think it is one that is worthy of considering, so I am going to support the Hon. Member. I would not have used the words in his opening remarks about his couch, (**A Member:** That's true.) his children, vomit and cats, but I can see where he is trying to come from. He is trying to put it very simply for everybody to be able to understand: it is time to modernise, it is time to move forward, it is time to look at it now.

1575 We can always say this is not the right time: Government is up to its neck in this and the Attorney General's Chambers are swimming, trying to keep up with legislation. There will always be excuses for not doing something, but I think it would be unreasonable not to at least look at it, let it get to... give him permission to put it together, let it get to its Second Reading and then refer it to a committee of the House and take it out for public consultation.

1580 It is going to take it beyond the next General Election, so Hon. Members here who wish to be re-elected should not be worried about that; (**Mr Singer:** He is.) but it is good to have public debate on it, so I would encourage Hon. Members to give the Member support.

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

1585

Mr Hall: Thank you, Mr Speaker.

I think the case that was put forward by the Hon. Member for Rushen, Mr Gawne, was less than convincing.

1590 I think that the Hon. Member for East Douglas, Mrs Cannell, talking about how many debates have been had and that everything has failed... I think we have to ask ourselves why is that.

As I see it, one of the difficulties for reform of this is that perhaps we take the existence of the Legislative Council as a given and the flaws that go with it, and then it can either remain as an unelected composition, so to speak, or it will be directly elected – and that almost appears then to duplicate the House of Keys. I think this is one of the difficulties that we are facing here
1595 with this whole issue and how we keep going round and round in circles.

I think those who have been in power over the previous years have not ever warmed to the idea of holding a referendum on the issue, which I have previously put on record that I would be in favour of. I believe that the people of the Island, when we are talking about constitutional issues... especially that they are sovereign, and I do not think there could be a better way of
1600 sorting this whole issue out once and for all than by asking the people to decide on the future of the Legislative Council. Following years and years of never being able to actually come to a consensus or decision on the issue here, it is quite clear, it appears to me, that you never are going to reach a decision on it, and it is just going to go round in circles.

I do not think that anybody would seek to completely get rid of a particular section of the parliament, just based perhaps on, 'Well, let's just reduce the number of politicians,' or, 'We'll save a few pounds here.' I think that broadly it is outdated. I do not think it reflects modern
1605 thinking and I think the whole basis on which it was formed does not really reflect modern society.

I think that when we look at parliamentary democracy all around the world, it has moved on quite considerably; and I think that maintaining a section of the parliament, to which the
1610 Members are re-elected by the people in the House of Keys of that day, is not defensible.

When you look at the issue about the second Chamber and say, 'Well, it absolutely is crucial to democracy,' I think that is untrue, because if you go and look around the world...

For example, I think it is important to note that in all of the Scandinavian countries they have
1615 abolished their second houses, and those countries in Scandinavia have probably got the most accountable and effective political systems in the entire world. In other small successful countries, such as New Zealand... If we look at that as an example, I think New Zealand has shown that it is perfectly possible to establish the balances and the checks within a single chamber of a unicameral system of parliament. Then, if we go and look at Central and Eastern
1620 Europe, they have also decided that they do not need to have the second chamber either.

So, if the second chamber is the cornerstone of democracy, as a lot of people would argue, then why have so many democracies around the world decided they do not need one and they have done away with them?

We have got a very long-established democracy here, a lot of history. I think it is perhaps
1625 even less of a requirement and it is no more necessary here than it is in other states.

I think really the question is: do we want a parliament that is going to be fit for the 21st century? So it needs to be taken in a much wider context.

In principle, I am going to support the Hon. Member for Rushen, Mr Gawne, but it is a very complex area, it will need an incredible amount of work – and it is not simple, that is for sure.

1630 I think it is disappointing that the case that he stated was less than convincing –

Mr Anderson: He convinced you, though.

Mr Hall: – and I think perhaps he would have done a bit better... [*Inaudible*] putting it in a
1635 different way.

I think it should be taken that we should reform the entire parliament as a whole, and I think that we will do ourselves a lot of good service if we do that and make it fit for the 21st century, because I think that if you vote against the motion that is being put forward by the Hon.
1640 Member, Mr Gawne, in my view you are very much saying, 'No, we want to actually stay in the past, effectively, and we do not want to change, we do not want to reform, we do not want to make ourselves more effective, and we want to sit there.' That is not really how societies, it is

not how countries, it is not how governments are working these days, and it is not how they can work.

1645 I think if you want to run with the Minister and you will give him the support to give him the opportunity to bring something forward and then look at the detail afterwards, then we are saying, 'Well, actually, yes, we want to move our parliament, we want to change it and we want to make it fitter – we want to make it a lot more effective.'

1650 Where there is a will there is a way. It can be done, and I do think and hope that perhaps Hon. Members should just give their backing to the Minister, the Hon. Member for Rushen, and then all of the other issues... I think it will take quite a bit of time. That is how I see things, anyway.

1655 The issue about the referendum, I do think that is really a cornerstone, because otherwise I do not think... That is what will give us the strong mandate to change, and that can be done. It is there, that provision to do it, and putting it to the people to decide is the right way to go about it in this particular constitutional change.

That is all I have really got to say about it, and I will pass over to the next Member.
Thank you, Mr Speaker.

The Speaker: Hon. Member for Ramsey, Chief Minister.

1660 **The Chief Minister (Mr Bell):** Thank you, Mr Speaker. I only intend to make a couple of comments about this.

1665 I do not want to get drawn into the wider debate at this stage; other than, first of all, I would like to congratulate the Member for moving this. This is a wonderful example of a red-herring that has been dragged through the House of Keys to muddy the waters in relation to the Representation of the People Act, (**A Member:** Hear, hear.) and I congratulate him on his efforts to defend the *status quo* of three-seat constituencies.

1670 Mr Speaker, this is being presented in a very simplistic way: let's just abolish the Legislative Council; let's save £300,000 a year, or whatever the figure is, and suddenly democracy will be restored to the Isle of Man and everything in the garden will be wonderful for the future.

1675 Nothing could be further from the truth. What you are doing here, in voting for... I accept it is leave to introduce at this stage, but if you vote simply to abolish the Legislative Council, you are in fact also voting to abolish the House of Keys, because the two are totally connected and the role of the House of Keys in future will be entirely different from what it is today if this legislation goes through.

1680 So I would urge Hon. Members, before you jump in and follow what is clearly a populist issue – and in some cases a popular issue, I accept that – just stop to think of the huge amount of work and the implications, particularly the constitutional implications, of this step. This is not a baby step to reform the Legislative Council. It is a major constitutional upheaval of the governmental structure that we have enjoyed for many hundreds of years, so please be aware of that.

Mr Speaker, I do not want to go into the pros and cons of reform of Legislative Council, because everybody has their views on that, and I think most people in the Legislative Council themselves agree that some sort of reform will be appropriate in due course.

1685 The only comment I would make to Hon. Members – and it is a practical one; it is nothing to do with the pros and cons of the recommendation – is the incredible pressure at the moment that the Attorney General's office is under, and the legislative draftsmen in particular, to get very urgent and very serious legislation drafted and before this House.

1690 We know we have struggled over the last few months to get Bills here for discussion. It is because we have a shortage of legal draftsmen in the Attorney General's office. We are having incredible difficulty recruiting. The last one had to come from Australia, because there is a worldwide shortage of legal draftsmen.

1695 I know it is tradition here that we would vote to give any Member the right or the leave to
introduce whatever legislation it might be. I would just ask Hon. Members to please... In the
past, we have done that, very often in the knowledge that we are going to vote against that
legislation anyway. Be honest this time in your voting. If you do not intend to support this Bill
beyond this particular measure, please vote against it now, rather than put the extra burden on
the legislative draftsmen; because if this Bill goes forward, it is going to be a very complex Bill. It
is not just going to be a one-liner: 'We abolish Legislative Council'. It is going to take a huge
1700 amount of work in the draftsmen's division to actually put this Bill together and it will
undoubtedly hold up, or even prevent in some cases, other important legislation, which is
urgent for the greater good of the Isle of Man, getting through.

1705 So please, the request I would make, Mr Speaker: regardless of views of the wider issues, if
you do not intend to support this Bill beyond the leave to introduce, then vote against it now
and prevent even further damage further down the road in trying to get our legislative
programme through.

Mr Gawne: Hear, hear.

1710 **The Speaker:** Hon. Member for Malew and Santon, Mr Cregeen.

Mr Cregeen: Thank you, Mr Speaker.

1715 I am disappointed with the mover bringing this forward at the moment. (**A Member:**
Absolutely.) We are all very much aware of his passion towards climate change and the
environment, and he talks endlessly about climate change and what we should do about it; yet
this is a hand grenade into the political arena without much discussion in the last year or two
years.

1720 I would have thought, rather than voting this through now and then putting it to a
committee, surely the best thing to do is to actually discuss what you want to do first of all and
then bring it here. You are doing it the wrong way round. Show people what you really want,
instead of saying, 'Well, I've got this idea and I want somebody else to work it up in a committee
to see where we are going to go.' It is a bit disappointing.

1725 I would actually hope that he would withdraw it and then ask a number of Members privately
to see whether they will work with him, because as a Member who actually supported previous
legislation to review what the Legislative Council do, I think it is more beneficial to all of those if
we actually see where we are going to go, rather than just blindly accept this and say, 'I'll tell
you what, we've now got to find something to make this work.' It wastes an awful lot of people's
time and I think there are many Members, even in the Legislative Council, who will discuss this
with the Member and he will actually have something better to come to this Hon. House to
1730 discuss.

It was disappointing, given his comment, 'Well, if you are not going to support me, then you
are not supporting change.' He has taken a line from the Hon. Member for Onchan, Mr Karran,
who constantly tells us, 'I am right, and if you do not support me, you are all wrong.'

1735 I think Members want to see a review of the Legislative Council, but just by saying we are
going to abolish it is not actually fixing it. You could say it is a cheap move to try and distract
things, but I would hope he would withdraw it. I am quite willing to work with him on how we
are going to review the legislative Chamber, but his suggestions about Members of the House of
Keys working in committees... We are all very much aware of certain Members who do not pull
their weight, working in Departments. It may be alright for those people who have not put much
1740 time in to be able to work on committees, but there are a lot of people in this Hon. House who
are very dedicated to their job, and to then say we are now going to get rid of the Legislative
Council – and by the way, you will now find some additional time... The Member has got three
Members for his own Department: does he really need three Members? I know from my own

1745 Department, I was one pushing to dissolve my Department because I felt it would be better to go somewhere else. *(Interjection)* Let's look at this practically.
I would hope that he would withdraw it and come back later on.

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

1750 **Mr Skelly:** Gura mie eu, Loayreyder.
Controversial and radical – well, I would not expect anything different from my hon. friend and colleague from Rushen.

I have to say I do like his analogy of the settee and I know we have got a change of furniture coming in Rushen, so he will get some change. *(Laughter)* *(Interjection by Mr Cregeen)* I have to
1755 thank the Hon. Member for Malew and Santon for that.

It can be seen in many ways, and we have already heard that in this debate. For me, I think it is healthy to challenge the core functions of Tynwald and Government, and there is nothing wrong with that at all. In fact, it is part of the Scope of Government Report: no stone unturned; every part of Government has to be examined; is it value for money? Because that is what we
1760 are asking. We want a smaller Government.

So what the Member is asking is can we operate with a smaller number of politicians. Yes, we probably can. The public constantly criticise us, saying there are too many politicians, we are too well paid, and 'Are we getting value for money?' That is what they keep asking us. We, in this House, know we get measured every five years by the public. Of course it is very different for
1765 MLCs; we all know that.

It is unfortunate, actually, and a great shame that the Hon. Member for Michael, who put forward a motion in Tynwald just over a year ago to have a look at the political pay and reform, that aspect of Tynwald... It was a really important motion, because it would have given a fantastic opportunity – an opportunity now missed – where we would have been independently
1770 evaluated.

It has already been mentioned by several Members about the difference in service given by Members – and I say 'Members': MHKs and MLCs. We could have talked about should we be paid the same, should we have the same level of expenses, should we remove the financial incentive to work in a Department? That would have given the ultimate question: are MHKs and
1775 MLCs giving value for money? So it is unfortunate that was not supported over a year ago, because then we would have had that opportunity. I think seven MHKs supported it; no MLCs – you wonder why.

We have also had reared the age-old issue of MLCs: should they be publicly elected? There have been numerous efforts to try and bring that forward, and Mr Karran of course is working
1780 on one which we will debate in due course. However, in my view, personally, I think if that is ever realised, that is going to be more MHKs (**A Member:** Hear, hear.) effectively. Do we want more politicians? I do not think the public do – they say we have got enough.

With MLCs, I think you have to consider what is their primary function. Their primary function is revising legislation, and I very much support MHKs going in there because they do understand
1785 legislation because they have come through here – but it is about balance. You remove the Legislative Council and you have got no revision.

The Hon. Member talks of committees. Well, that effectively becomes a Legislative Council, so what is the difference? What happens to Tynwald? What happens to the role of President? Constitutional complications are what I see going forward.

1790 I have said it before: MLCs I regard as non-executives of national importance – the only difference being the compensation, to be quite frank – but when you talk of non-executives on a board, I look at the business analogy and think of the shareholders: the shareholders are the public and the public vote the board, which is the MHKs, and then the MHKs can vote for MLCs, the support, the wise independent counsel. That is very necessary, because that wise
1795 independent counsel gives us advice on strategy, it understands the financial controls that we

need to have and the extra pair of eyes. Can we rely solely on us? We have talked about mistakes – we know mistakes happen – that happen right here in this House, and not having a revising chamber... So I think it is too complicated, to be quite frank.

1800 I also need to look at what would happen if we did support this. The Member would go away, would prepare, would submit. It would then have to go to the Legislative Council. I think we know which way they would vote, so we would end up in dispute, in disagreement; and as far as I can research, that means if we last in disagreement for 18 months, we have the authority, we have the power... The power is still right here. We could send that up for Royal Assent, but that is going to require 17 Members to support. Is it realistic? Do we need to spend all that time?

1805 So, for me, to abolish I say no, to reform I say yes, and I look forward to Mr Karran bringing forward his motion so we can look at that.

Gura mie eu.

The Speaker: Hon. Member, Mr Thomas.

1810

Mr Thomas: Thank you, Mr Speaker.

I was quite surprised to hear the Chief Minister suggest that the people were wrong. People do talk sense and people are what democracy is all about.

1815 **The Chief Minister:** I did not say the people were wrong.

Mr Thomas: I thought the Hon. Member for Onchan was much more persuasive when he talked about a referendum, and I just wanted to put it on record that that is very much what I would support in conjunction with the local authority and general elections in the spring of 2016.

1820

There are a few more issues I would like to bring up. The first one is I took the chance to begin to investigate the financial basis of this legislature. In the last 25 years, since we had the current form under which we are operating, there are a couple of striking things. One of those is that the pension costs of Members have gone up by 11 times. The cost to Members has only doubled and the cost of administration has tripled, but the cost of Members' pensions has gone up by over 10 times – by 11 times. That is an issue that is now on the public record and can be investigated further.

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Another point I wanted to raise is the one which again was made very powerfully by the Hon. Member for Onchan, which is that New Zealand did not just abolish its second chamber yesterday: it abolished it in 1951, and disaster has not happened. Likewise, in our sister parliaments based on the Norse model, they were once like us, and they have stopped being like us and have gone to the unicameral... So it is not as if people like us have not reformed successfully.

1830

The other point I wanted to stress was that Mrs Cannell, the Hon. Member for East Douglas, was persuasive inasmuch as although this is not a completely new approach... For instance, Mr Quine in 1983, Mr Quine in 1988, Mr Quine in 1990, Mr Cannan in 2000, Mr Rodan in 2004, I believe, and Mr Cannan senior in 2007 have all tried to bring the idea of a single General Election to a Tynwald, a single Chamber, before; so there is plenty of debate in the past about this issue. It did not go through, for the reasons of Legislative Council not voting for it, but it is an issue that has been around, and I think it would be wonderful to actually have a published debate initiated by the process of drafting this legislation to go back to that idea of a single Chamber that has been considered for nearly 20 years.

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The other point I wanted to make is it is not only legislative drafting that is involved. As has been suggested in this debate, we need to review the role of Members – all types of Members, elected and unelected. Why couldn't the Attorney General start sitting with us to improve our scrutiny process?

1845

We also need to think about the number of politicians. Previously, it has always been proposed that we had a direct election for a 32-Member single Chamber, and I heard one of the Members of the Legislative Council e-mailing into Manx radio this morning, suggesting 16 two-Member constituencies, going back to that old idea. But another question is: do we need 24; do we need 32? Both of those numbers come from the history of this parliament of ours.

Obviously, the role of the Bishop has been mentioned, and that to me is a side issue. It is a separate issue.

So, in summary, I am fully supportive and I congratulate the Hon. Member for Rushen for bringing this motion. It is not as complex... It is not going to waste legislative drafting time. (**The Chief Minister:** Yes, it is.) Democracy is at the heart of all of this. The 1919 Constitution Act, on which all this is based, is a very simple piece of legislation. It is not going to take any time whatsoever to propose an amendment to that and to work with the public to debate these issues, so that at the General Election in 2016 we have a clear idea about what people think about parliamentary reform and how this great Tynwald of ours should look going forward.

Thank you very much, Mr Speaker.

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

Mr Karran: Vainstyr Loayreyder, I have to say that in the nearly 29 years of being in this House, I have never heard such a speech that is so *lhiam-lhiat-ish* as far as the issues concerned – with me, with thee, and not really sure where we are as far as the input for the original leave.

It does concern me that the fundamental principle is that... Outside, when we had some horrendous times where people were actually wanting to support things that would be against minorities as far as their civil rights... I fundamentally believe that we have a responsibility to give the Member, unless there is real damage or real attack on minorities, as far as the leave is concerned...

I have to say that I totally agree on part of that issue with the Chief Minister on this subject, because his input and the input from the Member for Ramsey, Mr... I do think that maybe the Member for East Douglas has hit it on the head about the 32-Member Tynwald issue.

But we have to leave that at the side, because at the end of the day we are supposed to be all Hon. Members, and the fact is that the Hon. Member for Rushen has asked for leave to do away with the Legislative Council. The only difference, I would say, is if they are not going to be elected, then there should be consideration as far as doing away with the Legislative Council, and this Bill would have been better waiting until the situation as far as my Private Member's Bill is concerned... and if it had been done then, it would have been in the much clearer position that we were in a position of no change.

I have to say that the argument about the parliamentary time... We are booked in from 10 o'clock until half past five, and we will be finished by one o'clock, (**A Member:** Hear, hear.) so the point is we cannot argue the fact that we have not got the time, (**The Chief Minister:** The drafters.) and we should have the time as far as the legislative drafting is concerned.

One of the biggest concerns I have is I get annoyed that we are always portrayed as wanting to attack Government, but the problem is the role in this House is actually to hold them to account, and unfortunately maybe we have not done a good enough job in the impossible positions that a few of those who have taken that role on over the last 20 years to stop some of the things that have happened...

I feel that the situation is that, whilst I would prefer to see reform of the Legislative Council, I feel it would be wrong of us not to give leave to introduce. There is no excuse as far as parliamentary time is concerned. What I hope will happen with other legislation that is coming in front of you... will actually recognise the fact at the moment, and I think there are a number of we parliamentarians who are deeply concerned that there seems to be far more scrutiny of primary legislation in the Upper House than there is in the Lower House. I think the point is it is the role that has gone away. It is not sexy, it is not hip, it is not the thing that will get you the

1900 real headlines, doing that, instead of handing out bucket-loads of taxpayers' money when you are part of the executive club.

The fact is Hon. Members should give leave to introduce. What are the reasons behind this Bill is up to the Hon. Member and what the reason is behind this Bill, in my opinion, is an issue maybe, but I do feel that if we do not get the Legislative Council elected by the people of the Isle of Man, then I am afraid that I would support the abolishment of the system, because I do believe that they are not performing an important role as far as the audit of the executive – they are part of the club – but what they *do* do, to be fair to them, is a very good job of scrutinising legislation.

To be fair to the Government Ministers, they work as a team – or as we say, as a party. They have a party line on primary legislation and they cannot be criticised as far as that party line on legislation is concerned – and I cannot criticise them as far as their input into the legislative process, because they are part of executive Government. If those Bills are promoted by executive Government, then they have a party line on that, and I am not denying that. If any criticism can be put at the feet... it is the rest of us, who are not part of ministerial duties, who do not scrutinise enough.

1915 So I think, Hon. Members, whilst I understand the sentiments of the Ard-shirveishagh and the Oltey son Rhumsaa, I think we should give the Hon. Member the opportunity and give leave to introduce, and let him come back with this thing – and I just hope he comes back with a more spiritual defence of why he is coming here, instead of some sort of Manxie who is trying to be *lhiam-lhiat* and does not want to upset anybody. That is with thee, with me, and really... because there was no real assertion to actually want to see this through.

1920 I do hope that the Hon. Member, if he does get leave to introduce, will not bring the Bill forward to whatever happens as far as *my* Private Member' Bill is concerned – and on that understanding, I am very happy to support the leave to introduce.

1925 Hon. Members, the spirit might not have been there as much as it should have been for leave to introduce, but it is important that the first role, when you get your writ as an Oltey Kiare-as-feed, as a Member of the House of Keys... Your primary role is primarily legislation, and if the Hon. Member wants to do something, and it is not an attack on civil liberties or is going to do a terrible job on minorities or that sort of thing, I think we have a duty to support the leave to introduce, and let's see what the Bill says.

1930 But please, Hon. Member, I hope you leave your Bill until after the passage of my Bill, whichever way. Thanks.

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

1935 **Mr Quirk:** Thank you, Mr Speaker.

Interesting, the analogies here today regarding the Legislative Council.

If I could just touch on the mover of the private legislation... regarding his sofa, normally what a person would do is try and recycle that sofa first, so I had a little bit of sympathy with him, but not a lot. I think he may be posturing. I like the Member for Ramsey, Mr Singer's little comments too – I suppose I echo them slightly.

1940 With reference to is it the right time, or what the Legislative Council do... Is it a retirement home? I do not think it is that. Okay, some of the Members are getting a bit older, but I look at why I would put a Member up to the Legislative Council, and I always exercise my vote in a conscious way to make sure of what that person would actually give to the Isle of Man, give to the parliament itself, and I do exercise that vote. Although it is in private, I do not mind that. I would not mind doing it in public because I assess that a person who wants to be a Member of this Legislative Council has to give something back to the community and the Island as a whole, and I just do not want it to be seen as a super-elected Chamber.

1950 I have supported a number of initiatives going forward for the reform of the Legislative Council, but I see it as one where there should have been an opportunity... My colleague in

1955 Onchan here, Mr Karran, does have a Bill, and I was reading it the other day, the comments that were actually made, where we are really looking at what the terms and conditions are of a Legislative Council Member, which is the role, the remuneration... Those are the sort of issues that maybe are highlighted to the public and are raised in the Island again – and it gets a headline in the paper and we look at it. It has not really been an issue for a long time.

I can see the Member's point regarding if others are suffering and the parliament is suffering, but at the end of the day, somebody has to lead out from the unfortunate times we have had in the past, and we are moving on to a new era.

1960 I want to see both Houses go forward on legislation. To me, as I have been in parliament since 2006, I have seen a better role or a better... [*Inaudible*] to the Members of the Legislative Council. I talk to all of them. There is nothing that they would not share with you or exchange with you, or give you views on the past; and they certainly do give you a steer of some of the Members who are in this particular House as well and what we should be doing.

1965 So, to that point, I am not happy to support the Member. He is wanting an indication at the beginning: would I be happy to dissolve the Legislative Council now, today? I do not think I would, so I would rather be fair to the Minister and actually tell him that.

1970 I am looking forward to whatever comes of the Bill, of which it is going to be the anniversary in June; and we have not seen anything coming forward at the minute, but we are likely to in the future, I am sure. Hopefully, it will not be too close to the election, because otherwise our Hon. Member for Onchan could be accused of electioneering at the same time as the Member for Rushen has.

So, if I could give that to the Member, that I will not be supporting the leave to introduce.

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

1975

Mrs Beecroft: Thank you, Mr Speaker.

I will be brief. There have been an awful lot of points put into the debate this morning, which are all worth considering.

1980 I do hope, when Minister Gawne says it is a simple Bill, that if he is given leave to introduce today, when he brings it back to us it actually is not that simple, because there are concerns that have been raised by Members.

1985 I will cut to the chase: my main concern is the scrutiny, not just of primarily legislation but of policy and secondary legislation. Whilst I agree that we should not have unelected people voting on our policies and secondary legislation, I do believe that we need a few more numbers than 24 if you are going to be governed by collective responsibility, which the Council of Ministers have. Plus, if there are any financial implications, you have automatically got the support of the departmental Members, and if there are any financial implications and it has gone through Treasury, you have those Members of Treasury tied with collective responsibility as well.

1990 So we do not have sufficient numbers to form any sort of scrutiny – *effective* scrutiny – as it is, with 24 of us. We struggle with 32, because it is rare that the Legislative Council go against the Council of Ministers, and if they were popularly elected it might sharpen their minds to actually think about it a bit more and perform that scrutiny process that is so important. I know people knock the scrutiny and say, 'You're just looking for things to criticise,' but it is not the case. Scrutiny is *very* important in any democratic process.

1995 I will be voting to give Mr Gawne, the Member for Rushen, leave to introduce, because my understanding is that he can be given leave but he does not actually have to introduce it if he does not think he has support, or he can introduce it with some sort of other safeguards in it.

Like my colleague who spoke just before me, I do hope he waits until after we have brought our Bill forward before he would introduce it, to take this any further.

2000 But it is the scrutiny side, it is the lack of numbers that is my biggest concern by just abolishing it.

Thank you, Mr Speaker.

The Speaker: Hon. Member for Glenfaba, Mr Anderson.

2005 **Mr Anderson:** Thank you, Mr Speaker.

I will be even briefer than the Hon. Member who has just resumed her seat.

I rise to my feet following contributions by several Members who said, on principle basically, that they would be giving the Hon. Member leave to introduce. I just wonder, when the Hon. Member responds to comments this morning, if he will make it very clear, as I think he did when he moved his motion to start with, that he would not be asking people to give leave to introduce if they are only doing that out of parliamentary privilege, and that if they have hesitation about what it actually says in his motion to abolish the Legislative Council, they will be upfront and honest and vote against this at the leave to introduce stage.

2015 **The Speaker:** Hon. Member for Peel, Mr Crookall.

Mr Crookall: Thank you, Mr Speaker.

There have been some very good points made by everybody this morning, but I think that the point that has come across more than most is that everybody would like to see some sort of reformation of the Legislative Council, but not the abolishment.

I would echo the sentiments of a few Members this morning who have asked the Minister to withdraw this motion and reconsider, and then, having discussed it with other Members, come back at some other stage maybe with an amendment to the Hon. Member for Onchan's Bill, Mr Karran. I would ask him to do that. I do believe that reformation is needed in the Legislative Council, and I would ask him to do that, sir.

The Speaker: Hon. Member for Castletown, Mr Ronan.

Mr Ronan: Thank you, Mr Speaker.

I again will be very brief. I came in here today – I will be honest with you – with an open mind. I wanted to hear what Hon. Members had to say. There has been very little lobbying on this since it came out in the paper a week ago, which is always a cause of surprise to me. If the Member had lobbied me and given me the full details and reasons for why he wanted to do it, I think I might have been more receptive to his thinking.

I would like to touch on a couple of points that have been made today. I think the Member for Onchan, Mr Hall, made some very interesting comments – the way he put about the way other houses have reformed around the world was interesting and worth... I think that had more relevance to what the mover said.

I would like to focus on what the Chief Minister said. Maybe the reason behind this is the Representation of the People Act – I do not know, but I have got my doubts for the reasons behind this, and for that reason I will not be supporting it today.

The Speaker: I call on the mover to reply. Mr Gawne.

2045 **Mr Gawne:** Gura mie eu, Loayreyder, and thank you to all Hon. Members for your contributions.

I think my colleague from Rushen, my hon. friend, suggested that radical and controversial was the order of the day – and certainly that was my intention. That actually was one of the reasons why I did not go round lobbying. I have not spent a lot of time trying to persuade people outside of this debating Chamber what the right thing to do is in my view, because I believe that occasionally, on topics, for example, like this one, we should actually debate them in here and maybe just explore some ideas and see where we go with them.

I apologise to my hon. friend for Onchan, Mr Karran, for not being robust enough in my opening remarks, and indeed that is a sentiment first expressed by the Hon. Member for

2055 Onchan, Mr Hall. I bow to their experience on getting motions through Keys and Tynwald, and perhaps if I followed their advice I would be less successful. Apologies for that, because I do try and be positive, and that was a bit cheap – apologies. (*Interjection*)

Mr Singer, Hon. Member for Ramsey, began by calling me a hypocrite, which he then withdrew. He then suggested that in some way I have not got enough time to be doing this, I should be focusing on the big picture; and then accused me of being a populist. He said that he is aware of the necessity for Legislative Council, but did not actually share his reasons for being aware of that, what the necessity was. So actually, if you read back through *Hansard*, he did not actually give any reason why this was a bad thing to do. He called me names, and that was about it.

2065 That was a theme that developed from those who oppose this particular motion. They have not actually come up with any convincing reasons why they should not support this. They have said, ‘Oh, we are far too busy,’ and ‘There are other things to do,’ and ‘This is all a distraction.’ But actually, there is no convincing reason why we need to have the Legislative Council, certainly not that I have heard. Maybe I was not listening as carefully as I should have done. (**A Member:** Probably.)

I thank Mrs Cannell for her supportive comments.

Yes, I am proposing a unicameral system – a unicameral system with fewer Members. This is a simpler thing to do than trying to go the way we have tried in the past, of looking at an expanded 32-Member Chamber. My view is that there is an argument that says that when everywhere else, across the whole public service, we are radically reducing the size and scale, we should look to do the same in our parliamentary setting. So I do believe that what I am about here is to create a unicameral system, a smaller unicameral system than has been suggested in the past.

2075 ‘Could do better – see me at the end of the lesson,’ seemed to be the general tenor of Mr Hall’s comments. I thank him though for presenting the argument in a way that I did not. That does not necessarily mean to say that I was wrong – but perhaps I was; I do not know – but yes, there is a wide range of ways in which I can present my arguments and I am very grateful to the Hon. Member for Onchan, Mr Hall, for presenting that argument.

2085 It is clear there are plenty of parliaments around the world that used to have two or possibly three chambers and they are now unicameral, and they have not collapsed: the government still goes on, the parliament still scrutinises, it works – so it can happen.

Again, the analogy I was trying to use with the old settee was really... I could have used the combustion engine – that is another good example. I am quite sure that when the combustion engine was first being introduced, people would have said, ‘Yes but think of the noise! Think of the possibility that these engine-driven carts could actually start killing people!’ Yes, they were right: we *have* got all this noise pollution, we *have* got deaths on the roads – these things are actually happening. (*Interjection by Mr Quirk*) But it is a lot better, it is a lot more efficient, it is a better system.

2095 Loads of people at loads of different crucial points in history have argued against advances, and they probably have come up with convincing arguments why the advances should not happen; (*Interjection*) but that does not mean to say that they were right. It really does not mean to say they were right.

All I am doing is suggesting that we have a constitutional equivalent of the combustion engine introduced, and Members can decide whether they agree or not. (*Interjection*)

2100 Mr Bell, Hon. Member for Ramsey, accuses the fisheries Minister of introducing red-herrings! (*Laughter*) So be it. ‘This is a major reform, and we cannot do it because we are far too busy doing an even bigger, *much* bigger major reform, in terms of Government.’ I think actually that is the reason why we *should* do this (**A Member:** Hear, hear.) at this stage. The very fact that the whole of the rest of what we are doing in Government – the *massive* reform which the Chief Minister is leading, and in my view doing a particularly good job of it... (*Laughter and interjections*) That is the very reason why we cannot ignore it in parliament.

2110 How can we possibly face the public sector unions, or whoever else it is, and say, 'Well, actually, we think you have to radically reduce the scale – you have got to work harder, you have got to do more for less – but we are just going to carry on doing things the way we have for the last 200 years.' I think that is the very reason why we do have to engage in this.

2115 Mr Cregeen, my hon. friend for Malew and Santon, is disappointed. He says the idea is too simple. Again, I would apologise if I have suggested that if Members do not support me in some way they do not like change. This is radical and controversial, as my colleague for Rushen has suggested, and perhaps I could have spent a bit more time just warming up the water a little bit so that Members did not get quite such a big shock when they dipped their toes in – but I do think it is the right thing to do. We have to start moving, we have to make some big changes.

2120 I accept the offer which was made by my hon. friend, Mr Cregeen, and indeed I think that was also made by the Hon. Member for Peel, Mr Crookall, that we can talk about this and we can discuss other options and ways in which we can do this. But I will not withdraw, obviously, because we have had the debate now. I think it would be a bit silly not to just conclude the debate and then see where we go from there.

2125 I thank my seconder, the Hon. Member for Douglas West, Mr Thomas, who again pointed out that disaster has not happened in New Zealand. The world has not collapsed in those areas where countries have chosen to go to a unicameral system: it does work, it is possible.

He also mentions the costs. I have not specifically referred to the costs because I do not want to be accused of being a populist, but £400,000 – give or take – is how much Members of the Legislative Council's salaries would be, for example, and that is without even starting to look at pension liabilities.

2130 It does not need to be complex – I think that was another point that the Hon. Member for Douglas West made.

The Hon. Member for Onchan wanted me to be more spirited and not to be a *lhiam-lhiat-ist*. I think we agree to differ on how to get motions through the Keys, and perhaps on this occasion he is right and I am wrong. I do not know – we will find out soon enough.

2135 I hope I am putting up a reasonably spirited defence now – I am certainly doing my best – but absolutely, if I am successful, I would leave my Bill until such time as the Hon. Member for Onchan's Bill has had the opportunity of being debated; and hopefully that Bill will be supported and perhaps I will not need to bring my Bill forward.

The Hon. Member for Quirk, again... (*Laughter*) The Hon. Member for Onchan –

2140 **Mr Cregeen:** Is that a new constituency?

Mr Gawne: No, it is the Hon. Member for Onchan. Apologies to the Hon. Member for Onchan, Mr Quirk. Again, I thank him for his comments and I thank him for his honesty: if that is the way he wants to go, that is fine.

2145 The Hon. Member for... not Beecroft – the Hon. Member for Douglas South, *Mrs* Beecroft, is concerned about whether we will have enough numbers. I believe that if we follow the lead that the Chief Minister is providing us with, in terms of slimming down the size of Government, then we will have fewer roles for political Members. There will be fewer jobs in Government for political Members; therefore, there will be more Members available to do the scrutiny in the House of Keys. So I would hope that she would take some reassurance from that.

2150 Mr Ronan, the Hon. Member for Castletown, suggested that I should have done a bit more lobbying. I hope that I have addressed that. I do actually think that occasionally we are better having an open debate in here, rather than fixing it all up before we get in here; and on this occasion I think this was the right thing to do.

2155 I have referred to the Hon. Member for Peel's comments, and again I am more than happy to discuss other alternatives, assuming that Members choose not to support me on this occasion.

Then we come back to the issue that, for some reason, I am doing this purely to muddy the waters. Well, okay, I will concede that perhaps the Hon. Member for Glenfaba's Bill has

2160 prompted me to start looking at some of the bigger constitutional reforms that are necessary, but I can absolutely put on record that I have supported the moves to improve the democracy in our boundaries in Tynwald. I have supported Second Reading. I have got some very helpful amendments (*Laughter*) at the clauses stage, which I hope will be supported; but if they are not, I will support him at clauses stage and I will support him at Third Reading. So there you are. Whether I have other motivations or not, I will leave that to others to decide.

2165

Mr Singer: Don't you know, then?

Mr Gawne: The top and bottom of it is I believe that now is the right time to consider some fairly radical reform of our parliamentary system. We are doing this across Government.

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I was told at a Tynwald Banquet, when I was only elected probably a year – maybe it was two years – by the Deputy Speaker of the Dáil, or one of the Deputy Speakers of the Dáil... I was talking to him about constitutional reform, and I said, 'Probably, I ought to wait a little while, because I do not know that I have got the experience and the knowledge to actually really understand the situation and come forward with meaningful change and meaningful suggestions for reform.' He waved his finger at me and he said, 'No, young man, you need to do it *now*, before you get comfortable, before you understand how that system works, because you will never make the significant changes, you will never do the big reform that is required once you have become comfortable with the system.' (*Interjection*)

2175

That was what really led me on to the settee – and apologies for finishing with the settee, but that was where I was coming from with that: we have grown comfortable with the system as it is; it is very easy for us not to change. It is very easy for us to invent some reasons, which are probably quite plausible, why we should not do this. That is the easy bit. Much harder to say, 'Actually, we do need to have this reform now – we cannot carry on running the system in the same outdated way as we have done for so many decades, if not centuries.' It is time to start living in the 21st century. I do hope that I will get support from this Hon. House.

2180

I beg to move

Mrs Cannell: Hear, hear.

2190

The Speaker: Hon. Members, the motion is that set out at Item 4 in the name of the Hon. Member for Rushen, Mr Gawne. Those in favour that leave be granted, please say aye; against, no. The noes have it.

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

FOR

Mr Hall
Mr Karran
Mr Cannan
Mr Houghton
Mr Henderson
Mrs Beecroft
Mrs Cannell
Mr Thomas
Mr Gawne

AGAINST

Mr Quirk
Mr Ronan
Mr Crookall
Mr Anderson
Mr Bell
Mr Singer
Mr Quayle
Mr Teare
Mr Cregeen
Mr Robertshaw
Mr Shimmin
Mr Cretney
Mr Skelly

2195 **The President:** There are 9 votes for and 13 against. The Chair has abstained. The motion therefore fails to carry.

HOUSE OF KEYS, TUESDAY, 11th FEBRUARY 2014

Hon. Members, that concludes the business of the House today. The House will now stand adjourned until the next sitting, which will take place at 10.30 on 18th February in the Tynwald Chamber.

The House adjourned at 12.24 p.m.