



HOUSE OF KEYS OFFICIAL REPORT

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PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 11th March 2014

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Present:

The Speaker (Hon. S C Rodan) (Garff);
Mr 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);
Hon. R H Quayle (Middle); Mr J R Houghton and Mr R W Henderson (Douglas North);
Mr D C Cretney and Mrs K J Beecroft (Douglas South);
Hon. C R Robertshaw and Mrs B J Cannell (Douglas East);
Mr C C Thomas (Douglas West);
Mr R A Ronan (Castletown); Mr G D Cregeen (Malew and Santon);
Hon. J P Watterson, Hon. L D Skelly and Hon. P A Gawne (Rushen);
with Mr R I S Phillips, Secretary of the House.

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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.

Members: Good morning, Mr Speaker.

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The Speaker: The Chaplain will lead us in prayer.

PRAYERS

The Chaplain of the House of Keys

Leave of absence granted

The Speaker: Hon. Members, I have granted leave of absence today to the Chief Minister and the Hon. Member for Douglas West, Mr Shimmin, who are off Island on Government business.

1. Commonwealth Day Message

10 **The Speaker:** Turning to our Order Paper and Item 1, I shall read a message from Her Majesty the Queen, Head of the Commonwealth:

'In July this year, the opening of the 20th Commonwealth Games will be marked by the arrival in Glasgow of the baton that started its journey from Buckingham Palace five months ago.

Many of us are following closely the news of the baton relay as it passes through the 70 countries and territories whose teams will gather for the Games. The images bring vividly to life what we mean by the Commonwealth family: it is wonderful to see the warmth, shared endeavour and goodwill as the baton is passed through the hands of many thousands of people.

Affinities of history and inheritance from the past are strong, yet we are bound together by a sense that the Commonwealth is a powerful influence of good for the future. People of all ages from different cultures are weaving an ever-growing network of links which connect us in our diversity and our common purpose. It is this unity that is expressed in this year's theme: "Team Commonwealth".

While national teams will be concentrating on the competition in August, Team Commonwealth will have a longer focus, working together to achieve a more enduring success.

Experiences of life differ widely throughout the Commonwealth, and we each make contributions from sometimes very different viewpoints. But we are committed to the same goals. Together we offer each other encouragement and draw strength from this mutual support.

The understanding that we belong together, and are able, through teamwork, to achieve far more than we could do alone, has always been at the heart of our approach. For all of us this is now captured in the Commonwealth Charter which sets out the values and principles which guide and motivate us.

This year, more children and young people are participating in Commonwealth Day celebrations. Advances in technology enable us to reach a greater number of young people in schools, on-line using the "Commonwealth Class" initiative, and through events in local communities where the Commonwealth flag is being raised.

I am delighted that in this, the year of "Team Commonwealth", we will be working to build a brighter, united future in which every one of us can play a part and share in its rewards.'

The Speaker: Thank you, Hon. Members.

2. Questions for Oral Answer

**Procedural –
Oral Question 2.8 to be answered in writing –
Written Question 3.2 withdrawn**

15 **The Speaker:** We now turn to Questions for Oral Answer.
I would ask you to note that Oral Question 8 should have been put down as a Question for
Written Answer, and therefore that will be answered in writing and not taken as an Oral
Question.
Additionally, Written Question 3.2 has been withdrawn by the mover.

CHIEF MINISTER

**2.1. Attorney General post –
Steps taken to re-advertise**

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

What action he has taken to re-advertise the post of Acting Attorney General?

20 **The Speaker:** I call on the Hon. Member for Onchan, Mr Karran, to ask Question 1.

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

25 **The Speaker:** I call on the Hon. Member for Ayre, Mr Teare, to reply.

25 **The Minister for the Treasury (Mr Teare):** Thank you, Mr Speaker.
The UK Ministry of Justice is considering recommending an extension to the appointment of
Her Majesty's Acting Attorney General to Her Majesty the Queen, pending the ongoing absence
of her Majesty's Attorney General.

30 **The Speaker:** Mr Karran.

35 **Mr Karran:** Vainstyr Loayreyder, in view of the fact that her Majesty's Acting Attorney
General was appointed for a period of a year and sworn in on 18th March 2013, and given the
opportunity to other members of the Manx bar... they need more than three months' notice if
there is to be a change as far as the person in the job as far as Acting Attorney General is
concerned. Why has the Council of Ministers not looked at dealing with this issue that way?

40 **The Speaker:** Mr Teare.

45 **The Minister:** Firstly, sir, the appointment is within the prerogative of Her Majesty the
Queen, who does work in conjunction with the Isle of Man.
It was quite clear that when the Chief Minister moved this legislation he said that it was
technically possible to extend the term of appointment. It was only the advertisement in the
press which mentioned the 12-month period.

It has been determined – for purposes of continuity and to drive forward the changes instigated in Chambers, together with the Law Officers Bill – to introduce a Solicitor General. In view of this, the appointment of the Acting Attorney General should be extended, rather than re-advertised, and also in view of the short period of notice.

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The Speaker: Vainstyr Loayreyder, would the Shirveishagh not agree that you are leaving executive Government wide open by not taking this action?

The Speaker: Mr Teare.

55

The Minister: No, I think that Government has acted entirely appropriately in the circumstances.

The hon. questioner should remember that it is only recently that the court proceedings have ceased. We could not do anything more until the outcome of the court case was known, sir.

60

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

Mrs Beecroft: Thank you, Mr Speaker.

In view of the fact that the Acting Attorney General was conflicted over a certain issue quite recently and could not provide Members with a legal opinion, does the Minister find it acceptable to just extend his period of office?

65

The Speaker: Mr Teare.

70

The Minister: I do not think that we should read anything into conflict. Because we are a small community, there will be conflicts of interest everywhere: there are conflicts of interest within this Hon. House. I do not think that the Acting Attorney General should be debarred from consideration for an extension of his term of appointment because of that. I think that he has acted professionally and he has acted to the highest standards that we would expect from somebody in his position.

75

A Member: Hear, hear.

The Speaker: The Hon. Member for Douglas North, Mr Houghton.

80

Mr Houghton: Thank you, Mr Speaker.

Notwithstanding the Minister's answers this morning, which I support wholeheartedly on the basis of the questions put to him, may I ask him why the Attorney General has not been reassigned to his duties, since all charges now have been dropped?

85

The Speaker: Mr Teare.

The Minister: I would respectfully suggest that that is outside the terms of the Question.

90

The Speaker: It is.
Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

Whilst acknowledging that we are a small place and there will inevitably be conflicts of interest arising, where there is actually a known conflict of interest before something that has been before Tynwald Court very recently, does the Minister really think that it is right to

95

continue with an extension as far as the Acting Attorney General is concerned? Would he not be better at least finding somebody who is not currently conflicted?

100 **The Speaker:** Mr Teare.

The Minister: The Acting Attorney General is a man of integrity, he is up to speed and he is introducing changes to Chambers. I think it is important for the performance of the Attorney General's Chambers that, if it is thought appropriate by Her Majesty, he is given the opportunity to continue with that very good work, sir.

105

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Minister not agree that the fact is that, whilst the question from the Hon. Member for North Douglas was out of order, it is quite important to realise (**A Member:** Hear, hear.) that the two juries were hung juries and we could not get a verdict as far as that issue is concerned?

110

The Speaker: That comment is entirely out of order and it is only a comment.

115

Mr Karran: It is a fact.

TREASURY

2.2. Laxey Glen Mills – Government's financial interest; named shareholders

The Hon. Member for Michael (Mr Cannan) to ask the Minister for the Treasury:

What financial interest Government has in Laxey Glen Mills; and who the named shareholders are?

The Speaker: We move to Question 2. Hon. Member for Michael, Mr Cannan.

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

120

The Speaker: I call on the Minister for the Treasury, Mr Teare.

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

The Chief Secretary and the Chief Financial Officer are, on behalf of the Isle of Man Government, the sole shareholders in Laxey Glen Mills. They hold 750,000 ordinary shares of £1 each.

125

The Government also pays annual grants to Laxey Glen Mills, which amounted to approximately £36,000 in 2012-13. This financial information was set out in the detailed Government Accounts for 2012-13 – the Light Blue Book [GD 0019/13].

130

Full disclosure of the relationship between Government and the Mills is set out at page 41 in the published Isle of Man Government Accounts – the Dark Blue Book – for the year ended 31st March 2013 [GD 0038/13].

The Speaker: Mr Cannan.

135

Mr Cannan: Thank you, Mr Speaker, and thank you to the Treasury Minister for his Answer.

Can I ask, given the taxpayer's financial interest in Laxey Glen Mills, what additional actions the Government is taking to support the production of flour on the Island?

140 **The Speaker:** Mr Teare.

The Minister: I have to say I am very concerned by the reduction in output from Laxey Glen Mills over the last decade, and consequently the reduction in the purchase of wheat. The production of flour has gone down by approximately 20% in a decade and the wheat purchased
145 by Laxey Glen Mills has gone down by a bigger factor.

In terms of actual local support, I am having a meeting with my colleagues in the Department of Environment, Food and Agriculture – I think it is next week – when we will be discussing the matter and seeing what we can do to try and, in effect, deal with the way that the... *[Inaudible]*
150 will be causing problems in the local market. If we are not careful, we are going to reach a tipping point where it will no longer be economically viable to maintain the mill.

The Speaker: Mr Karran.

Mr Karran: Would the Shirveishagh not agree that with our financial interest in Laxey Glen
155 Mills... What action has been taken – that we have been trying to get for years – to try and diversify the reliance on one big provider as far as the mill is concerned, to try and get the likes of a distillery produced on the Island to create another area of economic generation as far as the mill's liability for its long-term future?

160 **The Speaker:** Mr Teare.

The Minister: It is not only the mill. We should not be too hung up about the reliance on one supplier, and one customer, I should say, of the mill. If we are going to get the economies of scale, albeit in an Isle of Man sense, then we have to accept that in some areas there will be
165 virtual reliance on one or two customers, and that is not uncommon.

What I would say is that we are trying to consider ways of encouraging supermarkets to actually buy local, because we have to recognise too that if the boat does not sail then the product will not appear on the shelves. (**A Member:** Hear, hear.) It is as simple as that.

170 **The Speaker:** Mr Cannan.

Mr Cannan: Thank you, Mr Speaker.

I am pleased to hear the Treasury Minister this morning recognise that there are potential problems within our flour production and the sale of flour on the Island.

175 Could I also ask the Treasury Minister whether he recognises that, put simply, an extra 15,000 loaves of local bread baked and sold on the Island per week would substantially go a long way to assisting the mill in maintaining financial stability and would also increase wheat production on the Island by about 30%; and whether, in the light of these types of statistics, he will be seeking, along with the actions he is already proposing to take, to review our central
180 purchasing policy to see whether these types of figures can also be further supported?

Mr Houghton: Hear, hear.

The Speaker: Mr Teare.

185

The Minister: Our central purchasing policy would only have a very small effect on the supply of local bakery products. The real targets, I suppose is the best way of putting it, and the biggest

volume users are the supermarkets. We have to try and encourage the sale of locally produced 800g loaves.

190

Mr Gawne: Hear, hear.

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

195

Mrs Cannell: Thank you, Mr Speaker.

Why is the Minister surprised and alarmed that the use of wheat and the sale of bread have gone down locally, when his Government is actively encouraging suppliers to go off Island, and indeed encouraging Departments and schools to go off Island to buy cheaper, inferior produce, rather than support the local market?

200

A Member: Hear, hear.

The Speaker: Mr Teare.

205

Mr Crookall: We are not encouraging them.

The Minister: I do not recollect using the words 'surprised' and 'alarmed'. The Hon. Member who has just sat down has, but I have not. (**Mrs Cannell:** Illustratively speaking.)

210

What we are doing is working to see in what areas we can encourage the use of flour from local sources, and that is one of the items on our agenda.

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

Mr Singer: Thank you

215

Could I ask the Hon. Minister is it not also the responsibility of the local producer to produce an item which is competitive in price and that absolutely discourages the import of bread?

Mrs Cannell: You get what you pay for, and you get quality in the Isle of Man.

220

The Speaker: Mr Teare.

The Minister: Thank you, sir.

225

Competition is one thing, but what we need to do is look at value for money and quality as well. When we consider that Manx flour does not have any additives in it whatsoever, I think that that really should be a major selling point. (**Mr Houghton and another Member:** Hear, hear.) It is a good, wholesome, local product.

Mr Houghton and Mr Gawne: Hear, hear.

2.3. Legal aid – Overturning of mediation agreements

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

How many Family Court related mediation agreements have been overturned or amended on advice from advocates assisting clients who were on legal aid; and whether this is an appropriate use of legal aid funds?

The Speaker: Question 3. Hon. Member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.
I beg leave to ask the Question standing in my name, sir.

The Speaker: Minister for the Treasury, Mr Teare.

The Minister for the Treasury (Mr Teare): Thank you, Mr Speaker.
230 As this information is not ordinarily disclosed to the Legal Aid office or courts' administration,
I am unfortunately unable to provide the information requested by the Hon. Member for
Douglas North.

The Speaker: Mr Houghton.

235

Mr Houghton: Thank you, Mr Speaker.
Can I ask the Minister does he support the principle of this happening, or otherwise?

The Speaker: Mr Teare.

240

The Minister: The Hon. Member who has just resumed his seat will no doubt recollect that I
was chair of a committee which was set up by another place to look into mediation in respect of
family matters. I have to say that I am – not putting it too strongly – very much in favour of
mediation. It helps to deal with conflicts and also it helps to resolve what can be, at times,
245 intractable positions.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, could the Shirveishagh tell us why – with the pressures there
250 are as far as the legal aid budget and everything else – there is not more priority given to try and
get this service up and going and effective, which would be better for the taxpayer and also
better for the individuals concerned?

The Speaker: Mr Teare.

255

The Minister: The process, as I understand it, sir, is that the legal aid certificate will be issued
initially to enable mediation to take place, but it is the old case that you can take a horse to
water, but for people to agree to mediation... They may have entrenched positions and may not
be prepared to agree to mediation, or indeed mediation proceedings may break down; so it may
260 be then necessary, unfortunately, for the case to appear before the courts.

The Speaker: Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.
265 In view of the Minister's quite welcome and obvious answer that he gave to my previous
supplementary, may I ask if he does support the principle that, once agreement is reached,
mediation cannot be overturned by an advocate later on legal aid? Would he inform the legal
aid office accordingly for when they do taxation on the work done by advocates, in order to
make sure that this does not take effect from this day?

270

The Speaker: Mr Teare.

275 **The Minister:** The mediation process is a first step. It will be necessary, in certain cases, to have an agreement which has been reached through mediation actually sealed by the court, or in effect confirmed by the court. *(Interjection by Mr Houghton)* That is, in effect, part of the process, but once it is sealed by the court, then of course it is a binding agreement on both parties.

280 **The Speaker:** Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree that we need a mechanism that discourages advocates from wanting to take the more adversarial way of dealing with this, which obviously incurs great cost to the taxpayer?

285 **The Speaker:** Mr Teare.

The Minister: I think the Hon. Member who has just resumed his seat is quite correct. Adversarial proceedings are not good for the individuals, they are definitely not good for the children of the relationship, and it does lead – if I can use an unparliamentary term – to long-term poison in the relationship.

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2.4. IRIS – Claims re construction of infrastructure

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

At the time of the merger of the Water Authority and the Sewerage Division of the DoI what claims were (a) contemplated and (b) continuing regarding the construction of the IRIS infrastructure; who the parties involved were; and what the claim values were; and whether all of the claims were pursued and if not, why not; and what the result of such claims were, including out-of-court settlements?

The Speaker: We turn to Question 4. Hon. Member for Onchan, Mr Karran.

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

295 **The Speaker:** Again, I call on the Minister for Treasury, Mr Teare.

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

The Water and Sewerage Authority was formed on 1st April 2010. The only unresolved matter at that time regarding the IRIS infrastructure contracts was a claim by the Water and Sewerage Authority against Ove Arup & Partners Ltd for consultancy services provided by Arup.

300

This matter was resolved in an out-of-court settlement agreement to the satisfaction of the Authority and the Treasury. This settlement agreement contains a confidentiality clause which restricts the Authority's ability to disclose the details of this settlement.

305 **The Speaker:** Mr Karran.

Mr Karran: Vainstyr Loayreyder, a supplementary. Who actually wanted the confidentiality clause? Is it not a fact that it is once again Government that wants the confidentiality clauses?

310 Allowing for the fact that we had to spend something in the region of £3 million in compensation for one of the neighbours to the Meary Veg site, and allowing for the fact that we

315 had to spend another £9 million with Charles Brand Ltd, or thereabouts, because of the 2,000 changes to works designs during the construction, does the Shirveishagh think that there is one law for one section of the community and a different law for another section of the community... when people would be held to account, and instead of having to pay out in toilet tax we might be able to give more money back if we were prepared to expose the wrongdoing that was done as far as this project was concerned?

The Speaker: That is a comment rather than a question.
Mr Teare. (*Interjection*) It is a *comment* rather than a question.

320

Mr Karran: But fact.

The Speaker: Mr Teare.

325

The Minister: With your indulgence, sir, I would like to correct a few inaccuracies. To quote the hon. gentleman, he said compensation of £3 million paid to one person at the White Hoe: not correct.

330

Mr Karran: No, I did not say the White Hoe.

The Minister: You said £3 million to one person.

The Speaker: Through the Chair, please.

335

The Minister: Not correct.
He also said re-planning has cost an unnecessary £9 million: not correct. That £9 million, or the cost of redesigning it, has to take into account modern technology from when IRIS was originally conceived, nearly 20 years ago. Technology changes, things move on.

340

What the Hon. Member seems to be inferring is that we should not take advantage of modern technology: in that case, sir, we would not have any computers; we would still be in the old steam age with quill pens.

The Speaker: We are not entering a debate.
Supplementary, Mr Karran.

345

Mr Karran: Would the Shirveishagh not agree that the compensation, that cost the taxpayer somewhere in the region of about £3 million, had to be paid to the neighbouring property owner, as far as John Moore is concerned, over the fact that the plant's smell was a problem?

350

Would the Minister not agree that the fact is that Charles Brand Ltd had 2,000 changes on the works designs during the construction, at another £9 million?

Would the Minister not be supported by people in this House to misinform the general public outside as far as the issue is concerned?

355

A Member: That's rich!

The Speaker: That last comment is entirely out of order, that matter of opinion; and I do not know why it was said.
Mr Teare.

360

The Minister: Not surprisingly, sir, this Minister does not agree and I cannot agree. What I would say to him is that if he is looking for detailed questions, detailed answers, coming to me is not the right person because I am dependent on the information I get from the Water and

Sewerage Authority. I have complete confidence in the information I get, but I do not have the detailed knowledge that goes with being in charge of a Department or a division.

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The Speaker: Final supplementary, Mr Karran.

Mr Karran: A supplementary: would the Minister not agree this is the usual get-out? Are you not in charge of capital procedures as far as the Government is concerned? Are you not in charge of the good spending of Government funds? Why is there a refusal to deal with the issues of where the taxpayer has been severely ripped off, as far as this is concerned – that you are allowing no accountability in order to get this money back in order to protect the taxpayer's interest? Why are you so keen to cover it up?

375

The Speaker: Mr Teare.

The Minister: There is no attempt to cover up anything at all. This is a commercial agreement done to resolve what could have been a long, complicated and very expensive case.

The Hon. Member – (*Interjection by Mr Karran*) Thank you, sir. The Hon. Member, in response to an earlier question, was then pushing for mediation. Isn't a compromise agreement, in effect, mediation? (**A Member:** Hear, hear.) Two parties sit down, one either side of the table, and they agree the way forward; but for commercial confidentiality purposes –

385

Mr Karran: Which you wanted.

The Minister: That is your view, sir, but I can tell you that the other party asked for a confidentiality agreement, and on the advice at that time it was thought preferable to agree to that as part of the overall agreement – an agreement which has generated funds for the taxpayer, settled the matter and also helped to avoid protracted and expensive legal proceedings. (*Interjection by Mr Karran*)

EDUCATION AND CHILDREN

2.5. Headteachers – Consultation re changes in budgetary and management control

The Hon. Member for Michael (Mr Cannan) to ask the Minister for Education and Children:

What consultation was undertaken with headteachers regarding the removal from them of budgetary and management control in catering, caretaking and maintenance?

The Speaker: Question 5. Hon. Member for Michael, Mr Cannan.

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

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The Speaker: I call on the Minister for Education and Children, Mr Crookall.

The Minister for Education and Children (Mr Crookall): Thank you, Mr Speaker.
I, together with my officers, was fully involved in the decision-making process which led to the agreed Government policy to extend the centralisation of services. This policy, which was

400

endorsed by the Council of Ministers and the Chief Officer Group, is to move caretaking and cleaning, as well as catering and ICT provision, into shared service centres as part of Government's ongoing commitment to achieve a balanced budget in this parliament.

405 Given that the decision affected significant numbers of employees, it was not possible to consult with headteachers prior to those employees being informed. However, on Monday, 20th January, DEC senior officers met with all primary and secondary heads to discuss the move to shared services in caretaking, catering and cleaning. Headteachers were given clear details of the timetable of planned changes and were given ample opportunity to ask questions or express concerns about these changes at this meeting. This ensured that they were able to inform all
410 employee groups before the policy was confirmed to Tynwald by the Chief Minister on 22nd January.

415 The centralisation of schools' and colleges' maintenance budgets took place last year, when they were transferred to the Dol as part of the earlier round of agreed centralisation of Government services. Headteachers have since been encouraged to raise any concerns at their normal meetings held with the officers at the Department. Regular meetings have also taken place with relevant staff in DEC and Dol as this integration of services has been operationalised.

Thank you, Mr Speaker.

420 **The Speaker:** Mr Cannan.

Mr Cannan: Thank you, Mr Speaker.

Essentially then, headteachers were not consulted on this, the removal of devolved financial management; it was something that was brought upon them by the Department.

425 Can I ask the Minister, does he not think that the Department has slightly failed in its duty here, in that I think the majority of headteachers – certainly those I have spoken to – do support devolved financial management for schools; devolved financial management empowers headteachers and teachers to improve and take responsibility for their schools; and it also allows local businesses to share in the success of our schools? And doesn't he agree with me that it also allows for more community involvement in our schools, creates local jobs and
430 supports local businesses and the community involvement with the success of local schools?

The Speaker: Mr Crookall.

The Minister: Thank you, Mr Speaker.

435 What we are seeing at the moment is basically a change of staff from my Department to Dol or to Health.

Meetings at the Department took place with the secondary school heads and the Isle of Man College Principal on 23rd January and 13th February and headteachers and the College Principal participated in full discussions on potential issues that might arise through these changes.

440 DEC officers also organised a meeting on Tuesday, 4th February, at Saint Ninian's Lower School, for secondary heads and their bursars to meet with the relevant officers from Health and Dol to discuss any issues of concern and likely initial changes to catering which are to transfer to Health, and cleaning in caretaking which are to go to Dol, as I have just said.

445 It should also be noted that DEC officers have met also regularly with counterparts in Dol and Health to brief them on the current and expected levels of service, costs, staffing and working practices.

Mr Speaker, the Department is going out of its way as much as possible to meet with the heads of primary and secondary schools and the Departments involved to make sure that this transition is as smooth as possible.

450 **The Speaker:** Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

455 Could the Minister clarify what he understands by the word 'consultation' – because from his statement this morning... to date, he has said it was a *decision* by the Council of Ministers, which was assisted by the Chief Officer Group, which was then relayed to the headteachers so that they could *inform* staff.

460 It does not sound like there has been much of a consultation, so I wonder what his definition is and whether actually the answer to the Question tabled should be 'None'.

The Speaker: Mr Crookall.

The Minister: Thank you very much, Mr Speaker.

465 If the Hon. Member who has just resumed her seat would like the answer as none, then I will give that her that answer.

470 Government policy, backed by the Council of Ministers, was to go for centralisation. Headteachers, primary and secondary, and the College Principal meet very regularly and I meet them probably twice a year. Since I have been in this job, Mr Speaker, I have warned them of these hard decisions that would be coming. As I said, at the moment there are no job losses. This is purely a transfer of process from one department to another, sir.

The Speaker: Mr Cannan.

475 **Mr Cannan:** Can I ask the Minister to confirm exactly how much is being saved through this process?

The Speaker: Minister.

480 **The Minister:** I do not have that figure to hand, sir, because obviously that will be down to the next Departments that will be taking those numbers on.

The Speaker: Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

485 Can I just ask the Minister for Education if he would just give us this clear point of his opinion: does he support central purchasing to purchase supplies off the Isle of Man that would overtake or overcome the supply of fresh meat and bread supplied and made on the Isle of Man to go to schools? Is that a clear question? Does he support local produce being provided to schools, or does he support central purchasing from off Island in place of that?

490 **The Speaker:** That is not within the terms of the Question on the Order Paper.
Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

495 Can I ask the Minister to go back and actually look up the definition of 'consultation', so that he is actually clear? Am I correct that he has told the House this morning that he, as Minister, has taken responsibility for this together with his officers, approved by the Council of Ministers, and then a *fait accompli* presented to headteachers on 20th January, two days prior to Tynwald confirming the policy? Would he agree with me that is hardly proper consultation?

500 Further, is this policy of centralisation not at odds with what we are trying to do in boosting the local economy, boosting local spend and supporting local suppliers? Is it not at odds with that, this centralisation policy?

Further, what is his view of the Chief Minister's public statement that the schools and Government should be going off Island to get the cheapest possible price, not the best?
505 *(Interjections)*

The Speaker: Minister to reply.

Mr Houghton: How are you going to answer that one?
510

The Minister: Thank you, Mr Speaker.

If I could take that last point first, with regard to the Chief Minister's view that it should be going off Island, I am not aware of that view and that comment; but if that was the case, then I would obviously disagree with it entirely. As the Treasury Minister said this morning, we are here to get value for money here on the Island and support local business where possible. I believe we do do that. Government does do that where possible, and we have to make sure that we get the right price for the right job – and that includes food or anybody who brings a service to the Isle of Man.
515

As regards the first part of the Hon. Member's question, Mr Speaker, as I said, I have told my headteachers and the Principal at the College since I have taken this job that we are here to take hard decisions over the next couple of years. This was a hard decision. It has not led to anybody's loss of a job yet, but a decision I am here to make as the leader of the Department. We will continue to make those decisions in conjunction with other Ministers and other Departments, and we will consult as and when we can, sir.
520

On this occasion, there was not the time or the inclination to do it because it was something that had been decided. Centralisation of services is essential for the saving of money for us to rebalance the books.
525

The Speaker: Mr Thomas.
530

Mr Houghton: Providing children with stale bread.

Mr Thomas: Thank you, Mr Speaker.

The Minister: That's ridiculous.
535

Mr Thomas: Can the Minister confirm what I heard him say, which is that there is no evidence that he has that there will actually be any financial savings? Perhaps as part of the consultation, the headteachers would have pointed out that there might actually be cost increases and this might be a detrimental policy.
540

Secondly, can the Minister advise whether the headteachers have informed him of any detriment to staff covering at lunchtime and that sort of thing over the changes, and whether that might in fact be very detrimental and costly to the provision of school meals in particular, and perhaps also for things like after-school activity and leasing in the evenings?
545

The Speaker: Mr Crookall.

The Minister: Thank you, Mr Speaker.

As regards cost increases, I have not been informed of any at the moment, and obviously the idea of this is to keep costs down; and no detriment at all has been brought to my attention or the Department's attention from any headteachers within the Island.
550

The Speaker: Mrs Beecroft.

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

Mr Houghton: They're not allowed to.

560 **Mrs Beecroft:** Given that the Minister has confirmed –

The Minister: That is a different job.

Mrs Beecroft: – that there has been no consultation on this, and the fact that when there is a change of policy there is *meant* to be consultation, and he said that it is because they did not have time *or the inclination*, could he tell me what actually gives him the right to go against the consultation when there is a change of policy?

And what is the definition of 'inclination'? Can the Council of Ministers just be so disinclined to do this in future on any other policy that they choose to push through?

570 **Mrs Cannell:** It's called 'crisis management'.

The Speaker: Mr Crookall.

The Minister: Thank you, Mr Speaker.

575 It is not known as crisis management or arrogance, Mr Speaker, which are words that have just been echoed round this Chamber. Government last year moved forward with this by moving the works departments, certainly from Education and Health, to Dol – and this is a progression of that.

580 Yes, it could have been managed better if you wanted us to consult with everybody, but we have to make these decisions and we have to move forward. If we wanted to move on from 1st April this year, we had to make these decisions and they have been made.

The Speaker: Two more supplementaries I will take.
First, Mr Karran.

585 **Mr Karran:** Eaghtyrane, allowing for the fact that this responsibility for budgetary and management control is being removed from the headteachers, has there been any review as far as their salaries are concerned, or is somebody else now getting an enhancement and being paid for that process?

590 How does the Minister reconcile the cuts that he has seen in his Department, where you are having to try to deal with this issue, when you see other Departments where you can have a £9 million compensation deal given for 2,000 wrong planning things and you will not even sue anybody for it?

595 **The Speaker:** The last part of the question you may disregard, Mr Crookall.

The Minister: Thank you, Mr Speaker.

The budgetary issues are ongoing, obviously, and are being looked at, and I would be happy to inform Hon. Members as and when we have what is going to be saved on this, sir.

600

The Speaker: Final supplementary, Mr Cannan.

Mr Cannan: Can I ask the Minister, is it not the responsibility of Government to focus on building communities on our Island, rather than just focusing on the bank balance, so to speak?

605 Will he also agree with me that there are clear and significant advantages in maintaining devolved financial management, particularly in schools, and that to remove it and to bring this

particular policy into a centralised policy is damaging to the school community itself, takes away and does not empower headteachers and teachers, and also removes the ability of schools to spend within the local community?

610

Mrs Cannell and Mr Houghton: Hear, hear.

The Speaker: Mr Crookall. *(Interjection by Mr Houghton)*

615

The Minister: Thank you, Mr Speaker.

As regards the devolved financial management within the secondary schools, the Department is looking at whether we get value for money with that and will continue to do so, and I believe that there are some savings to be had there.

620

As regards building in the community and responsibilities in the community, I think it is a bit rich coming from the Hon. Member who is on record somewhere as saying that we should lose a thousand jobs just like that.

Mr Cannan: A point of order, Mr Speaker.

625

The Speaker: Point of order.

Mr Cannan: I have never said that, and I would like the Minister to withdraw that remark unless he can prove otherwise, please.

630

Mrs Cannell: Well said.

Mrs Beecroft: Yes.

The Speaker: Minister, you may respond.

635

The Minister: I will withdraw it, Mr Speaker, because I cannot think where it was said, *(Interjections and laughter)* but it has certainly been said and repeated by the Chief Minister, and the Hon. Member has never asked him to repeal it, sir. *(Interjections by Mrs Cannell and Mrs Beecroft)*

SOCIAL CARE

2.6. Dementia care – Policy

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

What his policy is on dementia care; whether there is a national plan on dementia care, and if he will make a statement?

640

The Speaker: We turn to Question 6. Hon. Member for Onchan, Mr Hall.

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

645

The Speaker: I call on the Minister for Social Care, Mr Quayle.

The Minister for Social Care (Mr Quayle): Thank you, Mr Speaker.

May I thank the Hon. Member for Onchan, Mr Hall, for his Question on such an important topic. (A Member: Hear, hear.)

650 My Department places great focus on dementia care, as we are aware that the incidence of dementia is forecast to increase. Presently, it is estimated that there are approximately 1,214 cases of dementia on the Isle of Man. If the prevalence of dementia follows the trends predicted for England and Wales, then it is estimated that there would be approximately 2,185 persons in the Isle of Man with dementia in 2030.

655 To this end, we have three purpose-built and adapted Elderly Mentally Infirm (EMI) specialist units based in the north, east and south of the Island. For people who need a safe environment but who are not in need of specialist nursing care, we provide residential dementia care through Langness Unit in Southlands and Sweetbriar Unit at Thie Meanagh. We also provide three day centres for people with dementia, which in combination with the introduction of a specialist Domiciliary Care team, helps support people experiencing dementia to remain in their own
660 homes for as long as possible.

At present, the Island does not have its own dementia strategy; however, my Department uses the UK National Dementia Strategy, published in 2009, to inform our practice and bases new developments on the 17 objectives contained within the strategy document.

665 To this end, we have worked to develop dementia services, facilitating access and early diagnosis in partnership with Mental Health colleagues in the Department of Health. We have worked to raise awareness and understanding of dementia by developing training accessible to Government, the third sector and private sector care staff. We worked in partnership with the Department of Health to run a conference on dementia in January 2013. This conference attained a great turnout, with 290 professionals attending in the morning and a further 500
670 members of the public attending.

In addition to this, we have worked to create dementia-friendly environments in our residential and day facilities, using best practice guidance from the UK. We have also acted as a resource for private sector providers who wish to adapt their dementia care facilities and follow best practice guidance.

675 The report 'Transforming Housing for Older People in the Isle of Man', produced in July 2013, also takes account of the prevalence of dementia on the Island and the need to recognise and address this issue through a variety of means, including telecare, emergency alarms and extra care housing.

680 **The Speaker:** Mr Hall.

Mr Hall: Thank you, Mr Speaker, and I thank the Minister for his detailed reply.

685 Would the Minister agree with me that dementia is now considered to be one of the biggest and greatest global challenges of our time, estimating that, by 2050, 150 million people worldwide will suffer from dementia?

Does the Minister feel that politicians, the wider public and the Government have been and are confronting the challenges and taking action on this important issue?

690 **The Speaker:** Mr Quayle.

The Minister: Thank you, Mr Speaker.

695 Yes, I would totally agree with the comments from the Hon. Member for Onchan, Mr Hall. Dementia is a major problem and it is going to increase. The problem that we all have to face on this Island is going to increase and we all have to work together to deliver a strategy so that we are prepared for this increase by 2030.

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

Mr Singer: Thank you, Mr Speaker.

700 **Member:** Hear, hear.) for their policy of training all staff in dementia care and the positive action
they have taken in introducing colour schemes, designs and diagrams to assist the dementia
patients themselves, which has contributed to the Hospital attaining the Gold IIP standard,
which is only awarded to 2% of businesses in the British Isles? Would he recommend to those
705 involved in dementia care on the Island... if they would care to learn from the lead of Ramsey
Cottage Hospital?

Mr Houghton: The Leonard Singer Cottage Hospital.

The Speaker: Mr Quayle.

710

The Minister: Thank you, Mr Speaker, and I thank the Hon. Member for Ramsey for his
comments.

Of course I congratulate Ramsey Cottage Hospital for all their hard work – not just in
dementia but the excellent service that they give in the north of the Island, and for the whole
715 Island for those areas where members of the public go. So it is not just dementia where Ramsey
Cottage Hospital provide a good service, and should my team in Social Care feel the experience
of Ramsey Cottage Hospital... If they can learn from that, I am sure they will go down to Ramsey
Cottage Hospital and take on advice.

720 **The Speaker:** Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

Would the Minister agree with me that the figures that he has quoted for people with
dementia actually cover all levels of dementia, from mild to very severe; and that, where it is
725 possible, it is far better for dementia sufferers to remain in the community with their families or
whatever, with community assistance, rather than having to go into residential, both from a
humanitarian point of view and a financial point of view?

Would he agree to look at initiatives going forward to enable this to happen?

730 **The Speaker:** Minister, Mr Quayle.

The Minister: Thank you, Mr Speaker.

I totally agree with the Hon. Member for Douglas South. We do have plans to enhance
services to meet the increasing demands, including the Dementia Care team, in line with the
735 adults rebalancing programme, to allow more elderly people to stay in their homes for longer,
and we are building supported and extra care housing for the elderly to again allow support for
them to be given to be able to stay in their homes as long as possible.

The Speaker: Mr Henderson.

740

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Would the Minister agree with me that within the Department of Health, and certainly within
the Mental Health team, there is a tremendous older persons' care team? There is tremendous
work undertaken, and has been for decades, with older people, and certainly assisting them with
745 dementia and associated family problems.

Would he further agree that many of these care staff, nurses, doctors, are highly trained,
highly qualified, highly experienced and do give great comfort to members of the community;
that they are aware of the rising challenges; and that it will be down to CoMin ultimately, as a
resource issue as we go into the future, to face these challenges?

750 **The Speaker:** Mr Quayle.

The Minister: Thank you, Mr Speaker.

I have to agree with everything the Hon. Member for Douglas North has said. We are blessed with a highly trained, experienced workforce. The problems are well recognised that we are going to be having nearly a doubling, in the next 16 years, of all levels of dementia, and we will be putting in place plans to make sure that the Island is ready to meet the problems.

The Speaker: I have a number of Members wishing to put supplementaries – if we could keep the questions and the answers brief.
760 Mr Hall.

Mr Hall: Yes, thank you, Mr Speaker.

Does the Minister accept that we must do more on seeking formal diagnoses? Is he aware that there are approximately 350,000 people in England currently undiagnosed and going without the help and support that those who have been diagnosed receive?

765 Would he not further agree that proportionally the situation is likely to be equally shocking here in the Isle of Man?

The Speaker: I am sure the Minister will agree with that.
770 Mr Quayle.

The Minister: Yes, sir, I do agree with the Hon. Member for Onchan that it is incredibly important that we have a good early diagnosis in place for the early stages of dementia.

However, as a Department, we have to live within our budgetary means, and whilst we will do our utmost, we do not have a magic wand to employ a vast quantity of people to help us – but we will do our utmost with the resources available.

The Speaker: Mr Karran.

780 **Mr Karran:** Vainstyr Loayreyder, following on from the question from my colleague for South Douglas, would the Minister – this Minister – look at initiatives that we have tried to propose in the past, where we develop some sort of payment for older sons and daughters giving up work early, maybe by releasing their pension rights early, in order to keep elderly loved ones in their homes?

785 What actions will the new Minister take to look at this initiative in order to see whether we can find ways of making it viable for responsible sons and daughters to take up this important thing and make it financially viable for them to be able to leave work early to do so?

The Speaker: Mr Quayle.
790

The Minister: Thank you, Mr Speaker.

I am more than happy to meet with the Hon. Member for Onchan, Mr Karran, to discuss any proposals – and also the Hon. Member for Douglas South, on any proposals they may wish to put forward on a facility where we increase the enhancement to the sons and daughters of the carers. But obviously, whilst I am more than prepared to listen... and if they can come up with something that is financially sound, then I am more than happy to listen.

The Speaker: Mr Thomas.

800 **Mr Thomas:** Thank you, Mr Speaker.

Can the Minister confirm that he will actually look very closely at the example of primary care in the Ramsey Cottage Hospital, because the interface between Health and Social Care is very

important and my perceptions over the summer were that we have a lot to learn in the east from what is happening in the north up at the primary care unit at Ramsey Cottage Hospital.

805

The Speaker: Mr Quayle.

The Minister: Thank you, Mr Speaker.

810 Yes, as you well know, the two Departments will be merging on 1st April, and therefore I would hope that the joined-up thinking will be even better than it is now. Certainly I will be asking my officers to look at the Ramsey Cottage model and see if there are any lessons to be learned that we are not already dealing with.

Mr Henderson: Hear, hear.

815

The Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

820 Would the new Minister agree with me that it is very laudable to continue with the care in the community, but it is heavily dependent upon proper financial resources and human resource to enable the elderly folk to live in their homes for as long as that is possible, if it is possible?

Also will he agree with me it is essential that state-run residential homes are still available for those who do not have anybody to look after them in the community and who are unable to look after themselves with support in the community?

825 Would he advise the House this morning, as the new Minister for this Department, is he going to pursue the same policy as the former to close down all the state-run residential care homes?

The Speaker: Mr Quayle.

830

The Minister: Thank you, Mr Speaker.

I personally believe it is not just for dementia where we need to look at our housing resources, but for all our elderly. It is a far better policy to keep our elderly living in their community – where they know everyone and they know the area – and if we can provide more relevant housing-type facilities, more one and two-bedroom type bungalows that will enable them to stay in their area for longer, then they benefit, but I would have thought that the taxpayer benefits because the cost of providing that service is going to be cheaper than having to pay the nursing care. So I can wholeheartedly agree with the Hon. Member for Douglas East's point(a).

840 Point (b): obviously I cannot comment at this early stage on the previous Minister's policy and my policy, having only been in position for a week, but I will do my utmost to ensure that, whatever the outcome, it will be for the benefit of the people of the Island.

The Speaker: Mr Hall.

845

Mr Hall: Thank you, Mr Speaker.

My final supplementary: would the Minister not agree with me that it is absolutely vital to have a long-term dementia strategy similar to that of other countries? The United Kingdom... England has one and notably the United States has a strategy in place until 2025. I think in his reply he did talk of a strategy. Can he confirm when our strategy actually extends to; and if he does not have one, will he look into this to match our partners?

850

The Speaker: Minister to reply.

855 **The Minister:** Thank you, Mr Speaker.

I appreciate I have had a lot of supplementaries on this topic, so Members might have forgotten what I said in my earlier speech, but I did say that, whilst we do not have our own individual dementia strategy, we have adopted the UK National Dementia Strategy, published in 2009, and that is based on the 17 objectives contained within their strategy document.

860 I am more than happy to send a copy of the 17 objectives to the Hon. Member for Onchan, Mr Hall, and any other Member who may wish to have a read of that.

The Speaker: A final supplementary question, Mr Karran.

865 **Mr Karran:** Vainstyr Loayreyder, could the Minister possibly get the breakdown of elderly and younger people as far as dementia is concerned? Admittedly, with the younger people's dementia it can be more than likely induced through alcohol and drug abuse. Has he got any proposals to actually give an idea of the costings that are involved as far as the younger people with dementia, in order that we have a full picture of the costs involved with this proposal?

870

The Speaker: Minister.

The Minister: Thank you, Mr Speaker.

875 I do not currently have that information at hand, but I am more than happy to circulate it to all Members – that is the breakdown in numbers between young people and the elderly suffering from dementia, and also the costs involved.

2.7. State pension – Changes re qualifying years for full pension

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

When the number of qualifying years needed to receive a 100% retirement pension was reduced from 39 years to 30 years; and

(a) whether there were any transitional arrangements; and

(b) how many people receiving pensions under the old scheme rules have been disadvantaged?

The Speaker: Question 7. Hon. Member for Douglas South, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

880 I ask the Question in my name.

The Speaker: Minister for Social Care, Mr Quayle.

The Minister for Social Care (Mr Quayle): Thank you, Mr Speaker.

885 Changes to the number of qualifying years required for a full 100% basic state pension were introduced in the United Kingdom by the Pensions Act 2007.

890 Those changes affect only persons who reach state pension age on or after 6th April 2010. Persons who reached state pension age before that date are not affected and their entitlements are calculated under the old rules. No provision was made for transitional arrangements, as no-one would be worse off under the new measures.

Men who reached state pension age before 6th April 2010 are required to have at least 44 qualifying years for a full basic state pension, whilst women who reached state pension age before 6th April 2010 are required to have at least 39 qualifying years. Currently, both men and women who reach state pension age on or after 6th April 2010 are required to have at least 30
895 qualifying years for a full basic state pension. However, in the UK, the Pensions Bill currently before Parliament increases that requirement to 35 years for persons who will reach state pension age on or after 6th April 2016.

Under the terms of the reciprocal agreement on Social Security between the Isle of Man and the United Kingdom, we were obliged to mirror the changes in the number of qualifying years
900 required for a full basic state pension – achieved through the Pensions Act 2007 – here. To that end, the Pensions Act 2007 (Application) Order 2009 was approved by Tynwald on 22nd April 2009.

No-one who has had their state pension calculated under the old rules – i.e. those which pertain to people who reached state pension age before 6th April 2010 – has been
905 disadvantaged. Their pension entitlements were calculated under the legislation as it applies to them. The new legislation simply does not apply to them.

Mr Speaker, there are many developments in the welfare state, and indeed elsewhere, where it is appropriate for lines in the sand to be drawn, and I feel this is one of them.

910 **The Speaker:** Thank you, Mr Speaker.

I thank the Minister for his comprehensive reply, but could he just confirm then, because my reading of what he has said... Whilst they may not be disadvantaged under the regulations that were applicable at the time they retired, does it not mean that somebody who retired on 6th April 2010 with 30 years' contributions, 30 years' working life, gets 100% of the pension,
915 whereas somebody who, say, retired on 1st March 2010 would get a lesser amount under the two different legislative regimes that were in place at the time? This can amount to actually quite a substantial figure.

Does the Minister think that it was actually fair not to have any transitional arrangements? I know that the reciprocity between the Isle of Man and the UK as far as pensions is concerned is
920 going to be looked at as to whether it should continue, and is this one of the areas that would be looked at whilst dealing with this?

The Speaker: Minister to reply.

925 **The Minister:** Thank you, Mr Speaker.

It is an important topic, but I feel it is inappropriate to do so. It would be unaffordable to do what the Hon. Member for Douglas South wants us to do. Many pensioners would get increased awards of state pension and the majority of them would also get increased amounts of the Manx pension supplement, and consequently the cost to the public, when we have a shrinking
930 pot for the state pensions, means that in the long term we just would not have the funds to pay out what the Hon. Member is requesting.

The Speaker: Mrs Beecroft.

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

I appreciate the Minister may not have the information to hand, but could he give an indication of the cost if something like this were to be implemented, because it does seem rather unfair that people with less than a month's difference in retirement should suffer such a huge difference in their pension for the rest of their lives.
940

The Speaker: Minister.

The Minister: Thank you, Mr Speaker.

945 Could I first point out that the Department and the Isle of Man Government are bound by the reciprocal agreement with the UK; so what they pay, we pay. We could not change our payments for those who had retired on 6th April 2010 because that would have to be agreed by the UK government. So we have a reciprocal agreement, which we have to keep to.

950 I will certainly have the figures worked up and sent to you on what the costs would be – the additional costs – but as I say, we have a reciprocal agreement and therefore we would be unable to effectively backdate additional payments to those who have retired before 6th April 2010.

The Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

955 Would the Minister be interested to hear that in fact there is quite a lot of confusion in the community with people over these changes? Perhaps some sort of literature ought to be produced or perhaps engage with a journalist of the newspapers or a magazine to actually put the information back out in the public arena. There is confusion, and if he could take that seriously on board...

960 Mr Speaker, as the new Minister has introduced the Manx pension supplement, which he referred to in his answer to the Hon. Member, Mrs Beecroft, is it his intention to retain it; or is he going to get rid of it?

The Speaker: Minister. (*Interjection*)

965

The Minister: Thank you, Mr Speaker.

I am more than happy with the first point from the Hon. Member for Douglas East. If there is confusion in the community over the changes, then I am more than happy to work with my officers to put out a press release to better explain away any of the confusion going.

970 Regarding the second point, I would respectfully point out that really it is outside the remit of this Question –

Mrs Cannell: You mentioned it, Minister.

975 **The Minister:** – and I will... Whilst I might have mentioned it, I have not got the figures but I am more than happy to discuss it with you at a later date.

The Speaker: Mr Karran.

980 **Mr Karran:** Vainstyr Loayreyder, thanking the Shirveishagh for saying he will circulate the information needed for this question, but does the Minister not think there is a fundamental wrong as far as the situation where we can now have women working for 51 years of their life and contributing for 51 years of their life into a pension scheme before they can get their pension?

985 Does he not feel that there needs to be something looked at as far as the contributions of individuals, and it should be based more on contributions over a specific time, instead of having the age being the maximum before you can draw it?

The Speaker: Mr Quayle.

990

The Minister: I have some sympathy for the concerns raised by the Hon. Member for Onchan, Mr Karran. However, we do have a reciprocal agreement and we are therefore bound

by that reciprocal agreement, so making changes would have to be agreed with the United Kingdom.

995

The Speaker: Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

1000 In relation to the current circumstances, where the qualifying years are 30 years, and as the Minister has stated, with effect from April 2016 those qualifying years will go to 35 years, can the Minister just advise for clarification purposes... In the case where somebody will work, say, for 45 years, is the application for 100% state retirement pension, and of course the incremental increases in state retirement pension, applied to the best of the 45 – so the 30 best qualifying years out of the 45-year period of that particular individual?

1005

The Speaker: Reply, sir.

The Minister: Thank you, Mr Speaker.

I thank the Hon. Member for Douglas North for such a nice technical question. *(Laughter)*

1010

It is true to say that men with less than 44 qualifying years and women with less than 39 qualifying years who reach state pension before 6th April 2010 will qualify for a lower rate of basic state pension than those with similar National Insurance records who reached or will reach state pension age on or after 6th April 2010.

1015

For example, a man with 33 qualifying years would get a 75% basic pension under the old rules, whereas under the new rules he would get 100% basic pension. But that is not to say a man who reached his state pension age before 6th April 2010 has been disadvantaged by the change in the rules. He would have been awarded the amount of pension he expected to get under the old rules.

1020

For some of the other parts of your question I have not got the knowledge with me at the moment, but I will get a written answer to you to clarify the points.

Mr Houghton: Thank you.

**Suspension of Standing Order 3.5.1(2) to continue Question Time –
Motion lost**

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

1025

Mr Thomas: Mr Speaker, I beg to move that Standing Order 3.5.1(2) be suspended to enable the remaining Questions for Oral Answer to be taken at this sitting.

The Speaker: Mr Hall.

1030

Mr Hall: I beg to second, Mr Speaker.

The Speaker: I put the question: those in favour, say aye; against, no. The ayes have it.

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

FOR

Mr Hall
Mr Karran
Mr Ronan
Mr Crookall
Mr Singer
Mr Quayle
Mr Cannan
Mr Houghton
Mrs Beecroft
Mrs Cannel
Mr Thomas
Mr Cretney
Mr Skelly
The Speaker

AGAINST

Mr Quirk
Mr Teare
Mr Henderson
Mr Robertshaw
Mr Watterson

1035 **The Speaker:** With 14 votes for and 5 votes against, the motion fails to carry.
The Questions not reached will be answered in writing, unless the Member wishes to withdraw the Question or tables the Question for answer at the next sitting.
I therefore call Mr Thomas to indicate your preference, sir.

1040 **Mr Thomas:** Mr Speaker, please may I withdraw my Question until the Keys the week after next?

The Speaker: For the next sitting, thank you; the next sitting of the Keys.
Mr Karran?

1045 **Mr Karran:** I would like the one down about aerospace... *[Inaudible]* and the others I will have by Written Answer.

The Speaker: Sorry, could you stand? I could not hear what you were saying.

1050 **Mr Karran:** Sorry. Question 10 I would like to remain on the Order Paper; and the other three for Written Answer – I will see what the replies will be.

1055 **The Speaker:** Questions 11, 12 and 13 to Written Answer. Thank you very much.
Item 3, Questions for Written Answer. As I said, Question 3.2 has been withdrawn. The other Answers will be circulated.

3. Questions for Written Answer

INFRASTRUCTURE

2.8. Multi-storey car park complexes – Income breakdown

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

Pursuant to his Answer in the House of Keys on 11th February 2014:

(a) what proportion of the total income from each of the multi-storey car park complexes is made up by income from (i) pay and display (ii) contract parking and (iii) shop rentals;

(b) how many of the parking spaces in

(i) Chester Street

(ii) Drumgold Street and

(iii) Parade Street East and West are reserved for Government Department or other Statutory Body use for some or all of the time; and

(c) how central departmental management and administration costs are allocated between departmental functions?

Answer: (a) For the Chester Street multi-storey car park of the total income of £940,935.63, 40% is from pay and display, 20% is from contract parking and 40% is from rentals.

1060 For the Drumgold Street multi-storey of the total income of £438,104.51, 99% is from pay and display parking and 1% from a rental; the Department does not provide any contract parking in this car park.

For the two Parade Street car parks of the total income of £382,370.46, 97.5% is from pay and display and 2.5% from contract parking.

1065 (b) Chester Street car park provides 760 spaces in total, of which 506 are pay and display and 254 are contract spaces, with 42 permits for essential Government users.

Drumgold Street car park provides 246 pay and display spaces.

Parade Street East car park provides 200 spaces in total of which 184 are pay and display and 16 are contract spaces.

1070 Parade Street West car park provides 180 spaces in total with 20 permits for essential Government users, such as the police.

(c) Central departmental management and administration costs are not allocated between departmental functions such as off-street car parking. Central administration costs for these car parks are not recorded separately; however, this does not involve any significant amount of cost or time.

1075

ENVIRONMENT, FOOD AND AGRICULTURE

2.11. E-coli and streptococci discharge into rivers – Levels from former Foxdale mining activities

The Hon. Member for Onchan (Mr Karran) to ask the Minister for Environment, Food and Agriculture:

What levels of E-coli and streptococci are discharged into the river system from the former mining activities at Foxdale?

Answer: My Department has not had occasion to monitor the water in question, therefore I am unable to provide any indication of the levels of these organisms.

1080 E-Coli and Streptococci would not arise as a consequence of mining, the primary source of contamination of water by these organisms being faecal matter. In relation to the discharge of water from the old mine workings into the river system, such contamination would only be likely to be high if there is sewage discharge into the mine system, or significant faecal contamination of land draining into the mine system, neither of which are known or anticipated to be the case.

1085 Loayreyder, when I answered similar Questions in this House on 25th February about pollution in the water in question, I was thinking of heavy metals such as lead, which I am advised are not of significance in assessing bathing water quality to the 2006 EU Directive. I had misunderstood advice I had received prior to that sitting and therefore apologise for any confusion arising from the answers I gave. I accordingly withdraw reference to pollution from the mining operations in Foxdale from my answer to the Hon. Member for Onchan, Mr Karran's question about how the excellent bathing water standard as defined by EU law will be achieved at Peel. The observations I made about pollution arising from run-off from land, particularly agricultural land, are unchanged, that being likely to be the next most significant contributor to bacterial contamination of bathing water after removal of untreated or inadequately treated human sewage.

2.12. Location of sewage works to serve Peel – Comparison in relation to bathing water quality

The Hon. Member for Onchan (Mr Karran) to ask the Minister for Environment, Food and Agriculture:

What effect building a sewage works, to serve Peel, at Knockaloe and discharging effluent into Traie Cabbag would have on the health of users of Peel beach and bathing facilities compared to a works built near the residents and food park which discharges into Peel bay?

1095 **Answer:** I can only comment with any authority on the quality of bathing waters and not the health of beach users, as health is a matter for the Department of Health's Public Health Consultant.

1100 Ignoring the effects of tidal currents, generally it is preferable to locate discharges remote from the user areas, which in this case are the bathing beaches. Therefore it seems reasonable to assume that a discharge to Traie Cabbag poses a lesser potential risk to bathing water quality at Peel main beach than a discharge in Peel Bay. However there is a monitored bathing beach at Fenella beach and fishery interests which are closer to Traie Cabbag which could be affected by a discharge in that location.

1105 It is understood that the Isle of Man Water and Sewerage Authority is carrying out investigations and computer modelling to optimise outfall locations and to predict the improvements in the bathing water quality which will be evident following commissioning of the sewage treatment works.

1110 The actual location of a sewage treatment works is a different issue to the effect of the discharge itself. A modern and correctly operated sewage treatment plant as proposed to be constructed to treat Peel's sewage should not pose any environmental health nuisance to nearby residents or businesses whether located at Knockaloe or in Peel.

WATER AND SEWERAGE AUTHORITY

**2.13. Sewage works –
Failure to comply with latest EU water standards**

The Hon. Member for Onchan (Mr Karran) to ask the Chairman of the Isle of Man Water and Sewerage Authority:

Why his Authority is failing to provide sewage works which comply with the latest EU water standards?

Answer: The standards for sewage treatment on the Island are those which were adopted as an objective by Tynwald on 20th March 1990, and are as defined in the 1976 EU Bathing Water Directive (76/160/EC).

1115 A revised 2006 Bathing Water Directive (2006/7/EC) was introduced into the European Union in 2006 and Members of the EU have until 2015 to comply with the revised standard.

To comply with the new Directive would require significant capital investment associated with the construction of additional storm water storage tanks within the various drainage catchments around the Island.

1120 In addition, the new 2006 Directive places a large responsibility, with potentially high capital investment costs, on local authorities in respect of the provision of adequate beach management facilities and also on the agricultural industry in respect of the control and management of farmland run-off.

Currently Tynwald has not adopted the revised 2006 Bathing Water Directive as an objective.

1125 Mr Speaker, I can confirm that the sewage treatment plants which are currently being constructed under the Regional Sewage Treatment Strategy can, if required, be retro-fitted tertiary treatment processes and with additional storage, in order to achieve compliance with the 2006 Directive, if this standard is subsequently approved by Tynwald.

1130 It would, however, be significantly more difficult and expensive to increase the storm water storage capacities at the large IRIS pumping stations, which were designed and constructed in the 1990s, in order to achieve compliance to the new standards.

CHIEF MINISTER

**3.1. International Covenant on Economic, Social and Cultural Rights –
Isle of Man Government submission**

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

What submission relating to the International Covenant on Economic, Social and Cultural Rights was made by the Isle of Man Government; and when and to whom it was provided?

1135 **Answer:** As I advised in my response to the Hon. Member's Written Question on 3rd December 2013, certain international treaties include a requirement for the States to which they apply to submit periodic reports on the implementation of the treaty. As a Crown Dependency, the Isle of Man is not an independent Sovereign State and it cannot be a party to treaties such as the International Covenant on Economic, Social and Cultural Rights (ICESCR) in its own right, but the UK's ratification can be, and for the ICESCR has been, extended to the Island.

1140 In such cases the Isle of Man Government is responsible for compliance domestically but the UK, as the State Party, remains responsible to the treaty body for compliance, including for matters such as periodic reporting obligations. Information about the position in the Island is submitted to the relevant treaty body by the UK (either incorporated into the body of the UK's report or attached as an annex to the main report) rather than the Island submitting periodic reports separately in its own right to the treaty body.

1145 The United Nations body that examines periodic reports on the implementation of the ICESCR is the Committee on Economic, Social and Cultural Rights and the UK's next periodic report is due to be submitted to that body by 30th June 2014.

1150 The Isle of Man Government's contribution to the UK's next ICESCR report was submitted to the Ministry of Justice, which is coordinating the preparation of the UK report, at the end of October last year. The information provided to the UK will need to be finalised and updated (for example, to take account of the restructuring of Government on 1st April 2014) before the UK's report is completed for submission to the UN Committee.

TREASURY

3.2. Cost of HM Attorney General trial – Question withdrawn

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

What the cost has been to Government of the trial of the Attorney General, including preparatory work?

3.3. Schools catering, caretaking and maintenance– Transfer of responsibility for management and budgeting

The Hon. Member for Michael (Mr Cannan) to ask the Minister for the Treasury:

Whether management and budgeting control for catering, caretaking and maintenance will be removed from schools and, if so, who will be responsible for these services; and what the total budget for these items was under the old system compared with the new system?

1155 **Answer:** In respect of the first part of the Question, I can confirm that the catering and cleaning and caretaking budgets will move with effect from the 1st April 2014 whilst the budgets for maintenance of schools were moved with effect from 1st April 2013.

In respect of the second part of the Question, responsibility for catering will be centralised within the Department of Health and Social Care, and for caretaking and maintenance responsibility will be centralised within the Department of Infrastructure.

1160 In respect of the third part of the Question, the total budget for these areas in the old and new systems are as follows:

Catering

For 2013-14 the Department of Health's catering expenditure will be £1.6 million (net). The catering balance to be centralised (transferred in) to the Department of Health and Social Care is a net amount of £0.9 million (based on total gross expenditure on catering of £4.8 million and

1165 gross income of £3.9 million). This figure includes the aggregate schools' catering balance of £1 million (based upon their gross expenditure being £3.9 million and gross income being £2.9 million).

	Amount (£)	Staffing (fte)
Opening balance (DOH)	(1,665,900)	45.57
Transfers in	(903,032)	120.68
Closing balance	(2,568,932)	166.25

The resulting position is as shown above, to which target savings of £200,000 (7.8% of net spending) have been applied to the total in 2014-15.

1170 **Cleaning and Caretaking**

The cleaning and caretaking expenditure within the Department of Infrastructure in 2013-14 is £0.6 million (net).

A further sum of £3.4 million (net) in respect of cleaning and caretaking expenditure is to be centralised (transferred in) to the DOI with effect from 1st April 2014. This expenditure includes the aggregate schools' cleaning and caretaking net expenditure of £2.5 million.

1175

	Net Expenditure (£)	Staffing (fte)
Opening balance (DOI)	614,143	19.18
Transfers in	3,410,384	122.18
Closing balance	4,024,527	141.36

As with the catering budget further target savings of £400,000 (10%) have been applied to the above total in 2014-15.

Estates

In respect of estates no further centralisation has taken place in 2014-15.

1180

The estates function of the Department of Education and Children was centralised to the DOI in 2013-14. The combined estates function of £31 million shown below has had £654,000 (2.1%) of target savings applied to it for 2014-15.

	Net Expenditure (£)	Staffing (fte)
Opening balance (DOI)	27,447,987	202.20
Transfers in	3,546,700	2.00
Closing balance	30,994,687	204.20

**3.4. Treasury Minister's statement re Island living beyond its means –
Breakdown of figure referred to**

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

Further to his statement on 18th February, if he will provide a breakdown of the £86,000,000 he referred to when he stated that the Island was living beyond its means?

Answer: The deficit figure of £86 million¹ is the total of the following amounts as provided in the Isle of Man Budget 2014-15 (GD2014/01), as follows in Table 2.4A:

1185

Table 2.4A

	£	Deficit Amount (£)
Revenue account deficit		11,000,000 (Pg 1)
Capital account deficit		35,900,000 (Pg 1)
Reserves Drawdown:		
Employee pensions reserve	27,000,000	
Economic development fund	2,500,000	
Health inspection fund	2,100,000	
Insurance fund	2,500,000	
Legal costs reserve	3,800,000	
Restructuring fund	1,100,000	
Other funds	1,100,000	
Offset by income of:	(600,000)	
		39,500,000 ² (Pg 30)
Total		86,000,000

¹ Figures rounded

² Amount excludes the £6.69 million transferred from the housing reserve into the capital fund, which already forms part of the £36 million deficit on the capital account

INFRASTRUCTURE

3.5. Peel Road works – Update on standard and schedule

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

Whether the contracted works on the Peel Road are up to the required standards of the contract and still on time?

Answer: I am pleased to reaffirm that the Peel Road project is well ahead of programme. We hope to complete the work in the middle of April, as long as the weather conditions remain in our favour.

1190 Our main sub-contractor has indicated that it hopes to finish on site on 21st March 2014; this is 11 weeks ahead of their contracted programme. The Department will then pave the final wearing course of asphalt on to the road and paint the road markings. The cycle lane may not have the final coloured surface applied by the end of the project because this needs to be applied in warm and dry conditions; it may be that we have to wait until later in the year but this will not delay the re-opening of the road.

1195 Ongoing monitoring and testing of the work being undertaken is normal practice on schemes of this sort. Core samples have been taken and tested to ensure that the construction and compaction are to the required standards. This testing had been satisfactory until very recently, when results indicated quality control weaknesses in some areas of the asphalt construction.

1200 This affects about 5% of the carriageway area. The requirement to maintain entrances to businesses at all times and other traffic management restrictions on the site made working in the affected areas particularly challenging for the contractor and limited the type of equipment that could be used. As is normal with construction projects, we have been working closely with our construction partner to identify the appropriate solution to this particular problem.

1205 A solution has been agreed with our sub-contractor; the company has started the corrective work.

The rectification work includes removing substandard asphalt and relaying it to the appropriate requirements.

1210 This additional work will take around one week to complete and will be undertaken at no additional cost to the Department, as is normal for construction projects. The rectification work is not expected to delay the sub-contractor's early completion date of 21st March.

COMMUNITY, CULTURE AND LEISURE

3.6. Agenda for Change – Environment and Infrastructure objective 6.3

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for Community, Culture and Leisure:

What calculations were used in relation to the performance reported in respect of Agenda for Change Environment and Infrastructure objective 6.3 (cost and revenue per mile, and bus driver utilisation); and if he will make a statement on the industry Key Performance Indicator and public transport data used?

Answer: The purpose of performance reporting is to determine how successful policy changes and initiatives have been in improving operating efficiency, to establish that value for money is being delivered and to highlight areas which require further work.

1215 Whilst it is likely that the public transport performance measures identified and reported will continue to develop over time, the major areas of cost and income have been identified as appropriate general indicators of performance improvement. Given that bus driver costs represent nearly half of total bus costs, the critical area of driver utilisation is included as an indicator because of its impact on the whole.

The three indicators reported in the performance measure are calculated as follows:

1220 (1) The revenue cost per bus mile is calculated by using the total cumulative spend for bus operations and bus engineering divided by the cumulative bus mileage figure for the reporting period. Neither Loan charges nor any portion of central administration costs are included within the calculation.

1225 (2) The income per bus mile calculation is based upon the actual cumulative income to the end of the reporting period divided by the cumulative bus mileage for the same period. Income from sale of buses is not included in the income figure.

(3) The driver utilisation calculation is based upon the actual percentage of driving hours compared to the total of paid hours for the period.

1230 When calculating quarterly performance, actual figures at the period end which have been extracted from the Axapta accounting system are used. The costs and income figures used are on a cumulative basis to provide a clearer picture against the full year base figure for 2012-13.

It is pleasing to report that at the end of the December quarter, all three indicators are showing improvement over the previous year base figures.

1235 With regards to the request regarding a statement on industry Key Performance indicators, it is advised that there are no published standard financial performance indicators within the de-regulated industry because of the commercially sensitive nature of the information. Some national operators benchmark against their own garages and business units, using electronic information systems to determine if they meet engineering, operational and customer satisfaction targets. It is also understood that some operators agree to share non-sensitive information such as first time MOT pass rates and the number of supervisory staff employed for
1240 size of the fleet etc., but that information is not available outside of that benchmark group.

Given the unavailability of external data, the indicators chosen do not benchmark the financial performance of bus services in the Isle of Man against other UK operators, but instead measure improvements in costs and efficiency.

1245 We are starting from a simple base which will be developed over the years ahead, and I would like to think that in time we will compare favourably against the best UK operators. But we need to be mindful that this is not an easy or quick task. Bus operators in the UK have been improving efficiency and reducing costs since bus de-regulation in 1986, with profit being the key driver in a free and competitive market place. This in turn required staff terms and
1250 conditions to be radically reviewed.

The truth of the matter is that currently the financial performance of the Island service will not compare favourably with those in the UK. We offer value for money, our network is comprehensive and our fleet is modern, safe and eco-friendly. If profitability is to be the major driver, then there needs to be radical change in our fares policy. We are making progress, one
1255 step at a time. We are currently in the process of completing an on-bus customer satisfaction survey and measuring certain elements of a passenger's journey, the results of which will be evaluated and compared with past surveys. This will give us further opportunities to make service improvements.

Public transport on the Island does and will continue to operate using guiding commercial
1260 principals wherever possible. But this is a complicated area, where customer expectations are high regarding levels of service. To balance expectation and overall costs will take time and enormous effort to turnaround. The Island needs a good affordable public transport operation which caters for the needs of all Island residents including the vulnerable in society. Getting the balance right will not be easy, but it is hoped that all the support required to achieve this
1265 balance will be forthcoming.

Order of the Day

4. BILL FOR FIRST READING

4.1. Cabinet Office (Legislative Amendments) Bill 2014

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

The Secretary: Bill for First Reading: Cabinet Office (Legislative Amendments) Bill 2014,
1270 Member in charge, Mr Robertshaw.

The Speaker: Thank you.

5. BILLS FOR THIRD READING

5.1. European Union (Amendment) Bill 2014 – Third Reading approved

Mr Watterson to move:

That the European Union (Amendment) Bill 2014 be read the third time.

The Speaker: Item 5. Bills for Third Reading.

The first of those is the European Union (Amendment) Bill, and I call on the mover, the Hon.
1275 Member for Rushen, Mr Watterson.

Mr Watterson: Mr Speaker, I appreciate the support of Hon. Members during the previous readings of this Bill, and as there are no outstanding queries to respond to at this time, I beg to move that the Bill be read for a third time.

1280

Mr Henderson: I beg to second, sir, and reserve my remarks.

The Speaker: I put the question that the European Union (Amendment) Bill be read for the third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

5.2. Terrorism and Other Crime (Financial Restrictions) Bill 2014 – Third Reading approved

Mr Watterson to move:

That the Terrorism and Other Crime (Financial Restrictions) Bill 2014 be read the third time.

The Speaker: The Terrorism and Other Crime (Financial Restrictions) Bill. Again, I call on
1285 Mr Watterson.

Mr Watterson: Mr Speaker, the principle and purpose behind this Bill was debated during the Second Reading.

1290 During the clauses stage last week, the long title of the Bill was amended to enable two clauses to be inserted to the Bill to correct a minor drafting error in the current Criminal Justice, Police Powers and Other Amendments Bill relating to bail.

Mr Houghton mentioned other issues concerning bail, and I will write to him very shortly regarding that.

1295 No other issues were raised in relation to the Bill, and I therefore beg to move that the Third Reading of the Terrorism and Other Crime (Financial Restrictions) Bill be approved.

The Speaker: Mr Quirk.

1300 **Mr Quirk:** I beg to second, sir, and reserve my remarks.

The Speaker: I put the question that the Terrorism and Other Crime (Financial Restrictions) Bill be read for the Third Time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

5.3 Health Care Professionals Bill 2014 – Third Reading approved

1305 **The Speaker:** The Health Care Professionals Bill. I call on the mover, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

1310 I am pleased to be able to move the Third Reading of the Health Care Professionals Bill for the Department of Health and thank Members for their contributions during the previous stages of the Bill.

The overarching purpose of this Bill is to prescribe the manner in which certain health care professionals are required to be registered and for related purposes.

1315 The main aim of the Bill is to facilitate new arrangements for doctors' revalidation by giving the Department the legal authority to act as a designated body, in the same way as the body in the UK would, so that it can appoint the responsible officers to report to the General Medical Council on the fitness to practise of every doctor on the Island once every five years.

The Bill also updates and improves the legislation around the regulation of various health care professionals – including doctors, nurses, midwives, chiropractors and osteopaths – to bring the Island into line with the UK.

1320 During consideration of the clauses for this Bill, the Hon. Member for East Douglas, Mrs Cannell, asked for further details about anybody who had not indicated support for the proposals during the consultation process of the Bill. I am pleased to confirm that only one person refused to support the proposals, and their views were so contrary to the views of the General Medical Council, the Department and the rest of the respondents, that they could not be seriously considered.

1325 Mrs Cannell also asked about the regulations which are referred to in this Bill. I can confirm that no local regulations are anticipated. However, under clause 5, which deals with the appointment of responsible officers to evaluate and report on the fitness to practice of doctors, it is established that... *[Inaudible]* the Island in relation to doctors' revalidation is to be done in accordance with the UK Responsible Officers Regulations. This is to make sure that, going forward, the Island stays in train with the UK in this most important area.

1330 With regard to the appointment of a responsible officer for the Isle of Man, I have previously stated that it is the intention of the Department that the Medical Director will take on this role.

1335 Mrs Cannell queried whether this might change in consequence of the Beamans review and the proposal that in future the Medical Director will not have any clinical duties. I am pleased to reassure the Hon. Member that the implications of the review will be carefully considered to ensure that the Department will still be in a position to appoint a suitably qualified responsible officer as soon as the Bill comes into effect.

1340 Mrs Cannell also spoke about the potential length of suspensions which would stop a health care professional from carrying out their functions. As I said in my response, the length of a suspension depends very much on what a person was suspended for in the first place. The Department has very limited influence in this, and for the most part we would be in the hands of the regulatory body for the profession concerned and would have to abide by their timescales for consideration of the matter in hand.

1345 Finally, the Hon. Member for Ramsey, Mr Singer, queried the level of the penalties attached to the offences in the Bill. As I stated previously, the Department is of the view that, for the time being, the penalties should remain as they are set out in both the existing Manx legislation and the equivalent UK legislation. This is because the offences in the Bill essentially deal with the protection of professional titles and would also give the Department the power to act in the case of an individual purporting to be a health care professional or undertaking health care professional activities when they should not be, thus providing an element of prevention.

1350 More serious matters relating to the conduct of health care professionals would either be dealt with via the disciplinary procedures of the various UK regulatory bodies, or via other existing legislation. Under the rules of the various healthcare professions, any person being dealt with under either of these processes would, in the case of alleged serious misdemeanours, be unable to practise while outstanding matters were being investigated.

1355 I understand the Hon. Member's concerns in this regard and fully sympathise with him. I can assure him that the Department will be watching closely how this part of the Bill works and should it be felt that an increase in the penalties necessary, will give this further consideration.

1360 In summary, Vainstyr Loayreyder, I would just confirm that the need for the legislation to allow doctors' revalidation is important and urgent to ensure that doctors can continue to practise on the Island, so I hope that Members will continue to give their support to this Bill so that it can be progressed as soon as possible.

1365 I must thank the Department's staff for their help and support in the construction and presentation of this Bill – Colin Brew and Kate Usher in particular – and also to Simon Jackson in the background. I also thank local practitioners who have provided unwavering support to me personally for the progression of this legislation – Dr Chris Walker being one of them. I must also thank all those who took part in the consultation and gave their support. I also thank Mr Cregeen for seconding the Bill during its progression in this House.

1370 I am particularly very pleased that the Department has agreed to place the regulation of chiropractors within the Bill. It has taken me a long time to achieve this.

Vainstyr Loayreyder, I beg to move that the Health Care Professionals Bill be read a third time.

1375 **The Speaker:** Mr Cregeen.

Mr Cregeen: Thank you, Mr Speaker.
I am more than happy to second.

1380 **The Speaker:** Mr Karran.

Mr Karran: Eaghtyrane, I would just like to say that I think that the proposed bill is a step in the right direction.

1385 I just wondered... I did raise it outside this chamber with the mover, about the issue of insurance cover. Will there be any responsibility as far as professional insurance cover as far as this Bill coming in to regulate?

1390 I just would like to say that I have no problem with the Bill. I am just very disappointed that we saw the ministers vote against... that we could not get the rest of the Questions answered in this forum, and there is no excuse for it.

Mrs Cannell: Hear, hear.

The Speaker: Mr Henderson to reply.

1395 **Mr Henderson:** Gura mie eu, Eaghtyrane. Loayreyder
I thank the Hon. Member for his comments.

1400 The insurance issue is a matter for each medical professional to have their own professional indemnity insurance, and also through their own professional bodies. Any self-respecting *bona fide* medical professional, as used in the widest term in this Bill, encompassing all the professions mentioned, will have their own issues sorted out and it is something certainly that members of the public should look at when they are engaging the services of the medical profession, such as the chiropractor or other matters.

1405 **The Speaker:** Hon. Members, I put the question that the Health Care Professionals Bill be read for the third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Hon. Members, that concludes the business of the House today.

May I congratulate those Members answering Questions for the first time in their capacity as Minister – on this occasion, Mr Quayle. (**Several Members:** Hear, hear.)

1410 I have been asked to remind Members of a briefing at 1.30 by the Department of Education and Children on the future of the 14-16 qualification reform consultation.

With that, the House will now stand adjourned until the next sitting, which will take place at 10.30 on 18th March in Tynwald Chamber.

The House adjourned at 11.17 a.m.