



HOUSE OF KEYS OFFICIAL REPORT

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PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 3rd February 2015

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Present:

The Speaker (Hon. S C Rodan) (Garff);
The Chief Minister (Hon. A R Bell) (Ramsey);
Mr D M Anderson (Glenfaba);
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 J P Shimmin and Mr C C Thomas (Douglas West);
Hon. R A Ronan (Castletown); Mr G D Cregeen (Malew and Santon);
Hon. J P Watterson and Hon. L D Skelly (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.

5

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 given leave of absence to the Hon. Member for Ramsey, Mr Singer, who is away on Government business; and the Hon. Member for Rushen, Mr Gawne who is unwell.

10

Nominations for election to Legislative Council

The Speaker: I remind Hon. Members that they are now able to nominate candidates for election to the Legislative Council in writing to the Secretary of the House. The closing date for nominations is Friday, 27th February at 4.30 p.m. Nominations will be published immediately after that time.

15

Welcome to Ambassador for the Republic of Korea

The Speaker: Hon. Members, it is my pleasure to welcome to the House today the Ambassador for the Republic of Korea to the United Kingdom, His Excellency Mr Sunnam Lim; also Madam Lim and members of staff from the Korean Embassy.

20 You are very welcome to this Island and we hope your visit is a productive and fruitful one.

Members: Hear, hear.

1. Questions for Oral Answer

POLICY AND REFORM

1.1. Post offices – Role of Minister for Policy and Reform

The Hon. Member for Onchan (Mr Quirk) to ask the Minister for Policy and Reform:

What role he plays in relation to the post offices on the Island?

The Speaker: Hon. Members, we now turn to Item 1 on the Order Paper, Questions for Oral Answer. I call on the Hon. Member for Onchan, Mr Quirk, to ask Question 1.

Mr Quirk: Thank you, Mr Speaker.
Can I... propose that my Question be answered?

Mr Watterson: 'Beg leave to ask the Question standing in my name.'

Mr Quirk: I was thinking of something else, sorry Mr Speaker!

The Speaker: Minister for Policy and Reform.

The Minister for Policy and Reform (Mr Robertshaw): Thank you, Mr Speaker.

As part of my role as Minister for Policy and Reform, I am leading a local government modernisation, where one of the aims is to provide local services at a local level, i.e. the community. Following the Big Debate, which the Hon. Member attended, Island residents resoundingly agreed that services should be provided in the community, where possible and whoever delivers them, to meet the holistic needs of the individual.

Post offices are one of the services that should be provided in the community, and if we are to aspire to regional community centres, it would be most helpful if we could coalesce around the services, where appropriate, in one place.

The regeneration scheme for Ramsey identified the Courthouse, where the post office is currently located, as the hub of regeneration, so to see it lay empty, should the post office relocate, would be disappointing.

So my role with regard to the Post Office is to ensure we get joined-up thinking across Government on the services we need to provide in the community.

Thank you, Mr Speaker.

The Speaker: Mr Quirk, supplementary.

Mr Quirk: Thank you, Mr Speaker.

Can I ask the Minister for Policy and Reform then, how many times he has met actually Ramsey Town Commissioners as a full board?

Can I also ask him how many times he has met Mr Malpass in a private capacity or as Chairman of that authority?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

I have met the Post Office board twice, and I have met the Chairman of Ramsey Town Commissioners and his chief executive three times.

65 Thank you, Mr Speaker.

The Speaker: Hon. Member for Michael.

Mr Cannan: Thank you, Mr Speaker.

70 Can I ask the Minister then, is it now policy from the Council of Ministers that the Ramsey post office stays in the Ramsey Courthouse?

The Speaker: Minister.

75 **The Minister:** Mr Speaker, the position is as I have stated in my original Answer. The concept of policy developing in the centre through my office is an ongoing one, and is progressively integrating with the thinking in the regions and in local authorities, and in some respects, the current situation with regard to the Post Office has brought the matters into focus and to a head.

80 Thank you, Mr Speaker.

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

Mrs Beecroft: Thank you, Mr Speaker.

85 Could the Minister then confirm, when policy is discussed in Cabinet Office and at these Big Debates etc, whether it is actually brought back to Tynwald to debate, before it becomes policy?

The Speaker: Minister.

90 **The Minister:** I think the matter of the changing role of local authorities and one-stop shop and 'Customer First' issues have been with us, as I recall, since somewhere roundabout 2009 in one form or another, and the progression towards this is not a sudden big bang process. It is a development of thinking, as Government itself changes, and as it changes its relationship with local government, and it is something that requires the full engagement of all Members.

95 Thank you, Mr Speaker.

The Speaker: Hon. Member for Michael.

Mr Cannan: Thank you, Mr Speaker.

100 Given the Minister's last statement and given his commitments to finding the solution for Ramsey, can I ask him therefore what position is with regard to the crown post office in Douglas?

The Speaker: Minister.

105

The Minister: Mr Speaker, I have never pretended otherwise than I am comfortable to see crown post offices become sub-post offices.

The issue with regard to Ramsey is about the location of the post office and its capacity to integrate with other services.

110 But as far as the Isle of Man having a continued service through the post office, whether it be sub-post office or crown post office, is not the issue for me.

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

115 **Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh not consider extending the role as far as the Post Office's viability? Would he not agree that there are other ways of making the profitability of the Post Office better and he should be leading the way with his card system, maybe developing that card system into a proper payment and debit card so that other people can use the Post Office to bring the viability of the Post Office up, so that we are maybe laying the stones down for a national bank, or a national credit union?

120 Would he also not agree in his role as overseer, would he look at the likes of the absurd situation we have where we are paying these people as members of a Statutory Board for being on the likes of the Post Office, where they are obviously not doing their job; it has been delegated to the Treasury Minister and the Chief Minister? Will he look at saving money that way, instead of hitting the frontline services?

125

The Speaker: We are not into a debate on the Post Office. Questions only.
Mr Robertshaw.

The Minister: Thank you, Mr Speaker.

130 I have no criticism of the Post Office board at all and never have done throughout this process. They as a board are doing their best to deal with difficult circumstances where their operation is changing profoundly, as customers react differently to the services that they offer, so no criticism there at all.

135 But I am encouraged by his comments with regard to potential, and opportunities that exist, for a newly-formed sub-post office in the regions and what we might be able to do with the MiCard in the future. It is exciting and the important thing is to have these services, whether they are central Government services or Post Office services, in regional centres so that as we go towards digital inclusion and more and more activity happens online, Government keeps its friendly face close to the customer.

140 Thank you, Mr Speaker.

The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

145 I am disappointed that the Minister actually did not answer the question that I asked about Tynwald debating policy.

150 It is all very well having a debate and saying we all want services in the community, but when it comes to the detail of those policies, would the Minister not agree that Tynwald is the place for those to be debated (**A Member:** Hear, hear.) and, when he says, 'I am comfortable with the lack of crown post offices, being converted to sub-post offices,' it is actually not about what *he* is comfortable with? (**Mrs Cannell:** Hear, hear.) It is about what the community is comfortable with (**Mrs Cannell:** Hear, hear.) and it is about what Tynwald Members are comfortable with.

155 Or does he think that, in his role as Minister for Policy and Reform, he is actually in charge now?

The Speaker: Minister.

The Minister: Mr Speaker, I think the hon. questioner has missed the point.

160 **Mrs Beecroft:** Usually do.

The Minister: I was asked the question what my opinion was and I gave my opinion.

165 As far as what happens with regard to post offices in the end, it is a matter for the Post Office and the Chairman.

A Member: Hear, hear.

The Speaker: Hon. Member for Michael.

170 **Mr Cannan:** Just building on that question, Mr Speaker, is the Chairman of the Post Office actually redundant?

Mrs Beecroft: Yes, it would seem so! It would seem so. *(Interjection by Mr Cregeen and laughter)*

175

The Minister: Absolutely not, Mr Speaker, and I am grateful for the involvement that the Chairman and his Board have offered in this matter with regard to trying to resolve the future wellbeing of the services in Ramsey.

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

Mr Houghton: Thank you, Mr Speaker.

185 Can the Minister for Policy and Reform simply answer this, as a yes or a no: has anybody thought of asking the sub-post masters (**Mr Quirk:** Yes.) all around the Island what they think (**Mr Quirk:** Hear, hear.) bringing in new business to the Post Office is all about and what suggestions they could make?

The Speaker: Minister.

190 **The Minister:** I refer the Hon. Member to my previous answers and I would ask him to direct that particular question to the Chairman of the Post Office.
Thank you, Mr Speaker.

HOME AFFAIRS

1.2. Burglaries – Reasons for increase

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

What the reasons are for the increase in burglaries?

195 **The Speaker:** Question 2, Hon. Member for Onchan, Mr Karran.

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

The Speaker: Minister for Home Affairs.

200 **The Minister for Home Affairs (Mr Watterson):** Mr Speaker, it would be inappropriate for me to speculate on the reasons for the increases in recent burglaries, and I would remind Members that this is subject to an ongoing Police investigation.

205 **The Speaker:** Mr Karran, supplementary.

Mr Karran: Vainstyr Loayreyder, does the Shirveishagh now accept that the cuts that have been put into the Police Force have helped the situation that we find ourselves in now, where people are actually concerned about the issue of safety in their own homes?

Will he be making representation to the Treasury and the Chief Minister about those cuts within the Police Force, in order to try to mend the situation we find ourselves in?

The Speaker: Mr Watterson.

The Minister: What I would say, Mr Speaker, is that the numbers have fallen in the Constabulary far faster than we had anticipated.

Over the last two years, we have lost around 50 officers from the frontline and the budget reductions will only account for 25. We have not actually sacked any policemen at all. This is a case of more people leaving than we have been able to bring in. That is for a number of factors and many of those are linked to UK terms of service, which we are linked to because the Police Federation... the Constabulary have chosen to follow that route, which does make it less attractive for new officers coming in.

I do accept the point that there is more to do and it is the priority of the Constabulary to get good quality individuals into the Service and to get back up to the target of 211 constables on the beat, so that we are up to strength and can police the Island far more effectively.

The Speaker: Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

In view of the fact that there were almost 40 burglaries during the time and they appear now to have stopped for at least some seven days, could the Minister agree with me that the way that the Police publicised the case as matters were arising, through the social network... and not so much actually speaking on the likes of Manx Radio and other media such as that, so that elderly people who are not adept to the IT network etc would have been able to have been more reassured as to what work was going on during the investigation, there was certainly a shortfall on that?

Finally, Mr Speaker, in order to discuss this very worrying matter more, would he arrange a presentation by the Chief Constable to Members of Tynwald in order to update us on what was actually going on behind the scenes – and I am not looking for confidential issues, but what was going on behind the scenes – because there was a dramatic shortfall of information output to both Members of Tynwald, who were fielding enquiries – ?

The Speaker: Hon. Member, you have put your question, thank you. Minister to reply.

The Minister: There is an awful lot there, Mr Speaker, and I am conscious that a lot of what the Hon. Member has questioned are operational matters for the Police.

Certainly how the Constabulary get their message across to the media is something which I have talked to the Chief Constable about, but is ultimately a matter for the Chief Constable and the Constabulary. I know that they have tried to reach out to older people and have visited older people's homes and pensioners' groups, in order to try and spread the word and reassure them.

With regard to a request for a presentation from the Chief Constable to Members, I will consider that and I will discuss it with the Chief Constable, but of course that would be a matter for him to decide rather than me because he must remain independent from my command. **(A Member:** Hear, hear.) So I will discuss that with him, sir.

Mr Houghton: Thank you.

The Speaker: Mr Karran.

260 **Mr Karran:** Vainstyr Loayreyder, thanking the Shirveishagh Cooishyn Sthie for his reply on his
situation as far as the staffing levels are concerned, but does the Shirveishagh Cooishyn Sthie
accept that it seems to be a situation, as far as his CoMin friends... in the fact that the situation is
that we cannot just go down the road, down the motorway, to get police from another Force
here in a hurry; and that that allows for the reasons why there has been a historical reason why
265 there has been more in the Police Force per head of population here than in other areas?

Would the Shirveishagh also go back to the Treasury and certainly to Hon. Members... the
cost of the overtime, to highlight once again the Treasury's policy of knowing the price of
everything and the value of very little; in the fact that it has more likely destroyed your budget
and the cuts that had been forced on you... as a former Member of the Home Affairs
270 Department up to recent times, that we were so concerned about the cuts?

The Speaker: Minister.

The Minister: The Hon. Member knows that I do not shy away from the concerns that I have
275 voiced publicly about the cuts, but what we are talking about here is something that is over and
above that.

We have moved, in establishment terms, from a Constabulary of 236 officers down to a
Constabulary of 211 officers. That was the budget. That was the plan and were we working at
that level we would have something that we, at the time – the Chief Constable and I –
280 considered sustainable.

The problem has been that, because we have had more officers leaving, not due to budgetary
reasons but due to other reasons – different tempo, change of working practices – we have lost
more officers than that, without sacking any.

So my point would be that when we get up to 211 officers we will then be in a situation
285 where we are able to see whether the model works; but at the moment we are just not there.

The Hon. Member is right: we cannot just create police officers out of thin air. They need to
be trained, they need experience and that is something that you cannot invent; although we are
looking to see if there are any in the UK with Manx connections looking to come back, because
we are aware of the skills gap.

290 But I would make the point quite clear that this is not simply a budgetary issue. We have got
the money there for 211 officers. We are still trying to get back up to 211 officers.

The Speaker: Hon. Member, Mr Hall.

295 **Mr Hall:** Thank you, Mr Speaker.

Can the Minister confirm and give assurance to the House that the Constabulary is making
efforts with intelligence forces in the UK? I say that because I was only reading yesterday that in
West Campbell in the UK they have just had a big spike in burglaries and the nature of those is
almost identical to ours – late afternoons, early evening and targeting specifically cash and
300 jewellery. There seem to be some similarities and I am just wondering what efforts the
Constabulary is making in terms of intelligence sharing and working with forces around the UK to
try and identify that there might be similarities here, but with a particular criminal fraternity?

The Speaker: Minister.

305

The Minister: I am happy to give the assurance that the Police do have continual dialogue
with colleagues in the UK and have good working relationships in terms of sharing intelligence.

The Speaker: The Hon. Member, Mr Houghton.

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

Could the Minister inform this Hon. House just how many operational officers he has actually under employ at this point in time? If he would let us have the cost of the overtime costs (**A Member:** Hear, hear.) in respect of the investigations into these burglaries for officers who are working a number of weeks at 12-hour and 14-hour days?

315

The Speaker: Reply, sir.

The Minister: I am happy to get the overtime figures and circulate them to Hon. Members. I do not have an exact figure today, but I understand that the figure for officers available at the moment is around 194. So, as you can see, we are still way short of where we want to be and that is having an impact on officers who are having to cover and put in extra hours and I do thank them for their dedication on that front, sir.

320

A Member: Hear, hear.

325

The Speaker: A final supplementary.

Mr Karran: Vainstyr Loayreyder, I wanted the circulation of the costs of –

330

The Speaker: Thank you.

ECONOMIC DEVELOPMENT

1.3. Cycling – Inviting new international events to Island

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

What action he has taken to invite new international cycle events to the Island, as part of the policy of growing tourism?

The Speaker: Question 3, the Hon. Member, Mr Karran.

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

335

The Speaker: I call on the Minister for Economic Development, Mr Skelly.

The Minister for Economic Development (Mr Skelly): Gura mie eu, Loayreyder.

I want to thank the Hon. Member for his question and for his previous interest and dialogue with the Department about the development of a new international cycling event. Like the Hon. Member, the Department has recognised the opportunity for a major cycling event for the Isle of Man and this is both due to the burgeoning participation in cycling in general and in particular the achievements of Manx cyclists at elite level. As Members will be aware, the Department currently supports a number of successful cycling events and has researched a number of options to develop a new major cycling event as part of the Visitor Economy Strategy.

345

During his visit to Glasgow in April 2014, the Chief Minister announced at the Sir Chris Hoy Velodrome that the Isle of Man will be bidding for the 2016 British Cycling National Road Championships. The championships will take place between 23rd June and 26th June 2016. The

Department has worked closely with the Isle of Man Cycling Association, who have just formally submitted the Isle of Man bid and a decision is expected by the end of March.

350 Later today I intend to share the official document bid with the Hon. Members. I would like to say a special thank you to the Isle of Man Cycling Association for their hard work in preparing such a professional bid. Our work with them and other Government Departments has been a great team Isle of Man effort and I would point out the work in this area is not solely about the 2016 Championships. If we are successful then the British championships will provide the
355 perfect platform to launch an annually reoccurring homegrown cycling festival. This will combine both elite and mass participation and would be a fine legacy from the nationals.

Finally, it is my intention to bring cycling home for this prestigious event and to work with the Isle of Man Cycling Association to secure our own major cycling event for the future.

360 **The Speaker:** Mr Karran, a supplementary.

Mr Karran: Vainstyr Loayreyder, thanking the Shirveishagh for his reply, and it is quite reasonable for a change from a Minister, I would just like to ask him, has anyone looked into the possibility of what new infrastructure we are going to need as far as these cycling events are
365 concerned? Allowing for the fact, would he agree, that it would be a great new economic engine for tourism for the Island, has he looked into other areas? Is there any chance, on the back of this, to see whether we can get some of these international cycling organisations to maybe base themselves in the Island as part of the diversification as far as the economy is concerned?

370 **The Speaker:** Mr Skelly.

The Minister: Gura mie eu.

The Hon. Member talks about infrastructure. We have already established a number of routes that would be part of the championships and also with regard to the mass participation.
375 So we have, I believe, infrastructure already in place and it would not go unnoticed with regard to what we already do with regard to major sporting events – that is the TT and the Festival of Motorcycling. So infrastructure that is already in place in that case will actually roll over with regard to this. Of course we did actually hold this event back in the 1980s I believe it was, and so I think we are quite familiar with that.

380 We will be working very closely with the Cycling Association locally to see how we can use this, as he says, as an economic engine for new tourism for the Isle of Man, and I do believe that this does have the opportunity for that legacy of being a festival that could continue to flourish.

Should teams come to the Isle of Man and base themselves here? I am not so sure about that. However, I think the first thing is we hope to be successful with the bid and then we will
385 launch a cycling event behind that and that will be the big legacy.

Thank you.

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

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

Can I ask the Minister, is he is still in touch with the British Cycling Federation, especially in the North West? Also, could I ask too, are there any plans in the future for a velodrome to be placed?

395 **A Member:** Quarterbridge.

The Speaker: The Minister to reply.

The Minister: Gura mie eu.

400 Yes, well, I am not too sure about the North West, as such; however, we are obviously in touch with the British Cycling Association, who has to formally present the bid. We, as a Department, act as a supporting role and so it is the officials of the local Cycling Association that actually submit the bid and we play the supporting role behind that.

405 With regard to a velodrome, that could also be a legacy. There have been plans in the past and I know there have been efforts made, particularly in Onchan, and yes, we would like to support that. However, I think what we need to do is look at what we are doing in the first instance and that is to see if we can be successful for this bid and bring cycling home to the Isle of Man.

410 **The Speaker:** A final supplementary, Mr Karran.

Mr Karran: Thanking the Shirveishagh for his reply as far as this and congratulate him and his Council of Ministers on this initiative that they are bringing about, but would the Shirveishagh maybe consider on the back of this getting joined-up Government to look at the issue of a small purpose-built short circuit that could be used for tourism in general for other sporting events and social events as part of the regeneration of Douglas and the reforming as far as the promenade is concerned?

420 **The Speaker:** Minister.

The Minister: Gura mie eu.

I would point out that this has actually been a very joined-up effort spanning a number of Departments and working with the Cycling Association and other bodies. So I think this is a great start.

425 'Can we develop a short circuit?' the Hon. Member asks. Yes, of course. Like the velodrome, these are possible legacy issues that could evolve should we be successful. First and foremost all our efforts have been in trying to put this bid together, which I do believe is a very, very strong bid, endorsed by our top elite cyclists, and if we can be successful with that then I think we can grow and evolve this to a greater extent for economic benefit as well as recreation and health benefits.

430

POST OFFICE

1.4. Post Office annual profit payments to Treasury – Change from percentage to fixed sum

The Hon. Member for Douglas South (Mrs Beecroft) to ask the Chairman of the Post Office:

When the share of profits from the Post Office paid to Treasury changed from 50% to a fixed £2 million per annum; who was responsible for this change; and what the rationale for it was?

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

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

435

The Speaker: I call on the Chairman of the Post Office to reply, Mr Cregeen.

The Chairman of the Post Office (Mr Cregeen): Thank you, Mr Speaker.

440 The current arrangements for the payment of the levy on profits from the Post Office date
back to the budget setting process of the 2013-14 financial year. As a result of the process
Treasury directed the Post Office to provide a £2 million receipt to Treasury per annum for the
three years 2013-14, 2014-15 and 2015-16. This dividend is to be drawn from the profits made
in the trading years 2012-13, 2013-14 and 2014-15 or financed from reserves should there be a
shortfall.

445 The rationale for Treasury decision is clearly a matter for Treasury; however, as I understand
it, the decision was made as part of the efforts to rebalance Government finances.

The Speaker: Mrs Beecroft, a supplementary.

450 **Mrs Beecroft:** Yes, thank you, Mr Speaker.

Could the Chairman confirm whether he believes that a fixed £2 million every year is fair or
whether it was actually fair before when it was a set percentage of profits, because surely this
arrangement now does not give him any leeway to plan money in, to look at new products and
ways to improve efficiency and income? I am just wondering what his feelings are on that.

455

The Speaker: Mr Cregeen.

The Chairman: Thank you, Mr Speaker.

460 Previously it was a percentage of the profits that were paid over to Treasury – quite clearly if
we had to draw down from reserves for a number of years it is not sustainable and I think after
the current years we will be talking to the Treasury.

The Speaker: Mrs Beecroft.

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

I think the Chairman said that Treasury *directed* the Post Office to pay this fixed £2 million
per annum. Can he confirm that was a *written* directive from Treasury?

470 And could he confirm whether he has also had a similar directive as regards going out to
tender when he was going to go out for an open tender and, I believe, was told to go for a closed
tender. Was it a written directive in that case?

The Speaker: Mr Cregeen.

The Chairman: Thank you, Mr Speaker.

475 The Post Office Act 1993 gives the Treasury the power to issue directions to the Post Office.
Section 7 of the Act specifically gives the Treasury the power to direct the Post Office to transfer
sums to the general revenue of the Island.

I do not wish to extend the questioning further than the Question Paper.

480 **The Speaker:** Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

In view of the current policy by the Treasury, how much longer does the Post Office expect to
continue to pay the £2 million per annum before it goes to the wall?

485

The Speaker: Mr Cregeen.

The Chairman: Thank you, Mr Speaker.

It was in my Answer, the final year is for 2015-16.

490

A Member: 2016.

The Speaker: The Hon. Member, Mrs Cannell.

495 **Mrs Cannell:** Thank you, Mr Speaker.

Would the Chairman agree with me that, in fact, his Chief Executive Officer informed the Public Accounts Committee that in this last financial year they fell short of being able to generate £2 million worth of profit and, in fact, had to dip into the reserves to make up the shortfall in order to give Treasury the £2 million?

500 Further, was that then the first year of this three-year process where Treasury are demanding £2 million per year for three years? Was that the first payout, or was it the second one?

The Speaker: Chairman to reply.

505 **The Chairman:** Thank you, Mr Speaker.

I thought I had made it quite clear in my Answer that the three years were 2013-14, 2014-15 and 2015-16.

With regard to the comments about the PAC, Mr Speaker, I ask for your guidance: the Member is a member of the PAC and is she asking as PAC or as a Member?

510 **Mr Karran:** She is asking as a Member of this House.

Mrs Cannell: Point of clarification, Mr Speaker.

515 I am a member of the Public Accounts Committee, but first and foremost a Member of this House; and that evidence was taken in public so it is in the public domain.

The Speaker: On the basis that it is publicly available evidence, you are quite entitled to respond.

520 **The Chairman:** Thank you, Mr Speaker, I was just asking for clarification.

As we said in the Public Accounts Committee this was the first year that we have had to draw from reserves to make it up to £2 million.

The Speaker: Mr Karran.

525 **Mr Karran:** Vainstyr Loayreyder, will the Caairliagh get off the fence and actually answer the question from my hon. colleague from Douglas South over the issue? Were you directed by the Treasury or were you not? This *lhiam-lhiat*-ism of not answering... that answer would help the situation.

530 Would he also not agree that the closure of the post offices, as far as that is concerned, they are a victim of the crazy taxation policy that we have got, as far as Government is concerned, and have had for a number of years?

535 **The Speaker:** I see that as more of a comment than a question. I am not going to allow it. We will move on to Question 5.

Mr Karran: Vainstyr Loayreyder, the first part was a legitimate... we wanted an answer in this House, as far as that is concerned.

540 **The Speaker:** I have given my ruling – we are moving on, sir.

Mr Karran: Who is on the fence on it?

The Speaker: Resume your seat, sir.

545 **Mr Karran:** Who is directing, is it him or... ? Were you directed or not?

The Speaker: Order!

550 **Mr Karran:** So you are going to stay on the fence, then?

The Speaker: Order.

Question 1.5. to be answered in writing

The Speaker: Question 5, in the absence of the Minister of Infrastructure, will be answered in writing.

Procedural –

Notification to The Speaker of alternative arrangements for answering Questions

555

The Speaker: In regard to Question 6, I ask Mr Henderson would he like the Question answered next week or in writing?

560

Mr Henderson: Vainstyr Loayreyder, just a point of clarification: would the Member of the Department that is present here be able to – ?

565

The Speaker: Not unless the Member of the Department has been accordingly briefed – I do not believe he or she has. (*Interjection*) Certainly neither I nor the Secretary have been advised of an alternative answering arrangement. Is there a Member of the Department –?

Mr Thomas: For Question 5 or for Question 6, Mr Speaker.

570

The Speaker: Question 5 I have already ruled on. (*Laughter*) Question 6.

A Member: Question 5.

The Speaker: Question 6, Mr Thomas?

575

Mrs Beecroft: No, that would be me, Mr Speaker.

The Speaker: Mrs Beecroft?

580

Mrs Beecroft: Yes, I have the –

The Speaker: Can I make it perfectly plain to Ministers (*Interjections*) that I am not going to have a shambles in the House in this fashion. (**A Member:** Hear, hear.)

If Ministers are not present to answer Questions and alternative arrangements have been made for their answering, I would be most grateful to be notified about this. (*Interjections*) (**A**

585

Member: Hear, hear.) On this occasion I will allow it.

INFRASTRUCTURE

1.6. Free bus passes –
Changes to age requirement

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

What the changes are to the age requirement for free bus passes; why they have been introduced; what the current age is for a person to receive a bus pass?

The Speaker: Mrs Beecroft to answer Question 6.

Mrs Beecroft: Thank you, Mr Speaker.

590 The Department consulted with members of the public last year on a wide range of transportation issues. The consultation included consideration of changes to the entitlement of older persons to use public transport without charge. As the Hon. Member will know it is Government policy that general benefits relating to age are provided when individuals reach state retirement age, which itself varies by the date of birth of the individual.

Historically, the bus pass has been provided to residents who are 60 years of age or older.
595 The Hon. Member may recall that a couple of years ago –

Mr Watterson: Question 5?

600 **Mrs Cannell:** Question 6.

A Member: We are on Question 6.

605 **The Speaker:** Hon. Member – (*Interjection by Mr Karran*)
Hon. Member, we are dealing with Question 6.

Mrs Beecroft: That is the one I am answering, Mr Speaker.

The Speaker: Thank you very much, there seemed to be some doubt.

610 **Two Members:** What happened to number 5? (*Interjections*)

The Speaker: We are dealing with Question 6; I am not going to entertain any questions from the floor about the previous Question.

615 Question 6 we are dealing with, Hon. Members.
Mrs Beecroft, sorry for the interruption.

Mrs Beecroft: That is okay, Mr Speaker, thank you.

Historically, the bus pass has been provided to residents who are 60 years of age or older. The Hon. Member may recall that a couple of years ago the then Department of Health changed the eligibility for prescription medicines from 60 years of age to state pension age. At that time it was agreed to comply with the same decision as the Council of Ministers to make state pension age the age at which all age-related benefits became available across Government.

620 In relation to bus pass eligibility, this decision had not been implemented in the years that followed, so the Department decided to put in place a graduated implementation similar to that undertaken by public transport authorities in the UK. Therefore, there is no single current age of eligibility other than that everybody of state pension age retains entitlement to a free bus pass.
625

630 In addition, those born before 31st December 1953 may claim a bus pass now; those born in
December 1954 may claim a bus pass on their birthday in 2015 at the age of 61. (**A Member:**
Hear, hear.) Those born in 1955 may claim their bus pass on their birthday in 2017; and those in
1956 at their birthday in 2019. Those born in 1957, at their birthday in 2021; and those in 1958
in 2023.

635 Those born later than 1st January 1959 will be able to claim their bus pass on their birthday
in 2025 at which point they will have reached state pension age. This will mark the end of the
transitional period. In effect, this system – which has been publicised – means that the nearer
you were to having expected a bus pass at age 60, the less time you will have to wait for
qualifying under the new system.

640 Whilst the changes were introduced to comply with an undertaking given to a decision of the
Council of Ministers, the Department shares the view that state pension age marks a threshold
between those who are at work or otherwise economically active, and those who are not; and
shares the view that, in order to help balance the budget, scarce resources must be targeted at
those who are disadvantaged rather than being allocated to those who could very well, not only
remaining work, but actually could be at peak earning potential.

Thank you, Mr Speaker.

645 **The Speaker:** Supplementary question, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

650 I thank the Hon. Member for the Department for the Answer, but would she have a look into
a particular issue that I have with this, in relation to folk who may be born in 1954, who there
seems to be evidence that one or two may have been able to obtain a free bus pass, but in the
case that I have been highlighting to the Department somebody who was born in December
1954 has been ruled out for some reason.

655 I would ask is there any way they can just re-look at that case and maybe the odd one or two
other anomalies that crop up with people and offer a little bit of flexibility in the exceptional
one-off situations here?

The Speaker: Mrs Beecroft to reply.

Mrs Beecroft: Thank you, Mr Speaker.

660 I am sure the Department would have no problem in looking at cases where it is believed that
there is an anomaly between what actually is happening and the intention.

The Speaker: The Hon. Member, Mr Quirk.

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

Can I ask the Member, how many appeals have taken place that have not been granted?

The Speaker: Mrs Beecroft.

670 **Mrs Beecroft:** I am assuming the Member is referring to in respect of bus passes. As far as I
am aware, I have not been notified of any appeals to date.

The Speaker: Mr Henderson.

675 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

I thank the Hon. Member for her offer to make representation to the Department, which I
will do.

Could she just clarify the situation where the bus passes can be applied for now and will the post offices or sub-post offices be included with a counter where they may be obtained?

680

The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

I am afraid I do not have that answer with me, but I am happy to circulate it to Members.

HEALTH AND SOCIAL CARE

1.7. Health and Social Care budgets – Allocation considerations

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

Whether the budgets and resources for health and social care are allocated in a way that takes account of future demands and forecasted pressures?

685

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

Mrs Beecroft: Thank you, Mr Speaker.

I ask the Question standing in my name.

690

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

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

695

The allocation of budget and resources within my Department is a complex process given the wide ranging nature of the services we provide and being by far the largest Department of Government.

700

Whilst we are cognisant of future demands and forecast pressures at budget setting, the reality, like most Departments, is that changing demographics, legislation requirements, best practice and service reconfiguration are not fully supported by current processes, but in the Department we are working to improve the information we have available through better systems and greater analytical capacity.

We are also working closely with Treasury officers to improve the budget-setting process and in that regard officers from within my Department have recently responded to my hon. colleague, the Minister for Home Affairs, in his review of Government's financial systems.

705

Over the course of the next budget setting period, we would like to see the resource allocation process become more mature in a way which enables a greater degree of sophistication and collaboration between Treasury and service delivery to be applied to budget setting and which supports planning beyond a one-year horizon.

710

The Speaker: Mrs Beecroft, supplementary.

Mrs Beecroft: Thank you, Mr Speaker.

Could the Minister clarify where exactly the forecasted pressures will be and the future demands? And how he is liaising with Treasury to ensure that his Department has sufficient wherewithal to deal with these?

715

The Speaker: Mr Quayle.

The Minister: Thank you, Mr Speaker.

I think it is well known with the demographic changes that we have coming forward. Currently there are 3.4 members of the public contributing to every one over the age of 65. In 20 to 30 years' time, Mr Speaker, that percentage goes from 3.4 to 1.8. I think it has been shown in the last three years the number of people contributing to tax, etc has decreased by 1,100 and the number of pensioners or people over the age of 65 has increased by 2,400, so that we see as the main problem facing our Department.

We are involving the Chief Financial Officer. He is now attending a couple of meetings a year with our Department's finance officers to discuss ways forward. We have the MedWay upgrade of our IT system which, ironically, I spoke about as a backbencher, in the budget speech about the needs to be able to benchmark to get our costs under control and that is something we are going to be doing.

We are making significant improvements in our financial control, at Noble's Hospital especially, where we spend nearly £90 million. So we are doing our utmost to improve the way we do business to get value for money for the taxpayer and improve the service to the public.

1.8. Health and Social Care data analysis – Ensuring Treasury receives good quality information

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

What measures he takes to ensure that Treasury receives good quality analysis from the Department on which to base its financial decisions?

The Speaker: Question 8, Mrs Beecroft.

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

The Speaker: The Minister for Health and Social Care, Mr Quayle.

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

The Department always tries to comply with the requirements of Treasury in terms of the data it seeks, ensuring that we complete the relevant templates on a timely basis as accurately as possible. Additionally, we are working alongside Treasury colleagues to extend the meaningful nature of information utilised for resource allocation purposes.

In relation to the quality of analysis we undertake I refer to my Answer for Question 8, that within the Department we are working to improve the information we have available through better systems and greater analytical capacity.

We are continuing to develop our relationships with Treasury colleagues to gain a mutual understanding of the issues we each face so that our shared objective of establishing good quality and accuracy in budget setting and monitoring can be met.

The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

I thank the Minister for yet again, another comprehensive and helpful reply. However, when he refers to the completion of the relevant templates, as they are currently, could he confirm that these templates are actually fit for purpose? Do they need to be redesigned in accordance with the information from MedWay etc and all the other information systems that he is mentioning are looking at the moment, to get better data? I am just wondering whether everything is all synced at the moment.

The Speaker: Mr Quayle.

The Minister: Thank you, Mr Speaker.

I think it would not be fair to say that everything is all synced, at the moment, in our data. Because we are having a fairly radical change in how the Department sets its budgetary process and how it records its data.

Hopefully, going forward, the Department will have a fair greater knowledge of its costings, how that benchmarks with other areas, our efficiencies. And whilst we can do a certain amount, it only takes one event to totally skew the Department – a major incident, a major flu bug – and all the best accounting measures and financial provisions can go out of the window.

So I do feel that we have significant improvements to make. We are making those significant improvements and I hope that when we have carried out the MedWay upgrade and implemented the improved financial procedures that Hon. Members of this House will be satisfied with the results.

The Speaker: The Hon. Member, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

Does the Minister feel slightly embarrassed, this year, that the hospital spend was so much underestimated but the Social Care and Housing Division spends were so much overestimated? So will he make every effort to do better next year with his budget?

The Speaker: Mr Quayle.

The Minister: Thank you, Mr Speaker.

I would not say I am 'embarrassed'. You just do not know from one day to the next what the resources are and the demands are going to be on the Department.

However, I do take on board my disappointment that we are overspent at the hospital for a significant amount of money. We have already put in place changes which are showing a financial improvement. As an example, we have reduced our costs in one month just on wages by £30,000 from between December and January, by bringing in new procedures on bed management. So we are doing our best.

The Department of Health and Social Care is a... I would say like a supertank – you do not just suddenly turn it around overnight. It is going to take a while to get correct but we will do our utmost to ensure that the budget we are given on the budget we spend on is as close as possible.

The Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

Given that the Minister has said in an example by way of explanation to the Hon. Member, Mrs Beecroft, that in fact he has no contingency in the event that something serious happens or hits the Island, such as avian flu or something like that, bearing that in mind, and the fact there is an underspend, would he not be better going back to Treasury to see if he can utilise part of this underspend to put into a contingency emergency health fund so that he can mitigate against such disasters, if they ever, God forbid, hit the Island?

The Speaker: Minister to reply.

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

I would just like to say that my Department can respond to some emergencies within its financial reserves – for example, we are spending an amount of money on Ward 20, where we are going to have isolation rooms, should there be an Ebola outbreak, and then we are as prepared as possible. I have ordered various protective clothing – boots, masks, visors etc – so that we are ready should that event happen and that has come within our existing budget.

815

But there are certain events that could happen which could have significant financial requirements, and of course we would have to go to the Treasury to seek support to help us fund that provision.

820 **Mrs Cannell:** That is why I am suggesting a special fund.

The Speaker: Mr Cretney, Hon. Member.

Mr Cretney: Thank you.

825

Would the Minister agree with me that one of the highest fixed costs in the Health Service budget is that of staff and that the action he has taken already in relation to directly employing nurses, rather than having bank nurses, must assist in terms of his budgeting going forward?

Two Members: Hear, hear.

830

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

835

I thank my hon. colleague, Mr Cretney for raising that valid point. Yes, a significant proportion of my Department's overspend is as a result of employing agency and locum staff at Noble's Hospital where the cost can be two times more than having a full-time member in place. As a result of that we are spending a significant amount of energy in having a recruitment drive, not just for the nurses, but also for the consultants and GPs that we are short of, so that we can make the savings which can be into the millions.

840

The 27 nurses, which my hon. colleague, Mr Cretney, alludes to, that will save up to £400,000 and that is giving a better service by having full-time people here, and that after having costed in pension, National Insurance contributions, average sick pay and holiday pay. So there are significant savings, Mr Speaker, to be made by sorting this out; but again, it is not something I can do easily overnight. The United Kingdom, for example, is in a similar position where they do not have enough and they are casting their net further afield and so are we.

845

The Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

850

Following on from what the Minister has just said, would he agree with me that the one *big* downside to his recruitment drive is this current looking at, by the Isle of Man, the current pension arrangements, the current retirement age, insisting that public sector workers actually pay more and work longer is having a very big negative impact on his recruitment drive, not only on his current members of staff, but on his recruitment drive? In fact, where interviews have been arranged for new nurses, on two or three separate occasions the nurses have not even turned up for interview and what is he going to do about the situation?

855

The Speaker: Reply, sir.

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

I feel that this is turning into a recruitment debate, but when you go to change pensions you are never going to get an easy ride and I can understand members of the Department, the staff on the front line, having concerns. However, there are areas in the world where there are spare, shall we say, availability of staff and these are areas where we are looking.

865 Anecdotally, it is worth pointing out that in Spain, for example, the consultants and doctors there are paid half of what we are currently paying on the Isle of Man and so there opportunities to look further afield to help fill our vacancies. But yes, we as a Department have to be competitive. We do pay slightly more than the UK for our staff, but we have to be competitive in the pension world and as I think I have already mentioned in last week's House of Keys, we will
870 be providing evidence to the Hon. Member, the Minister, Mr Robertshaw, and our concerns when he is formulating policy going forward for any changes to the public sector pensions.

The Speaker: A final supplementary question, Mrs Beecroft.

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

I am very glad to hear the Minister saying that we have to remain competitive to attract the right people, but surely that means that we have to remain competitive with the UK because that is where our closest links lie, and that is where the people who have most empathy with our culture and our way of life on the Island lie. We have to remain competitive, surely, with the UK
880 and I would suggest that the changes to the pension scheme for qualified medical people is very ill thought out and should be retracted.

Mrs Cannell: Hear, hear.

885 **The Speaker:** Minister.

The Minister: Thank you, Mr Speaker.

I have always said from day one that the Department must be competitive against the UK, but they are our biggest competitor for staff because they are short of consultants, nurses and
890 doctors themselves. They are looking further afield themselves to recruit and they are already going into Europe to recruit nurses, GPs and consultants, and that is something that we will probably have to do as well. So yes, of course logic would dictate that you would want to get your consultants from the UK, but the opportunity does not always present itself. But we must be competitive to get the very best for the people of the Isle of Man and that is something we
895 will strive to do.

1.9. Suicide Prevention Strategy – Implementing suicide audit recommendations

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

What progress has been made with implementing the recommendations of the Mental Health Services Isle of Man suicide audit January 1996 to December 2007; and when the Suicide Prevention Strategy will come into place?

The Speaker: Question 9, Hon. Member, Mr Karran.

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

900

The Speaker: Minister for Health and Social Care.

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

905 The recommendations of the Isle of Man suicide audit, January 1996 to December 2007, were not formally supported and/or implemented by the Mental Health Service management team or the Department due to concerns regarding the validity of elements of the audit. However, the Public Health Directorate, alongside key stakeholders, are currently in the advanced stages of developing an overarching mental health and wellbeing strategic plan for the Island.

910 The strategic plan, which is due to go out for public consultation this month aims to develop a population approach to the promotion of mental health and wellbeing, facilitating positive changes in regard to attitudes, understanding, support and treatment options. The framework will enable the development of various implementation plans and this will include a suicide prevention strategy for the Isle of Man.

915 In conclusion, my Department fully recognises the importance of the development and implementation of a suicide prevention strategy and in anticipation of the launch of the mental health and wellbeing plan, a document has been drafted.

The Speaker: Mr Karran.

920

Mr Karran: Vainstyr Loayreyder, can the Shirveishagh explain to this House, when he talked about the issue of the mental health strategy for the Island that has been coming along and been in draft for over 18 months and we have had delay after delay, can he actually give a date as far as the public consultation of when it will actually take place?

925 Can he also tell us how much we pay out on Mental Health Services as far as the Island is concerned? The monitoring, as far as the suicide strategy for the Island, how successful has it been, as far as the Mental Health Services are concerned?

The Speaker: Minister to reply.

930

The Minister: Thank you, Mr Speaker.

The Mental Health and Wellbeing Plan has been out for internal consultation within the Department of Health and Social Care and it is due to go out for public consultation in February with a view to implementation in either April or May of this year.

935 I do not have the exact cost that we spend on our Mental Health Services, but I am more than happy to give a letter to all Members in writing.

The Speaker: Mr Karran.

940

Mr Karran: Vainstyr Loayreyder, as far as the suicide strategy, will it be an integrated strategy, as far as the overall health strategy is concerned, as there are cases where suicide is not just an issue of mental health?

945 Could he tell me whether there is going to be any consultation with other health professionals and hospital staff to be trained in responding to attempts to suicide, as far as the issue is concerned of not just keeping a person who has tried suicide... to keep them alive, but actually the response that needs to be brought about as far as Mental Health Services is concerned?

The Speaker: Reply, sir.

950

The Minister: Thank you, Mr Speaker.

I thank the Hon. Member for Onchan for asking me to clarify that point because he raises a very valid point, and the point is that suicide prevention is across Government and a community issue, not specific to just Mental Health Services.

955 A successful suicide prevention strategy needs to embrace communities, services and various organisations, and that is what this new plan will be looking to achieve.

The Speaker: Mr Karran.

960 **Mr Karran:** Vainstyr Loayreyder, what assurances are we going to actually have that this time we are going to actually get something that is joined up, as far as that is concerned, allowing for the fact of the total lack of psychological services; psychologists have resigned; the waiting lists for GPs, which I have raised before, are absolutely crazy in this situation, especially with the likes of these issues that when a trauma happens they have got to wait six to eight months or a year
965 before they can actually see somebody to try and resolve these issues if they have not got deep pockets to go privately?

The Speaker: Minister to reply.

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

I can understand the Hon. Member for Onchan's concerns. I share those concerns and I hope that to date my track record, where if I say I am going to do something then it will happen.

I have made the mental health issues and the wellbeing of the people of the Isle of Man a number one priority. We have managed to start macular treatment on the Isle of Man. We do
975 have the plans in place and we are starting to take action, Mr Speaker, in trying to put more resources, especially into the children's mental health side in the Island where we do not currently have enough psychologists and social workers who are trained in children's mental health. The policy is that if we can put those resources there and stop a child or young person
980 deteriorating from a mental health point of view, then we can give them their life back, a better service and that has got to be better for the community.

But these things are in hand and again I would hope – and I know I said give me time – that within the year the Hon. Member will see a significant improvement in how we go about things for the mental health side.

985 **The Speaker:** A final supplementary, Mr Karran.

Mr Karran: Vainstyr Loayreyder, could the Shirveishagh give us some comparisons as far as population is concerned, as far as the levels of suicide compared to the UK and the Irish Republic?

990 And I thank him for his response on this important issue and his sincerity, but this is an issue that is all the time being talked about and then when it comes down to it we do not ever see any action, and I hope that he can come up with the goods as far as this is concerned, as previous Ministers have not.

995 **The Speaker:** Minister to reply.

The Minister: Thank you, Mr Speaker.

I have not got the exact figures with me on the comparisons between the Isle of Man and the UK and I think I have already committed to writing to all Members with other information. I will
1000 add that to the letter.

But I think it is worth pointing out the Department's and this Government's commitment to mental health issues on the Island and improving it and that I will be coming to the Hon. Court of Tynwald in April for a new mental health facility, which should be a significant improvement to

1005 what we currently provide, and I trust that Hon. Members will give me the full support when I am asking for the funding for that project.

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

The Speaker: Hon. Members, we have reached the end of Questions for Oral Answer.
Mrs Beecroft.

1010 **Mrs Beecroft:** Yes, Mr Speaker, thank you.
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.

1015 **The Speaker:** Mr Karran.

Mr Karran: I beg to second.

The Speaker: Those in favour, please say aye; against, no.
We will go straight to a vote, Hon. Members. Sixteen votes required.

Electronic voting resulted as follows:

1020

FOR	AGAINST
Mrs Beecroft	Mr Anderson
Mr Cannan	Mr Bell
Mrs Cannell	Mr Hall
Mr Cregeen	Mr Robertshaw
Mr Cretny	Mr Ronan
Mr Crookall	Mr Shimmin
Mr Henderson	Mr Skelly
Mr Houghton	Mr Teare
Mr Karran	Mr Watterson
Mr Quayle	
Mr Quirk	
The Speaker	
Mr Thomas	

The Speaker: With 13 votes for and 9 against, the motion therefore fails to carry.

**Procedural –
Questions 1.10, 1.12, 1.13, 1.15, 1.17 to 1.19, 1.21 to 1.23 and 1.25 deferred to next sitting;
Questions 1.11, 1.14, 1.16, 1.20 and 1.24 to be answered in writing**

1025

The Speaker: In respect of the remaining Questions, I ask Mr Karran whether he would like his answered next week or in writing.

1030 **Mr Karran:** I would like them to go to the next sitting, please.

The Speaker: To the next sitting.
Mrs Beecroft, a similar question.

1035 **Mrs Beecroft:** I think I will take mine in writing, please, Mr Speaker.

The Speaker: In writing.

Mrs Beecroft: Yes, please.

1040 **The Speaker:** Mr Thomas?

Mr Thomas: I would like all four Questions, 13, 18, 19 and 23 transferred to the next sitting, please, Mr Speaker.

1045 **The Speaker:** Thank you.
Mr Quirk?

Mr Quirk: Thank you, sir.
Question 16 written and Question 17 relooked at.

1050

The Speaker: Thank you.
Mr Cregeen?

Mr Cregeen: For the next sitting, please, Mr Speaker.

1055

The Speaker: The next sitting.
Mr Houghton?

Mr Houghton: The next sitting, sir, please.

1060

The Speaker: The next sitting.
Hon. Members, there are nine Questions for Written Answer and the replies will be distributed shortly.

2. Questions for Written Answer

INFRASTRUCTURE

1.5. Steam Packet Liverpool landing stage – Plans to ensure long-term use

1065

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

What plans the Government has to ensure the long-term use of the Steam Packet Liverpool landing stage?

The Minister for Infrastructure (Mr Gawne): The Liverpool Pier Head landing stage used by the Isle of Man Steam Packet Company is owned by the port operator, Peel Ports Ltd.

1070

My Department has been advised both by the Steam Packet Company and Peel Ports that the current landing stage is reaching the end of its life and that Peel Ports is currently considering options for its replacement.

The Department has over the past year given this matter extensive consideration and has included colleagues in the Department of Economic Development, the Cabinet Office and Treasury in this consideration.

1075

My officers have had initial meetings with Peel Ports and I am pleased to advise that I will now be meeting senior representatives of that company during February, as our meeting last week was cancelled due to bad weather across.

I hope that I will then be in a better position to understand the company's plans for the replacement of the landing stage and will then be able to decide what action might be needed to protect our strategic sea services.

CHIEF MINISTER

1.11. Council of Ministers' Committees – Statutory powers to implement strategy

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

What statutory powers are vested in the Council of Ministers' Committees to enable them to ratify that a strategy should be implemented?

1080

The Chief Minister (Mr Bell): In accordance with section 3 of the Government Departments Act 1987, the functions of each Department shall be exercised by the Minister in the name and on behalf of the Department.

1085

Furthermore, in accordance with section 6 of the Government Departments Act 1987, the Council of Ministers may, after consultation, give direction to any Department as to the exercise of its functions in relation to any matter which appears to the Council of Ministers to affect the public interest and the Department shall comply with any such directions.

1090

The Council of Ministers' sub-committees have explicit responsibility for ensuring Departmental delivery of the national priorities as set out in the Agenda for Change document. Each sub-committee has a lead Minister and ministerial representation from other Departments appropriate to the corporate priorities for which they have responsibility.

1095 Although Council of Ministers' sub-committees are non-statutory in themselves, they are in place as an extension of the work of the Council of Ministers. Terms of reference for each sub-committee are approved by Council. The terms of reference contain the purpose of the sub-committee and there is one or more Member of Council on the Committee. Minutes of the sub-committees are circulated to Council of Ministers for information, and significant issues are referred to Council for further consideration and endorsement if required.

The UK Cabinet Office states that:

'Cabinet and Cabinet Committees are the only groups formally empowered to take binding decisions on behalf of the Government.'

The Isle of Man Government has taken a similar stance.

TREASURY

1.14. Tender process – Measures to improve system

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

What measures are being taken to improve the system for tendering used by central procurement to ensure that the process treats all tenderers fairly and that any conflicts of interest are discovered in a timely manner?

1100 **The Minister for the Treasury (Mr Teare):** The current tender process requires Department officers to inform Treasury Procurement Services of any potential conflicts of interest, and written instructions to this effect are distributed by Procurement Services at the beginning of each tender. In addition, financial regulations require officers to inform their Accounting Officer or the Head of Procurement of any circumstances which could potentially affect their impartiality.

1105 To further improve the process Treasury is currently revising the instructions given to Departments. A positive declaration will now be required from each of the Department officers involved in the process as to the absence, or otherwise, of any potential conflict.

1110 This said, the process still relies very much upon adherence by officers to the Code of Conduct for Public Servants and to each individual's honesty and integrity.

ECONOMIC DEVELOPMENT

1.16. Work permits – Number issued since 2012 by category

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

How many work permits were issued in (a) 2012 (b) 2013 (c) 2014 and (d) 2015 to date, broken down by category of permits?

The Minister for Economic Development (Mr Skelly): My Department groups work permits into two categories: permits for those employed by a business and permits for the self-employed.

1115 In 2012, 4,639 permits were issued to those who are employed and 422 permits to the self-employed.

In 2013, 3,904 work permits were issued to those who are employed, while 336 permits were issued to the self-employed.

1120 In 2014, 3,553 permits were issued to the employed, while 289 permits were issued to the self-employed.

Finally, in 2015 so far, 275 permits have been issued to the employed, and 26 permits have been issued to the self-employed.

HEALTH AND SOCIAL CARE

1.20. West Midlands Quality Review Service – Progress in implementing recommendations

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

What progress has been made in implementing the recommendations made by the West Midlands Quality Review Service; when this is expected to be completed; what the estimated cost of implementation of these recommendations is and whether the Department has sufficient funds to cover this cost?

1125 **The Minister for Health and Social Care (Mr Quayle):** As you are aware there have been many recommendations made from the three WMQRS reviews that have been produced and published over the past 18 months.

The reviews have covered the following areas:

- 1130 • Care of Critically Ill Adults in November 2013,
- Acute Medical Admission and Care of Adults with Long Term Conditions in March 2014, and
- Governance in October 2014.
- We are currently awaiting the review into Cancer Care and some General Surgery to be published.

1135 The recommendations are varied but those which require immediate action in all of these service areas have been addressed. However, many require a great deal of work and resources in order to address the recommendations which the Department intends to implement in short, medium and long timescales dependent on the complexity of the outcomes that are required.

1140 Wherever possible we have made progress to implement recommendations which are within our ability to do so.

Action plans are being developed to ensure we address each action in a sustainable and achievable way, which will improve and deliver the services our residents need.

1145 In addition, we have just appointed a part-time programme manager to establish a formalised programme governance structure to implement, monitor and risk manage the changes that will be required. She previously successfully completed similar activity for the Adult Social Care Rebalancing Programme.

1150 As we expected, many of the recommendations require radical changes and therefore will also require additional resources. We have produced business cases to support the changes to practice; the total cost is in the region of £8 million which is currently not included in the Department's budget.

In 2014-15, Treasury established the Health Inspection Fund of £2.1 million to allow for the controlled implementation of changes, this may be required as a result of the reviews undertaken.

1155 Whilst this fund is currently insufficient and non-recurring, it will assist with funding delivery of some of the urgent recommendations, whilst we seek to implement cost reductions, efficiency improvements and have further dialogue with Treasury with regard to ongoing funding requirements.

POLICY AND REFORM

1.24. Children's Strategy 2014-19 – Reason not in public domain; public consultation

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

- (a) Why the Children's Strategy 2014-2019 is not in the public domain;*
and
(b) When it is intended to hold a public consultation on the strategy?

1160 **The Minister for Policy and Reform (Mr Robertshaw):** The Children's Strategy 2015-20 was approved by the Social Policy and Children's Committee in January 2015 and will be laid before Tynwald in March 2015, which will put it in the public domain.

1165 It is not intended that the strategy will go out to public consultation. It has taken a considerable amount of time to put the new strategy in place which builds on the recommendations from the Inspection of Children's Services, the previous Children's Plan ended in 2012.

To put the strategy out to consultation would delay its implementation. It is proposed the strategy will be subject to regular review and as part of the review the public's views will be sought.

CHIEF MINISTER

2.1. Attorney General's Chambers – Number of staff suspended from duty; compensation sums

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

How many Members of the Attorney General's Chambers are suspended from duty; and what sums staff have received as compensation for leaving their posts in each of the last three years?

1170 **The Chief Minister (Mr Bell):** Apart from a Crown appointment, the staff of the Attorney General's Chambers are employed as civil servants, none of whom are currently suspended.

I can confirm that five staff have received 'compensation' sums, under both the Public Services Compensation Scheme 2013, and the Mutually Agreed Resignation Scheme in the past three years, as follows:

Year	Amount
April 2012-to date	£377,802.59

1175

The above information has been consolidated over the period, in order to protect the identities of the individuals concerned.

TREASURY

2.2. Isle of Man registered charities – Largest ranked by assets and income

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

Which Isle of Man registered charities are the 20 largest ranked by (a) assets (b) income (c) and expenditure?

1180 **The Minister for the Treasury (Mr Teare):** There are a number of points in providing this information which I would ask Hon. Members to bear in mind:

(1) Where the charity name is marked with a *:

1185 (i) Consolidated accounts have been provided by UK Charity headquarters for the Manx Registered Charity (regional/local branches) therefore the amounts of assets, income and expenditure are not necessarily only in relation to the registered Isle of Man branch.

(ii) The financial value provided against each registered charity is a consolidated figure, i.e. it is not the individual figure for that charity.

(iii) It is not possible for General Registry to extract and provide the detailed information that would be required for point (1)(i) and (1)(ii).

1190

(2) The information has been drawn from an administrative spreadsheet. Whilst the information is correct to the best of General Registry's knowledge, it is not possible to manually cross-check all of the data as it would take a considerable amount of time and resource.

1195 (3) All financial values are in British Pounds (GBP) unless otherwise stated.

In response to the Question therefore:

(a) Assets

Top 20 Charities by Net Asset Value 2013-2014		
Charity No.	Charity Name	Net Assets Value
58	*RNLI (Douglas)	661,700,000
64	*RNLI (Ramsey)	661,700,000
277	*Port Erin branch of the RNLI	661,700,000
278	*RNLI (Peel)	661,700,000
282	*RNLI (Port St Mary)	661,700,000
1109	*Royal National Institute of Blind People	85,456,000
1128	*Alzheimer's Society	41,591,000
1062	*United Response	26,766,000
1096	The George Daniels Educational Trust	21,746,242
317	Hospice Care	17,713,730

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433	Gough Ritchie Charitable Trust	17,290,905
945	Stroke Association, The	17,027,000
932	Elizabeth Clucas Charitable Trust	16,006,853
615	King Williams College	15,679,967
896	Brightlife Foundation, The	8,522,824
826	*Praxis Care Limited	8,216,572
754	Milntown Trust, The	7,067,629
49	Henry Bloom Noble Healthcare Trust, The	6,502,651
132	Manx Blind Welfare Society	5,312,919
908	H & S Davidson Trust, The	4,254,169

(b) Income

Top 20 Charities by Income 2013-2014		
Charity No	Charity Name	Income
58	*RNLI (Douglas)	191,000,000
64	*RNLI (Ramsey)	191,000,000
277	*Port Erin Branch Of The RNLI	191,000,000
278	*RNLI (Peel)	191,000,000
282	*RNLI (Port St Mary)	191,000,000
1109	*Royal National Institute Of Blind People	118,647,000
1128	*Alzheimer's Society	82,621,000
945	Stroke Association, The	33,546,000
826	*Praxis Care Limited	27,987,472
615	King Williams College	8,558,996
921	Children's Centre Ltd, The	6,236,784
927	St Christopher's (Isle Of Man)	5,083,255
835	Autism Initiatives	2,173,746
317	Hospice Care	2,053,571
1112	The Commandery Of The Isle Of Man Of The Most Venerable Order Of The Hospital Of St. John Of Jerusalem	1,671,326
1099	*Changing Faces	1,432,513
1144	Global Citizen Foundation	\$1,400,000
383	Crossroads Care	1,049,369
110A	Corrin Memorial Home Governor's Accounts (Home Accounts)	1,025,472
1076	Living Hope Community Church Ltd	931,600

(c) Expenditure

Top 20 Charities by Expenditure 2013-2014		
Charity No	Charity Name	Expenditure
58	*RNLI (Douglas)	152,900,000
64	*RNLI (Ramsey)	152,900,000
277	*Port Erin Branch Of The RNLI	152,900,000
278	*RNLI (Peel)	152,900,000
282	*RNLI (Port St Mary)	152,900,000
1109	*Royal National Institute Of Blind People	120,604,000

1062	*United Response	76,784,000
1128	*Alzheimer's Society	74,699,000
945	Stroke Association, The	31,930,000
826	*Praxis Care Limited	27,883,027
615	King Williams College	8,558,969
921	Children's Centre Ltd, The	5,959,961
927	St Christopher's (Isle Of Man)	4,843,082
317	Hospice Care	4,217,666
835	Autism Initiatives	1,909,220
1099	*Changing Faces	1,575,221
1144	Global Citizen Foundation	\$1,307,831
268	Isle Of Man Adoption Service	1,129,767
110A	Corrin Memorial Home Governor's Accounts (Home Accounts)	985,908
549	Age Isle Of Man	890,080

**2.3. Sewerage charge –
Non Payment; recovery of arrears**

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

When those who withheld payment of the 2014-15 sewerage charge were issued with letters informing them of proceedings for the recovery of arrears; how many such letters were issued; and what sum would have been payable if proceedings had been taken?

1200 **The Minister for the Treasury (Mr Teare):** With the exception of a few representations which accompanied the payment remittance, the Treasury is unable to establish whether someone has specifically withheld payment of the sewerage charge, as opposed to underpaying their rates for any number of reasons.

1205 In practice, when reminders and final notices are issued by the Treasury they are generally distributed in large batches regardless of the value of the amount outstanding. It is therefore not possible to provide specific information regarding the numbers of letters issued to rate payers who have solely withheld payment of the sewerage charge, whether this be for the gross or the net amount.

Where proceedings are commenced for the recovery of any outstanding rates and charges then the following costs will become payable by the debtor:

- 1210
- £100 fixed costs for advocate's charges; plus
 - £5.40 service fee; plus
 - court fees, depending on the amount of the claim, as follows:

Amount of claim	Court fee cost
Up to £300	25.00
£300.01 - £500	37.50
£500.01 - £1,000	52.50
£1,000.01 - £1,500	65.00
£1,500.01 - £3,000	71.50
£3,000.01 - £5,000	90.00
£5,000.01 - £10,000	135.00

HEALTH AND SOCIAL CARE

**2.4. Thyroid problems and Parkinson's disease –
Number of patients treated on Island**

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

How many patients with (a) thyroid problems and (b) Parkinson's disease have been treated on the Island in each of the last five years?

The Minister for Health and Social Care (Mr Quayle): The Department does not hold the specific data for patients with (a) thyroid problems and (b) Parkinson's Disease who been treated on the Island in each of the last five years.

1215

The only data available is for those patients who have been admitted to Noble's Hospital with either of those conditions and this information is detailed below:

Thyroid Patients		
	No. of Admissions	No. of Patients
2010	277	128
2011	396	168
2012	659	321
2013	804	442
2014	451	351
Total	2,587	1,410

NB These are patients who were admitted with either Primary or Secondary Diagnoses for disorders of the Thyroid gland

Thyroid Patients		
	No. of Thyroid Procedures	No. of Patients
2010	8	8
2011	10	8
2012	11	9
2013	9	8
2014	14	14
Total	52	47

NB The number of Thyroid procedures undertaken includes some patients who have had more than one procedure

Parkinson's Disease		
	No. of Admissions	No. of Patients
2010	164	52
2011	99	34
2012	152	45
2013	142	65
2014	118	83
Total	675	279

NB These are patients who were admitted with either a Primary or Secondary Diagnosis of Parkinson's Disease

1220 Whilst this is not representative of the number of patients treated, for example, by their General Practitioner, it is the only information available to the Department at this time.

POLICY AND REFORM

2.5. Public sector workers – Number suspended in last three years

The Hon. Member for Onchan (Mr Karran) to ask the Minister for Policy and Reform:

How many public sector workers were suspended in each of the last three years, broken down by grade; and what amount of early retirement has been taken by public sector workers in each grade and Department in the last three years?

The Minister for Policy and Reform (Mr Robertshaw): (1) The following table outlines the numbers of public sector workers suspended from work in each of the last three years as follows:

Year	Civil Servants	Other Public Sector
2014-15 (to date)	8	18
2013-14	2	20
2012-13	5	21

1225 To avoid double-counting, the figures above are taken from the date of suspension, rather than the duration. I regret that it is not possible to provide a further breakdown by grade, as this would potentially enable individuals to be identified.

(2) The following table outlines the numbers of staff who have taken early retirement from the public sector during the last three years:

Scheme	01-04-14 – 31-12-14	01-04-13 – 31-03-14	01-04-12 – 31-3-13
GUS (excl Fire)	169	199	171
Teachers	23	31	53
Officers of Board Manual Workers	0	2	0
Police	0	3	0
GUS Fire	2	1	0
IOM PO	3	2	0
Total	197	239	224

1230 Please note: GUS Firefighters and Police have a contractual age of 55 and can retire before that age if they have completed 30 years' service. The above figures show the number of these members who have retired early on grounds other than achieving 30 years or obtaining age 55.

The figures for the IOM Post Office also include those who have taken retirement before their normal retirement age under the IOMPO superannuation scheme.

1235 PSPA records do not provide for details of grade and Department to be identified without manual intervention and unfortunately, due to the limited time available to Answer this Question it has not been possible to extract that level of detail.

NATIONAL STRATEGY GROUP

2.6. National Strategy Group – Appointment of members; corporate workstream

The Hon. Member for Douglas West (Mr Thomas) to ask the Chairman of the National Strategy Group:

- (a) When, and from which Department, was each current member appointed; and*
- (b) What the corporate workstream is in the next two years?*

The Chairman of the National Strategy Group (Mr Bell): The National Strategy Group (NSG) was established by the Chief Minister and its constitution was formalised as a Sub-Committee of the Council of Ministers by Council on 22nd March 2012.

1240 The Terms of Reference set out the membership for the Committee as the:

- Chief Minister, Chairman;
- Minister for the Treasury; and
- Minister for Economic Development.

1245 The NSG was set up to address issues of strategic national importance and ensure that the utmost priority is given to the three national imperatives within Agenda for Change. NSG lead on ensuring that these are achieved within the life of the administration and that any issues with delivery of related priority projects are identified at the earliest stage and appropriately addressed.

1250 NSG sets direction and establishes work streams which undertake detailed policy development on strategically important issues. There are currently a number of officer led work streams that report to NSG these include: international relations coordinating; banking reform; beneficial ownership and; the Island's National Risk Assessment programme.

1255 The Committee also monitors key current issues which have the potential to impact on the Island's economy and/or reputation. Current issues include; the impact of the UK General Election and the devolution agenda, emergence of new international standards, and EU Developments.

SOCIAL POLICY AND CHILDREN'S SUB-COMMITTEE OF THE COUNCIL OF MINISTERS

**2.7. Social Policy and Children's sub-committee –
Appointment of members; corporate workstream**

The Hon. Member for Douglas West (Mr Thomas) to ask the Chairman of the Social Policy and Children's sub-committee of the Council of Ministers:

- (a) When, and from which Department, each current member was appointed; and
(b) What the corporate workstream is in the next two years?*

1260 **The Chairman of the Social Policy and Children's sub-committee of the Council of Ministers (Mr Watterson):** In respect of part (a), since 1st April 2014 the membership of the Social Policy and Children's sub-committee of the Council of Ministers has been as follows:

- Minister for Home Affairs (Chair);
- Minister for Policy & Reform;
- 1265 • Minister for Education and Children;
- Minister for Health & Social Care;
- Member for Economic Development;
- Member for Treasury.

1270 In respect of part (b), the corporate workstream, in respect of the Committee, in the period between now and the next General Election is as follows:

- Review Agenda for Change priorities, commitments & National Indicators;
- Launch of the Children's Strategy;
- Review options for encouraging work, paid or voluntary, for those over state pension age;
- 1275 • Monitor the Children's Services Joint Improvement Plan (following the Scottish Inspection of 2013);
- Scrutinise the new Health Strategy;
- Develop a service access pathway for Domestic Abuse victims;
- 1280 • Review Housing Policy;
- Determine a prioritised view of IT for Social Policy Depts;
- Review potential for delivering social policy services at a local level to support community building;
- Examine the contribution to the implementation of social policy by the third sector; and
- 1285 • Consider the implications of welfare reform.

ENVIRONMENT AND INFRASTRUCTURE SUB-COMMITTEE OF THE COUNCIL OF MINISTERS

**2.8. Environment and Infrastructure sub-committee –
Appointment of members; corporate workstream**

The Hon. Member for Douglas West (Mr Thomas) to ask the Chairman of the Environment and Infrastructure sub-committee of the Council of Ministers:

- (a) When, and from which Department, each current member was appointed; and
(b) What the corporate workstream is in the next two years?*

The Chairman of the Environment and Infrastructure sub-committee of the Council of Ministers (Mr Gawne): (a) The current membership of the Environment and Infrastructure Committee, as agreed by the Council of Ministers is:

- Minister for Infrastructure (Chair)
- Minister for Environment, Food and Agriculture
- Minister for Policy and Reform
- Chair of the Manx Utilities Authority
- Nominated Member for Department of Economic Development

1290 (b) The Committee keeps relevant Agenda for Change priorities, commitments and National Indicators under review and has agreed that its overarching priority policy areas for the next two years are:

- Addressing Climate Change
- Identifying long-term challenges
- Supporting economic development

Each policy heading covers a large number of workstreams, not limited to:

- Development of a National Strategy on Flooding, Sea Defences and Coastal Erosion
- Publishing a National Infrastructure Plan
- Securing the appropriate future provision of ferry services
- Introduction of a Manx Properties Energy Efficiency Scheme
- Development and implementation of corporate policies on Sustainable Development, Climate Change Mitigation and Adaptation

GOVERNMENT REFORM TEAM SUB-COMMITTEE OF THE COUNCIL OF MINISTERS

2.9. Government Reform Team sub-committee – Appointment of member; corporate workstream

The Hon. Member for Douglas West (Mr Thomas) to ask the Chairman of the Government Reform Team sub-committee of the Council of Ministers:

- (a) When, and from which Department, each member was appointed; and
(b) What the corporate workstream is in the next two years?*

1295 **The Chairman of the Government Reform Team sub-committee of the Council of Ministers (Mr Robertshaw):** In respect of part (a), at 1st April 2014 the sub-committee of the Council of Ministers was called the Business Change Steering group and the membership was as follows:

- Hon W E Teare MHK, Minister for Treasury (Chair)
- Mr R Ronan MHK, Member of the Department of Infrastructure
- Mr T Wild MLC, Member of the Department of Economic Development

1300

Following the appointment of the Minister for Policy and Reform, the Business Change Steering Group was re-constituted as the Government Reform Team with new terms of reference, approved by the Council of Ministers on 31st July 2014. The membership is now:

- Hon C Robertshaw MHK, Minister for Policy and Reform (Chair)
- Mr T Wild MLC, Member of the Department of Economic Development

1305

with provision that:

‘as and when necessary, the Team may co-opt persons from within Government, the community and the third and private sector, in an advisory capacity, to assist with the consideration of issues referred to the Team’.

In respect of part (b), the vision of the Government Reform Team, in the period between now and the next General Election, is for a sustainable Government through being; smaller, simpler, stronger and smarter. The purpose of the team is:

- 1310 • To support delivery of the vision.
- To gather policy information from Government sources and elsewhere to identify and present the key challenges facing the Government to the Council of Ministers.
- To prioritise the challenges faced by Government in delivering sustainable services to the public of the Isle of Man, through the Agenda for Change.
- 1315 • To develop policy and strategy which supports the Government’s change agenda by overseeing the Government’s change and reform programme and by providing political and strategic direction to the Change and Reform Working Group.

The current priorities and work streams are:

- 1320 • Digital Strategy & Delivery
- Criminal Justice Reform
- Local Government Reform
- Primacy of the Individual
- Means & Needs Testing
- 1325 • Health Service Reform
- Welfare reform
- Government 2020 including engagement and culture, cost improvement, scope and structure, shared services, modernisation and change programme monitoring and reporting

1330

Order of the Day

3. BILLS FOR SECOND READING

**3.1. Legislation Bill 2014;
3.2. Interpretation Bill 2014 –
For Second Reading –
Motions not moved**

The Speaker: We turn to Bills for Second Reading.

I have been advised by the mover that the Interpretation Bill and the Legislation Bill, Second Readings will not be moved at this sitting.

**3.3. Income Tax Bill 2015 –
Second Reading approved**

Mr Teare to move:

That the Income Tax Bill 2015 be read a second time.

1335 **The Speaker:** Income Tax Bill.
I call on the mover, the Hon. Member for Ayre, Mr Teare.

Mr Teare: Thank you, Mr Speaker.

1340 This Bill confirms two temporary taxation orders, makes various amendments to the Income Tax Act 1970 and one amendment to the Income Tax Act 1989. The Bill is divided into four parts and has 12 clauses. I will now give Hon. Member an overview of the Bill.

The first part of the Bill contains clauses 1 to 3.

Clause 1 provides the short title of the Act.

Clause 2 provides the interpretation.

1345 Clause 3 provides for the expiry of the Act.

The second part of the Bill contains clause 4, which confirms two temporary taxation orders. Before I provide you with an outline of the Orders, I would like to explain the temporary taxation order process. A temporary taxation order is used by the Treasury to amend and introduce primary income tax legislation. It is mainly used to react quickly to international changes or to introduce measures for the Budget. The Order has the same power as primary statute and has immediate effect once approved by Tynwald; however, it will cease to have effect within 12 months of the day on which it was approved by Tynwald unless this House reads a Bill confirming the Order for a second time.

1350 The two temporary taxation orders to be approved by this Bill were approved by Tynwald as part of the 2014 Budget. The first of these Orders changed the tax cap system that was introduced in 2006. Under the new system an individual or jointly assessed couple must elect for the cap to be applied and if the election is approved it will apply for five consecutive years at the amount applying to the first year.

1360 The second Order enabled appropriate income tax data to be provided for specific economic purposes to assist Government. It also made it an offence for the information to be disclosed other than the purpose for which it was supplied.

1365 Part 3 of the Bill contains seven clauses which make a number of amendments to the Income Tax Act 1970. The first of these, clause 5, introduces part 3 of the Bill. The sixth clause amends the tax cap legislation to ensure that a person, who was elected for the five-year cap to apply, will not pay more income tax as a result of the election.

The seventh clause makes a number of amendments to the international arrangements provided for by part 9 of the 1970 Act. These update wording, make a consequential amendment, substitute a section, make a grammatical correction and replace out-of-date cross references.

1370 Clause 8 amends part 11 of the 1970 Act. It replaces the heading, inserts a new section enabling Treasury to make regulations about the keeping of accounting records and also makes a number of minor amendments to section 105D.

1375 Clause 9 makes a number of amendments to part 12 of the Act. These include changes to section 105K, which will help to prevent certain actions that frustrate an investigation into an individual's tax affairs. They also remove a few words from section 105L and make a number of largely grammatical changes to section 105M.

1380 Clause 10 inserts a new part 12A into the 1970 Act. The new part will amend parts 11 and 12 of the Act for the purposes of exchanging information under an international arrangement. This will remove the need for such changes to be made in each separate ratification order and will apply them to all current and future international arrangements.

Finally, clause 11 inserts a new definition into section 120 of the 1970 Act.

Part 4 of the Bill contains clause 12. This amends section 5A of the Income Tax Act 1989 so as to require Tynwald approval for regulations made under that section.

Mr Speaker, I beg to move the Second Reading of this Bill.

1385

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks.

1390

The Speaker: Hon. Member, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

1395 Can the Treasury Minister please tell us more about clause 6 which seems to amend the tax cap arrangements quite substantially, inasmuch as I think it would be assumed previously up until this point that if you elected to pay the tax cap you were agreeing to pay £120,000 per year; but now with this amendment you are having the right *not* to pay £120,000 a year as you have previously agreed, because if you earn less than the tax cap amount you do not have to pay the £120,000.

1400 So perhaps the Treasury Minister can tell us a bit more about that change, please.

1405 I also wanted to ask more generally why that change is being introduced in terms of primary legislation, when we have the possibility of a temporary taxation order either at the budget, or perhaps we could have amended or annulled the previous taxation order without extending it permanently here with this legislation? I need to understand a bit more from the Minister about the thinking behind the use of legislation to correct something, and a temporary taxation order to bring something in.

A final point I wanted to make is: will the Minister confirm that he still thinks it is appropriate to bring in profound changes to tax policy through these temporary taxation orders?

1410

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

Mr Cannan: Thank you, Mr Speaker.

1415 I am just curious to build slightly on that, just to understand a bit more from the Treasury Minister the impact of the changes, in terms of how it will impact in receipts into Treasury, in respect of ironing out the anomalies whereby previously an individual may have simply applied for the tax cap in one particular year as a one-off – in other words, perhaps rolled up dividends or rolled up bonus payments due to them from companies, and therefore have previously received the benefit of the tax cap but, in actual fact, were not previously tax cappers.

1420 I would just be interested as to whether the Treasury Minister can give the Court a feel for what additional revenues will be raised as part of this.

Also, just to further build on the £120,000 for an individual and £240,000 for a jointly assessed married couple or civil partners: is the Treasury Minister able to indicate from the tax cap how many of our tax-cappers are assessed under the jointly assessed married couple or civil partners band?

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The Speaker: Hon. Member, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

1430 I have similar queries to the previous two speakers, really. The five-year buy-in and sign-up for the tax cap: we were given to believe that this was to give Treasury certainty of the income going forward of what it was going to receive; but it would seem now that people can elect to opt out of this if it proves not to be to their benefit.

It just seems a bit strange, so clarity on that would be appreciated.

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The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, I would just like to ask the Shirveishagh Tashtee on the issue of whether there should be some sort of economic impact as part of this tax cap mechanism. Does he feel that it needs to be primary legislation, or does he feel that he could do it through secondary legislation as far as bringing in an economic impact factor as far as these people coming with a tax cap?

1440 Whilst, Vainstyr Loayreyder, I have an awful lot of sympathy as far as the fact that, if somebody finds themselves in the horrific situation of being a very wealthy man and then finding they have lost everything the following year, there does need to be some flexibility, as far as that is concerned – there by the grace of God go I.

1445 I have dealt with cases of that over the almost 30 years of being in here. But the thing is, it does somewhat undervalue his argument as far as the five-year continuity impact, as far as the money was going to come in every year for five years if we have this cap – that is a certainty.

1450 The other thing that I would like to ask is: is the thinking behind the flexibility not so much the social side of somebody actually losing their money – which does happen from time to time, even extremely wealthy people could do so – but, is it some way of giving flexibility to some sort of windfall, as far as the Island is concerned, that they would have money that would be designated as income in one year? Once they have got that income in they would turn it into a different way of generating income for them through capital gains.

1455 I would be interested to know what the Shirveishagh's thinking is, as far as that is concerned?

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

Mr Teare: Thank you very much, sir.

1460 The questions really have been very similar with respect, in the main they follow a common theme. Following the introduction of the new Tax Cap Election at last year's budget, both the Assessor and myself received comments regarding the change. The amendment now being introduced follows on from a discussion with the Tax Liaison Committee and with some of the large *[Inaudible]* agents.

1465 I think Hon. Members will agree with me that everybody should pay the correct amount of
tax. However, under the new tax regime it is possible that an individual who has elected for the
cap and, for instance, pays the cap for five years, may later discover that they would have
actually paid less income tax if they had not elected for the cap. Under the amendment the
1470 individual will now be able to apply to be reassessed normally. This will enable them to pay the
correct amount of tax on their income.

Applying to be reassessed normally may mean that, in some years, the individual is liable to
income tax in excess of the £120,000 cap, but that in other years they pay less. Overall, though,
the liability for the five years in question would be below £600,000.

1475 The cap is intended to be an incentive to attract wealthy entrepreneurs. It is not supposed to
be a mechanism to tax more than is actually due. I have been assured by the Assessor that this
measure will not lead to abuse.

1480 What I would stress here is that we are at the outset asking people to sign up for a five-year
period. It is very difficult to tell at that outset whether their circumstances will not change during
the five-year period; and it may be that in years four and five there is a change in circumstances,
for example they may sell their business and the income stream which came from that business
would go with that sale. They may then decide that they need to look into their tax affairs once
again. So I do not really have a major issue with that.

1485 The reason for asking people to sign up for a five-year commitment was to give some
confidence to us that those funds will be available. I acknowledge that there is an argument by
agreeing to this we are not going to have that same surety; but also, too, there was evidence
before that the previous tax cap system was open to abuse because a person could declare
themselves a tax-capper in one year, take a big dividend from the company which they were
beneficial owner or controlling shareholder in, and then the following year, or in subsequent
years there was no tax liability at all.

1490 So this really is intended to actually deal with one potential avenue which we needed to close
off, as it were.

1495 Mr Karran asked what was the economic impact for tax cappers, whether any economic
impact has been done. Well, I think certainly as part of the budget presentation last year I did
make it abundantly clear that tax-capping had worked, and worked very well, for the Island. It
has brought very significant economic benefits both in terms of direct revenue to the Exchequer
and also employment opportunities for our young people.

1500 Mr Karran asked whether it was possible to turn income into capital. What we will say is that
if people do use a company to in effect roll up profits, then when the profits are in effect
dispersed from that company, there is a tax liability due at that time and we will be there to
hand, as it were, looking for the taxpayers' share.

1505 Mr Thomas asked me to clarify why it was appropriate to bring forward these changes now
and why do we have to use a temporary taxation order. Well, the changes in the Budget are
delivered or they announced subject to the approval of Tynwald in February each year. The
effects of that approval by Tynwald come into effect on 1st April – a matter of weeks later. So
for the purpose of certainty for the industry, the financial advisers etc, we need to give them
clarity by having the legislation *vires* to bring it in straight away, because if we had waited for the
legislative process to bring forward primary legislation then we are looking at a six-month
process. So really I think it is appropriate and the method that we have now works and works
well.

1510 The Hon. Member for Michael, Mr Cannan, asked about the effect on receipts. Actually the
tax cap that we have had has had a positive effect on receipts. As I did say earlier, it does reduce
any opportunity for tax planning. There was also a question asked about how many jointly
assessed couples we had under the tax cap scheme and I am lead to believe, and I think off the
top of my head, it was only one at the time.

1515 So with that I think that this is a positive move. It confirms the budgets of last year. It also
demonstrates that we have listened to the industry and have taken on board their comments.

We agree with the logic of their argument and hope that Hon. Members will also agree to the logic by supporting the Second Reading of this Bill.

With that, Mr Speaker, I move the Second Reading.

1520

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

Mrs Beecroft: Divide!

3.4. Payment Services Bill 2015 – Second Reading approved

Mr Teare to move:

That the Payment Services Bill 2015 be read a second time.

1525 **The Speaker:** We move now to the Payment Services Bill and again I call on the mover, Mr Teare.

Mr Teare: Thank you, sir.

1530 It gives me great pleasure to move the Second Reading of the Payment Services Bill. This is a short and rather technical Bill, but it is necessary to enable the Island's banks to compete in the field of payment services, involving payments into the European Union and the other countries which form part of a Single Euro Payments Area, otherwise known as SEPA. That area now embraces 31 states, many of which are within the European Union, but also including Switzerland, Monaco and the French territories of Saint Pierre and Miquelon.

1535 The Council of Ministers approved the principle of the Island making an application for the Island to become part as SEPA as long ago as 2009. However, internal difficulties within the European Payments Council (EPC), which regulates the SEPA payment schemes into filing the criteria for administration for non-EU states led to discussions stalling early in 2010. Serious negotiation only became possible in early 2014 when after an approach from staff at the Island's
1540 Brussels office, together with Channel Island colleagues, the EPC published a revised set of criteria.

The Bill seeks to deal with two aspects of those criteria. If the Island becomes a jurisdiction within SEPA, banks which are based here will be able to apply to become members of the SEPA schemes. The schemes cover international direct debits and international credit transfers.
1545 Before an application by an individual bank can be made, the jurisdiction in which it is based must itself be approved for membership of SEPA.

There are a number of criteria which are set in the EPC's 2014 publication. Many of these relate to international probity standards and are already met here. Two of the criteria, namely the applications of Titles III and IV of the 2007 European Payment Services Directive and the Electronic Money Directive could have been achieved by statutory documents, under sections
1550 2A and 2B of the European Communities (Isle of Man) Act 1973. However, another criterion which relates to the application of EC competition law, in the context of payment services within SEPA, could not be achieved except by new primary legislation and that is because of the fundamentals of European competition law were originally located within the founding treaties
1555 of the European Communities and now found in articles 101 and 102 of the Treaty on the Functioning of the European Union.

The meat of the Bill, Mr Speaker, is to be found in clauses 4 to 6.

Clause 4 will permit the Financial Supervision Commission to make regulations in relation to the application of the two directives I mentioned.

1560 Clause 5 will enable the Isle of Man Office of Fair Trading to make regulations containing special provision to achieve the necessary level of regulation in relation to competition law for the purposes of SEPA applicants, participants and payment transactions.

1565 The Bill includes an element of future proofing in clause 7, which will permit the Council of Ministers to make an order to amend the Act to reflect changes, either in relation to technology or methods of regulation for payment services. All statutory documents under the Act will be subject to Tynwald approval and regulations under clauses 4 or 5 will also be the subject of statutory consultation before they are made.

Mr Speaker, I beg to move that the Payment Services Bill 2015 be read for a second time.

1570 **The Speaker:** Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks.

1575 **The Speaker:** I put the question that the Payment Services Bill be read for the second time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**3.5. Payment Services Bill 2015 –
Suspension of Standing Orders
to permit clauses and Third Reading to be taken**

The Hon. Member for Ayre (Mr Teare) to move:

That Standing Orders (in particular Standing Orders 2.2 and 4.11) be suspended in relation to the progress of the Payment Services Bill 2015 to the extent necessary to permit clauses stage and Third Reading to be taken at this sitting.

The Speaker: Mr Teare.

Mr Teare: Thank you, sir.

1580 I beg to move that Standing Orders, particularly Standing Orders 2.2 and 4.11, be suspended in relation to the progress of the Payment Services Bill 2015 to the extent necessary to permit clauses stage and the Third Reading to be taken at this sitting.

The Speaker: Mr Quirk.

1585

Mr Quirk: I beg to second, sir.

The Speaker: We will go straight to a vote. Sixteen votes required.

Electronic voting resulted as follows:

FOR

Mr Anderson
Mr Cannan
Mr Cregeen
Mr Cretney
Mr Crookall

AGAINST

Mrs Cannell

Mr Henderson
Mr Houghton
Mr Quayle
Mr Quirk
Mr Robertshaw
Mr Ronan
Mr Shimmin
Mr Skelly
Mr Teare
The Speaker
Mr Thomas
Mr Watterson

1590 **The Speaker:** With 17 votes for and 1 vote against, the motion therefore carries.

**3.6. Payment Services Bill 2015 –
Clauses considered and Third Reading approved**

The Speaker: Mr Teare.

Mr Teare: Thank you, sir.

1595 I would like to thank Hon. Members for their support for this Bill, which is technical and, I would suggest, not contentious.

Going through the individual clauses, sir, clause 1 provides the resulting Act with its short title. Mr Speaker, I beg to move that clause 1 do stand part of the Bill.

The Speaker: Mr Henderson.

1600

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks.

1605 **The Speaker:** I put the question: clause 1, those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 2.

1610 **Mr Teare:** Clause 2 provides for the commencement of the resulting Act. Other than clause 1, this clause will come into operation by virtue of an order made by the Council of Ministers on one or more appointed days.

Mr Speaker, I beg to move that clause 2 do stand part of this Bill.

The Speaker: Mr Henderson.

1615 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks.

1620 **The Speaker:** I put the question: clause 2, those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 3.

Mr Teare: Clause 3 provides for the interpretation of key terms used in the Bill, which will also appear in the related secondary legislation.

1625 In order to avoid the need for further amendments in the future if there are changes in the EU legislation involving payment services and competition law, subsection (2) of the clause provides for references in the Act or secondary legislation to 'the Directives' and 'the relevant competition provisions' to be construed as references to the Directives and the competition provisions as they have effect from time to time.

1630 Mr Speaker, I beg to move that clause 3 do stand part of this Bill.

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks

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The Speaker: I put the motion. Clause 3: those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

1640 **Mr Teare:** Clause 4 authorises the Financial Supervision Commission to make regulations giving effect in the law of the Island to the two Directives, transposition of which is critical to the Island being recognised as a SEPA jurisdiction.

1645 Regulations under this clause, and clause 5, can make any provision that might be made by an Act of Tynwald. Once again this is intended to avoid the need for further primary legislation and to ensure the Island can react rapidly to any changes in the regulatory framework for payment services. This point is dealt with in clause 8.

Mr Speaker, I beg to move that clause 5 do stand part of this Bill.

The Speaker: Mr Henderson.

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Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks

The Speaker: Hon. Member, you did say you were moving clause 5? We are on clause 4.

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Mr Teare: Clause 4, I beg your pardon, sir.

The Speaker: Clause 4: those in favour, say aye; against, no. The ayes have it. The ayes have it.

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Clause 5.

Mr Teare: Clause 5 enables the Isle of Man Office of Fair Trading to make regulations to secure effective competition between the SEPA participants in the Island and those elsewhere.

1665 This is, as I mentioned in the Second Reading, a requirement for the Island to become a SEPA jurisdiction. As I mentioned then because EU competition law is largely contained now in the Treaty on the Functioning of the European Union the necessary legislation can be put in place under the European Communities (Isle of Man) Act 1973 which is the reason for the need for the present Bill.

Mr Speaker, I beg to move that clause 5 do stand part of this Bill.

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The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks

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The Speaker: I put the question. Clause 5: those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 6.

1680 **Mr Teare:** Clause 6 provides, as I mentioned earlier, that regulations under clauses 4 and 5 can make any provision that can be made by an Act of Tynwald. This reflects the position in relation to regulations under section 2B of the European Communities (Isle of Man) Act 1973.

1685 Subsection (2) of the clause requires the makers of regulations under the Act to consult with such persons as appear appropriate. This is deliberately flexible because, whilst the regulations will normally only be of concern to the payment service providers themselves, the Competition Regulations will confer benefits on consumers, and wider consultation may therefore be appropriate in that situation.

Mr Speaker, I beg to move that clause 6 do stand part of this Bill.

1690 **The Speaker:** Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks

1695 **The Speaker:** Clause 6: those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 7.

1700 **Mr Teare:** Clause 7 is intended to provide an element of future-proofing for the legislation. It empowers the Council of Ministers by order to amend this Act if it appears necessary or expedient to do so in the light of developments in the operation of payment services regulated by the European Payments Council or any change in EU law relating to payment services.

Mr Speaker, I beg to move that clause 7 do stand part of this Bill.

1705 **The Speaker:** Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks

1710 **The Speaker:** Clause 7: those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 8.

1715 **Mr Teare:** Clause 8 provides that regulations and orders under this Act do not have effect unless approved by Tynwald.

Mr Speaker, I beg to move that clause 8 do stand part of this Bill.

The Speaker: Mr Henderson.

1720 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
I beg to second, sir, and reserve my remarks.

The Speaker: Mr Teare.

1725 **Mr Teare:** Thank you, sir.

I beg to move the Standing Orders and in particular Standing Order 4.11(1) be suspended to the extent necessary to permit the Payment Services Bill to be read a third time. *(Interjections)*

The Speaker: Hon. Member, we have suspended Standing Orders to allow the Third Reading to be moved. I simply require you to move the Third Reading

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Mr Watterson: Have we voted on clause 8?

The Speaker: Mr Teare.

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Mr Teare: I am now in a position to move the Third Reading –

The Speaker: Indeed, we have completed the clauses stage and permission has been given to move to the Third Reading by suspension of Standing Orders.

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Mr Teare: Thank you for that clarity, sir. I apologise.

I would like to repeat my thanks to all those who have supported the moving of this legislation today. As I said before, it is technical, it does enable our financial services industry banks to enter into, if they so require, the European payment system and it helps to support the development of their business.

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So, with that, Mr Speaker, I would like to thank my seconder, and everybody else for their support today.

I would now like to move:

That the Payment Services Bill be read the third time.

The Speaker: Mr Henderson.

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Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir, and reserve my remarks

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

4. BILL FOR THIRD READING

1755

4.1. Designated Businesses (Registration and Oversight) Bill 2014 – Third Reading approved

Mr Teare to move:

That the Designated Businesses (Registration and Oversight) Bill 2014 be read a third time.

The Speaker: We now turn to a Bill for Third Reading, the Designated Businesses (Registration and Oversight) Bill 2014. Again, I call on the mover of that Bill, Mr Teare.

Mr Teare: Thank you, sir.

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As described in clauses, the Designated Business (Registration and Oversight) Bill 2014, seeks to provide the Financial Supervision Commission with new duties and powers relating to the oversight of anti-money-laundering legislation and countering the financing of terrorism, or AML/CFT compliance.

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The Bill will enable the Financial Supervision Commission, which I will refer to as the FSC from now on, to oversee certain businesses and professions, which I will refer to as designated

businesses, in respect of their compliance with the AML/CFT legislation by: (a) providing a system for designated businesses to register with the FSC; (b) empowering the FSC to assess designated businesses compliance with the AML/CFT legislation by means of on-site visits and annual returns; and (c) providing action and enforcement powers in the event of non-compliance with the AML/CFT legislation.

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The provisions of this Bill address a deficiency in Island law which was identified by the International Monetary Fund relating to the need for AML/CFT oversight of designated businesses. It placed a duty on the FSC and provided it with the ability to oversee designated businesses compliance with important international standards on anti-money-laundering and countering the finance of terrorism; and will enable the Island to demonstrate its compliance with Financial Action Task Force (FATF), recommendations and avoid any potential international criticism when the Island is reviewed by Moneyval in 2016.

1775

In moving the Third Reading I would like to thank Hon. Members for their support in taking the legislation forward this far.

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Mr Speaker, the Hon. Member for Douglas South, Mrs Beecroft, asked for more information about how the FSC would regulate persons carrying on a designated business outside the Island, which I said I would provide at this Reading.

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Clause 7 of the Bill prohibits the person from carrying on a designated business in or from the Island unless they are registered under the Bill. If a person is not carrying on business either *in* or *from* the Island then the Bill does not apply.

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Clause 7 defines what constitutes the carrying on of a business in or from the Island. A person carrying on a designated business *in* the Island may do so via an Isle of Man company, or other business structure, or as a resident individual having a place of business in the Island – such business, for example a local estate agent, will have local clients and probably also some clients from overseas.

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A business carried on from the Island requires a local company, or other business structure, or a locally-resident individual but the business will predominantly or fully be carried on outside the Island with clients based outside the Isle of Man. An example could be an Isle of Man tax adviser advising non-Island individuals and companies. In either case, whether in or from the Island, a designated business is required to register with the FSC and its records need to be maintained at its Isle of Man place of business. This therefore allows the FSC to assess compliance with the AML/CFT legislation, irrespective of whether its clients are local or from further afield.

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In addition, the Hon. Member for Douglas East, Mrs Cannell, asked for more information about the possible revocation of a registration and the potential impact that could have on a person's business if the FSC's decision to revoke a registration was overturned by the Financial Services Tribunal.

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A revocation of registration would never be undertaken lightly and is a 'last resort' type of measure. Also, a revocation power is important – for example, if a registered person is convicted for money laundering, it will be very wrong for them to remain on the register. A revocation of registration would impact on registered persons in different ways, which depends on the definition of their particular designated business contained in schedule 1 to the Bill, which by necessity has to replicate certain definitions contained in schedule 4 to the Proceeds of Crime Act 2008 – for example, if an external accountant had his registration revoked, he or she would be unable to carry on any accountancy business. However, if a lawyer's registration was similarly revoked, he or she would be able to continue to undertake some legal activities – for example, some that do not involve the movement of money, but not others.

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Clause 33(3) states that in the case of an appeal any decision by the tribunal to vary or revoke a decision made by the FSC does not affect the previous operation of that decision. This means that where the FSC has revoked a registration, any activity covered by schedule 1 of the Bill would be to cease. However, I reiterate that the FSC would only revoke registration as a last resort – for example, where there is significant risk that financial crime either has been or is

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1820 being facilitated. Also, in any such case, it is probable that information will be passed by the FSC to the Attorney General's Chambers for consideration of potential prosecution. It is important for the Island's reputation that in the type of circumstances where the FSC would decide to revoke a registration, the designated business is prevented from continuing its designated business activities which may be connected to financial crime.

Mr Speaker I beg to move that the Designated Businesses (Registration and Oversight) Bill 2014 be now read for the third time.

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The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I beg to second, sir.

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The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

1835 I am wondering if the Minister could just give us some more information about what responses he received during the consultation process, because I am getting more and more representations from people within the industry that they are not happy with this Bill. I raised a query last time and it is obviously too late to be revising clauses and things at this stage and so it is unfortunate that I was not made aware of some of the concerns earlier.

1840 But if he could clarify what responses and what areas of concern were raised at consultation it would possibly at least flag it up for Legislative Council when they get their turn to look at this in detail.

The Speaker: Mr Karran.

1845 **Mr Karran:** Vainstyr Loayreyder, unfortunately I had to go, when I had your leave to go last week, but I would have preferred to have seen this Bill actually go to committee. My concern with this Bill is the fact of the Trojan horse effect. One of the reasons why I think it would have been good to go to a committee is because if we are talking about designated businesses taking £15,000 worth of euros in cash, then that is a reasonable reflection. I was thinking of suspending Standing Orders today, but as it is a CoMin Bill there is no chance, even with the most elementary ability as far as maths is concerned, and you simply are not going to be able to get your suspension of Standing Orders in order to have this Bill put to a committee anyway. So really speaking, that is not the answer.

1855 I put this down for the sake of the other place as far as this is concerned, because I have great concerns that we have already got problems with the FSC not being accountable for its actions... its inconsistencies as far as that is concerned. My concern is that it seems they can look to the minutiae, as far as some firms are concerned, and then you have the situation over the Louis Group, where they seem to have got away with an absolute scandal as far as the Louis Group is concerned and those poor depositors.

1860 What I am concerned about with this Bill, and I do not think I will be supporting this Bill because I do not think there is enough audit and accountability as far as the FSC is concerned with the finance sector to be then giving them the ability, as far as designated businesses are concerned, in other areas that are not in the finance industry... I am concerned about the issue that there is no legislative protection in here as far as small businesses are concerned. We have been told that it is going to be passed over to the professional bodies, as far as that is concerned, and the professional bodies will regulate this piece of legislation; but my concern is that we have a long history in this Island as far as in the past – the old national saying is, 'It's not what you know, it's who you know' – that we could be developing a rod that could be used against legitimate business for other reasons than the initial idea, as far as Hon. Members are

1870 concerned. I just think this Bill should really not be put for the Third Reading stage unless the
Minister can clarify what checks and balances there are going to be so that we do not have the
Freedom to Flourish for a few and for the others to be fleeced as far as society is concerned.

I understand and I have talked to some people about this Bill and they say, 'Oh, well, we do
not feel there is a problem there. It won't happen'. But we are there are legislators to make sure
1875 that we put the checks and balances in and I think the Members who are not part of
Government should really be considering whether we should be giving sweeping powers, as far
as this is concerned, to the FSC to have grace and favour on this issue, because I think it would
be a mistake at the present time to do so unless the Treasury Minister can come up with reasons
why they should be able to interfere with the minutiae as far as other businesses outside the
1880 finance sector. No one argues with the fact that there needs to be some sort of control as far as
major cash advancements for services or for items of commodity – I understand that with
money laundering and I have a lot of empathy with this – but I worry that this Bill might end up
being used in other ways in order that it could be used as a weapon to stop people who are not
singing from the same hymn sheet as the establishment, as it used to be in this place.

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The Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

I thank the Minister for coming back and explaining and answering some of the concerns that
1890 I raised, but there is one that is still outstanding and it is in respect of clause 33, to do with
appeals, subclause (3), which falls on page 30. The Minister read it out and he tried to explain
what is meant by:

'Any variation or revocation of a decision does not affect the previous operation of that decision or anything duly done or
suffered under it.'

1895 My question to him was and still is that if for some reason it is found that the Financial
Supervision Commission have in fact been unreasonable and as a consequence a revocation has
taken place and that small business, which is not an advocates, has been unable to function for a
period of time and has consequently lost business and therefore lost money, what would
happen then?

1900 There is nowhere within this Bill that I can find where someone whose grievance is upheld, if
you like, that person can then fall back and put a claim in for some sort of compensation for that
unreasonable decision that was taken, which has forced them to close down and cease business
for a period of time.

If the Minister can advise, I would appreciate it.

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

Mr Teare: Thank you, Mr Speaker.

1910 I do detect a note of concern and really, it boils down to, is the FSC going to be heavy-handed
here? This is not intended to be that and I have had discussions with the FSC. The way it has
been framed and the guidance notes which were brought forward are intended to be light
touch.

If I could just go through and respectfully remind Hon. Members why I am bringing this
legislation before this place today, it is to enable us to fulfil one of the International Monetary
Fund's recommendations which emanate from their 2009 Report. We are due a further review
1915 next year, and this is one of the issues that we need to deal with in preparation for that review.

The Hon. Member for Douglas South, Mrs Beecroft, asked what concerns have been raised.
There was feedback to me from the banks and also the Law Society and those have now been
dealt with because we did actually review this legislation again, bearing in mind their comments.

1920 There was also comment about the fees. I can assure Hon. Members that this is not intended to be a fee generating exercise; this is just to cover costs. The fees, as well, will be subject to secondary legislation and consultation with the industry going forward.

The Hon. Member for Onchan, Mr Karran, asked again about appeals and I will just go through some briefing notes I have again on clause 33, which I hope will deal with some of the comments which were raised by the Hon. Member, Mrs Cannell.

1925 Clause 33 of the Bill enables appeals to the Financial Services Tribunal in specific circumstances. The Tribunal may confirm, vary or revoke the relevant decisions, but may not affect the previous operation of that decision. Thus any previous decision of the FSC will stand until such time as the Tribunal varies or revokes it. This provision reflects section 32 of the Financial Services Act.

1930 In other words, the measures in this Act are similar to the measures that we have in the Financial Services Act 2008, which has worked successfully for the past six or seven years. So it is not something that we are bringing in lately. This is something which has been in force for some time.

1935 The current appeals procedure for the Tribunal is contained within the Financial Services Review Regulations 2001. The Cabinet Office is currently drafting revised Tribunal rules to replace the existing regulations in order to improve the appeals process in a number of areas.

One proposed change will enable the Tribunal to make an order to suspend the effect of the FSC's original decision, pending the determination of the appeal if this has been necessary under the circumstances.

1940 What we are trying to do is to, in effect, strike a balance between preventing financial crime from taking place until the outcome of the appeal is known and also protecting the business interests of the appellant. What we have to do is we must recognise that if we do not handle this responsibly, we would not be dealing with a considerable risk to the reputation of the Isle of Man... *[Inaudible]*

1945 Mr Karran also mentioned that the FSC were not accountable. I have just demonstrated that yes, they are, but also, they are answerable to the court through a petition of dolence. He also said this is disproportionate, that smaller businesses should not be overburdened with this regulation. I did say at the outset this is definitely light-touch, but we have to recognise that all businesses, regardless of their size, may be used by somebody whose motives are not particularly honest or trustworthy. So we have to help them, give them guidance, so that they can recognise when they may be vulnerable to money laundering or the finance of terrorism. I would respectfully suggest, Hon. Members, that the same standard should and must apply to all.

1950 With that, I move that the Third Reading of this Bill now be taken.

1955 **The Speaker:** Hon. Members, I put the motion that the Designated Businesses (Registration and Oversight) Bill be read for the third time. Those in favour, please say aye; against, no. The ayes have it.

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

FOR

Mr Anderson
Mr Bell
Mr Cannan
Mr Cregeen
Mr Cretney
Mr Crookall
Mr Hall
Mr Henderson
Mr Houghton
Mr Karran
Mr Quayle

AGAINST

Mrs Beecroft
Mrs Cannell

Mr Quirk
Mr Robertshaw
Mr Ronan
Mr Shimmin
Mr Skelly
Mr Teare
The Speaker
Mr Thomas
Mr Watterson

The Speaker: There are 20 votes for, 2 votes against. The motion therefore carries.

5. LEAVE TO INTRODUCE

A Bill to amend the law with respect to assisted dying – Leave to introduce – Motion lost

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

Leave be granted to introduce a Bill to amend the law with respect to assisted dying and for connected purposes.

1960 **The Speaker:** We turn to item 5, Leave to Introduce.
I call on the Hon. Member for Rushen, Mr Watterson.

1965 **Mr Watterson:** Mr Speaker, it is with a great deal of trepidation that I rise to speak on this subject today. There can be no more sensitive issue: the right to life and the individual's right to control it, combined with the state's desire to protect the vulnerable in a way which pricks everyone's conscience, which underpins very personal feelings and experiences of people inside and outside this House.

1970 I should perhaps say that this is all about personal choice for the individual, which is currently denied by the state. For those who do not wish it, I respect that. It will never be forced on anyone. It is essential that the Bill safeguards against that.

However, I would contend that the present system has, as the stated will of Tynwald, been 14 years in prison for those who help a person fulfil their wish to die on their terms. For their part, I believe the prosecutors have seen the humanity and have tried their best not to enforce that, and rightly so in the cases I have seen.

1975 I point to the recent case of Cathy Pridham, which I do with the consent of her husband, Mike. She was suffering from a terminal condition and committed suicide. Her body has never been found.

Is it fair to put those who wish to die through not just the physical pain at the end of their life, but knowing the risk they place their loved ones in if they help? I do not think that it is.

1980 I think it is up to us to provide better legislation, a framework for this personal choice, not leaving it up to the prosecutors as to which are deserving cases, while officially denying all choice. It is wrong that people are dying alone and earlier than they want or need to because of the fear of putting their loved ones through the criminal process.

1985 Good quality end of life care can alleviate much of the suffering of the dying process, and we must continue to strive to improve it. I applaud the excellent work done by Hospice Isle of Man, and many others, who help with the physical and emotional trauma at the end of people's lives. There is no doubt it makes a real difference.

1990 Likewise, I accept that we may be able to do more in supporting the mental health of the terminally ill. People should not die because they are depressed – that is not what this Bill is for and I hope it will effectively safeguard that.

However, a minority of those dying, no matter how good the end of life care, do not wish to go on struggling.

1995 The principle of this Bill is that those who are terminally ill should have their choice over how they die, but subject to effective safeguards that prevent pressure or abuse. It would not lead to more deaths, but would lead to less suffering. Disabled or older people without a terminal illness would not be eligible for assisted death. The Bill does not legislate for voluntary euthanasia, where a doctor directly administers life-ending medication. Rather, it provides that the final act in an assisted death must be taken by a patient who has the mental capacity, both at the time of the request and at the time of their death.

2000 In writing to Members in September to gauge interest, I made no apologies for using Lord Falconer's Bill in the House of Lords as the starting point for legislation. I have therefore offered up a template based on the model in Oregon, which has been operating for about 17 years. It stands in sharp contrast to other models, such as those in the Netherlands, Belgium and Switzerland, whose approach I do not believe in and I do not believe are a good fit for our society.

2005 It is this specific model that I seek support for. If you agree with the principle, but not the approach, I would suggest you vote against leave to introduce today. If you do not think you can see it through to Third Reading, based on the model of Lord Falconer's Bill, I would suggest you vote against leave to introduce today.

2010 I appreciate that I did set this out in my letter, but as a courtesy to the House and to inform the general public, I feel I ought to set out the contents of the Bill.

2015 Only those who are terminally ill may be provided with assistance to end their own life. 'Terminally ill' is defined as having been diagnosed with a medical condition which is inevitably progressive and cannot be reversed by treatment. Treatment of the symptoms is not regarded as something that will reverse the condition.

Assistance in dying will require the consent of the courts. The court must determine that they have a clear and settled intention to end their own life. The person must be over 18, and in a divergence to the UK Act, I suggest that that person must have lived on the Isle of Man for at least five years.

2020 As well as the mechanics of the process, the Bill will protect any person with a conscientious objection from having to participate in any aspect of the Bill's provisions. It will provide for criminal safeguards against those who aid or abet a suicide which is not performed according to the Bill – this is an essential part of safeguarding the vulnerable in society.

2025 There should also be effective monitoring and review of the use of the system to ensure it is operated as intended – this as a further safeguard. However, I do not wish to labour this point without a Bill before Hon. Members. Hopefully Members have had the chance to study the draft circulated with my e-mail of 28th September.

2030 If leave to introduce is granted today, I will return with a Bill. I do not intend to rush its passage. I would like to arrange presentations by campaigners on both sides to come to Tynwald and present to Members before the end of the year. Given the gravity of the subject matter, I would also support the Bill going to a Bill Committee for detailed scrutiny and recommendations. I feel that it is important to put my feelings on this on the record.

To return to the principle, Mr Speaker, the noble and learned Lord Neuberger, President of the Supreme Court, said in his recent judgment, and I quote:

'A system whereby a judge or other independent assessor is satisfied in advance that someone has a voluntary, clear, settled, and informed wish to die and for his suicide then to be organised in an open and professional way, would, at least in my current view, provide greater and more satisfactory protection for the weak and vulnerable, than a system which involves a lawyer from the DPP's office inquiring, after the event, whether the person who had killed himself had such a wish, and also to investigate

the actions and motives of any assister, who would, by definition, be emotionally involved and scarcely able to take, or even to have taken, an objective view.'

2035 Lord Carey, former Archbishop of Canterbury, has changed his view and is supporting similar legislation to this in the House of Lords. This underlines the fact that this is not a matter of religious views versus secular views, but a matter which every person must deal with. Lord Carey says, and I quote:

'Today we face a terrible paradox. In strictly observing accepted teaching about the sanctity of life, the Church could actually be sanctioning anguish and pain – the very opposite of the Christian message. Indeed, there is nothing anti-Christian about embracing the reforms that Lord Falconer's Bill offers.'

2040 Mr Speaker, I feel I have put a case to Members that the present law is not fair on the terminally ill or their families. This Bill will provide a clear and open process where people can come to the attention of agencies whose services may not have been considered. I hope this Bill will reduce the number of suicides on our Island. I would contend that it is for Tynwald to decide how this should work, not as Lord Neuberger describes, a matter for the Attorney General's prosecutors to fill the void.

2045 Polling in the UK indicates that 70% support this personal freedom with appropriate and robust legislation and working practices. Whilst there is no polling on the Isle of Man, I do ask Members to consider that point. We are here to serve the public and shying away from a subject because it is troubling or sensitive does a disservice to the public.

2050 There is a common goal, whichever side of the debate you are on, for a law that shows compassion to the well-motivated who help somebody to end their life when they already have a terminal illness, but in a way that provides proper safeguards against abuse and pressure. I believe we can craft such a law. To me it is a travesty that those rich enough to afford it can travel to Switzerland to end their life the way they want to; this is just not acceptable to most people on our Island.

2055 To conclude, Mr Speaker, let me reflect the following words of Isle of Mona, by John Gelling:

'Mother Homeland, grant his favour
To thy children far and nigh,
When life's weary days are over
In thy bosom let us lie.'

I beg to move.

2060 **The Speaker:** A seconder?

Mr Karran: Vainstyr Loayreyder, I am seconding to give it the opportunity to debate it, and reserve my remarks.

2065 **The Speaker:** Hon. Member, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

2070 I think that is quite an impassioned speech by the hon. mover and I can understand completely where he is coming from, but I cannot support this leave to introduce today and I would like to put on record my reasons for not supporting it.

2075 It is an emotive subject. I can genuinely see both sides and I can emphasise with the motives of people who would move such a Bill. I can understand the argument that people use when they say, 'It's my life, so I should be able to decide what I want to do.', and at that basic level it makes sense. It really does, but the subject is not as simple as that. It involves all sorts of other dilemmas – and dilemmas which other countries who do allow this thing to happen are still

struggling with. (A Member: Hear, hear.) Models change. Whatever model would be introduced here, whoever we copy, models change – as can be seen from the other countries.

2080 I apologise to Members. I did actually ask for an article from *The Telegraph* to be circulated earlier (*Interjections*) It has been circulated now, but I did want Members to have chance to read it earlier.

But if I could just quote from the beginning of that article. It is from *The Telegraph*, and it is written by a Dr Yuill. The headline is ‘The case of Tom Mortier shows how euthanasia advocates will never stop at the terminally ill’, and it says:

‘Tom Mortier never paid much attention to the discussion about voluntary death in his country. “I was like just about everyone else here in Belgium: I didn't care at all,” he said. “If people want to die, it's probably their choice. It didn't concern me.”

But in April, 2012, 10 years after the law changed to allow euthanasia, Mortier, a university lecturer, received a message at work. His 64-year-old mother, Godelieve De Troyer, who suffered from severe depression, had been euthanised the previous day. Would he be able to make the arrangements at the morgue?

His mother had largely broken off contact with the family but had informed him by email three months earlier that she was looking into euthanasia. Mortier did not dream that her request would be taken seriously because she was in perfect physical health. After his mother's death, the doctor who gave her the injection assured Mortier that he was “absolutely certain” his mother didn't want to live anymore. The shock felt by Mortier at the sudden – and unnecessary – loss of his mother inspired him to become a leading campaigner against Belgian euthanasia law.’

2085 A review committee later decided that the decision to end his mother's life had been careless.

I know that the mover is not suggesting legalising euthanasia. I know he is not suggesting this model, but I do not think we should be introducing legislation where a *possible* careless decision can cost someone their life.

2090 There are certain illnesses that some people say should be the exception because they cannot be treated effectively yet. Mr Speaker, I would suggest that ‘yet’ is the operative word. Scientists are working on ways to treat these conditions now and will no doubt find a cure or something at least to make the symptoms bearable. However, if all those with the illness then decided to end their lives, how long would the research continue? (A Member: Hear, hear.) Not very long, as there would be nobody to treat! So instead of finding a cure, it would become 2095 accepted that once somebody was diagnosed, they would be eligible to end their lives.

How long ago was it that breast cancer was fatal in just about all instances? If everyone diagnosed with breast cancer had chosen to end their lives, as some would surely have done had they had that choice, the treatments available today would never have been evolved, because people would have stopped looking for them.

2100 We are told this is to give us a choice, but we do have a choice now. We can refuse medical intervention. Whether it is an operation or drugs, we can say, ‘No, we don't want them.’ We can complete an advance directive so that in certain circumstances such as a stroke or a heart attack, or whatever else we stipulate, it is *our* stipulation that goes into an advance directive; everyone will then be aware of *our* issues over these issues, such as resuscitation. Maybe you do 2105 not want to be resuscitated: put it in an advance directive. They are legally bound to obey your wishes. We do have a choice now.

I do think people are rightly worried that this legislation would be the start of a slippery slope – I think they are right to be concerned. The slope has proved very slippery in other countries.

2110 We have all received correspondence signed by a number of health professionals on the Island who have put their concerns very clearly – and far better than I could hope to do. They refer to the slippery slope by saying, ‘Legislation in other jurisdictions, notably Oregon, Holland and Belgium, have shown that the slippery slope occurs as the involuntary euthanasia of the demented, and disabled children, is now occurring.’

2115 I would suggest to Hon. Members that people are also very open to suggestion, particularly when they are at a very low ebb. I can remember reading the consultation that was on the Island here not so long ago about end of life care and one of the questions went something along the lines of ‘Do you worry about becoming a burden?’

2120 That might seem a very sensible question to ask but, for someone who is at a low ebb emotionally and has never before considered themselves as a burden, it raises the question 'Should I consider myself to be a burden?'

2125 I think that is the wrong idea to plant in people's minds. Life and its choices are not straightforward and are full of nuances; it is extremely difficult to legislate for all the variances of emphasis. We know that palliative care has improved drastically and is still making great strides; but we know in countries that allow assisted suicide and/or euthanasia the investment in palliative care reduces and, because of this lessening of investment, the standard also falls and people can end up choosing to die early because they are frightened by the remaining alternative.

2130 We are fortunate as we have excellent palliative care and end-of-life care here on the Island and it is improving all the time (**A Member:** Hear, hear.) and this is where our focus should rightly be. Our efforts in the future should be focused on finding cures for disease and medical conditions, and continuing to make improvements to palliative care and to end of life care. I believe that is what we should be doing, not introducing legislation which, as our own medical professionals have told us all, is unnecessary and dangerous.

2135 Thank you, Mr Speaker.

The Speaker: The Hon. Member for Douglas South, Mr Cretney.

Mr Cretney: Yes, thank you, Mr Speaker.

2140 I want to congratulate the mover of this resolution in terms of his brave, thoughtful and thought-provoking presentation this morning in terms of seeking our support. I am offering *my* support because I believe that the best way that we should consider this matter is if it is to go to a committee where *all* those who have an interest – on whatever side of the discussion – can have the opportunity to present their views to a committee of this House.

2145 I, as much as any other Hon. Member in here, have connections within the hospice movement. I have done things for the hospice movement and I think they do a *wonderful* job on the Isle of Man. However, I do believe that this matter is worthy of consideration by a committee, and I do hope that Hon. Members will be brave enough to allow that to happen.

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

2150 **Mr Anderson:** Thank you, Mr Speaker.

First of all can I put on record the excellent contribution from the Member, Mrs Beecroft, from South Douglas. (**Several Members:** Hear, hear.)

2155 Mr Speaker, the subject we are debating today is, as has already been said, one of extreme sensitivity with strongly-held views on both sides of the argument. It was, Mr Speaker, for this reason that, the last time leave was asked to introduce such a Bill, this House set up a Select Committee to take oral and written evidence on the matter; and it went into great detail and research to see the practicalities of such a measure being introduced in the Isle of Man.

2160 I had the benefit of being a member of the House of Keys Select Committee, along with Mr Alex Downie, Mr Quintin Gill, Mrs Hazel Hannan and Mr John Rimington. The purpose of that Committee was to collect as much information as possible of what was happening in other jurisdictions at that time and what other similar proposed legislation was being considered by our neighbouring jurisdictions. Interestingly, none of the neighbouring jurisdictions has introduced such measures, for many different reasons.

2165 The most compelling evidence given against its introduction to me personally came from the medical profession on and off the Island, particularly the hospice movement, and the significant advances that have been made in palliative care. We are a further 10 years on from there and I know that palliative care has advanced even further, with new drugs and hospice services on our Island at the forefront of this care.

2170 I would commend to Hon. Members the evidence given to the Select Committee by Dr Ben
Harris, who was spokesperson for the Isle of Man Medical Society and Director of Hospice, who
clearly set out in his contribution that the pro-legislation was contrary to the calling of those in
the profession, and quoted the Hippocratic oath. I think Mr Downie has recently reiterated some
important facts to come out of that Select Committee and I would concur with him that, for us
2175 to try to go it alone on such a Bill, it would probably not only raise constitutional problems but
also many practical problems. It would, as suggested in evidence to the Committee, make
vulnerable people feel more vulnerable; however tightly you might phrase and create legislation
it will inevitably create grey areas – and I am sure it would be a nightmare to draft.

If we had such legislation here I am sure recruiting of medical professionals to the Island
2180 would become even more difficult than it is at present. We have seen examples recently of
jurisdictions where such legislation exists and that the slippery slope argument is evident, and
where the practice is becoming wider than the legislation intended. I am not going to re-quote
what the Hon. Member for South Douglas said but, only yesterday, we had that article in the
Daily Telegraph.

2185 The point I am making is that, once legislation is introduced, it becomes apparent there are
so many grey areas that had not been considered when it was thought to be a compassionate
measure. I, like other Members, have constituents with different views on this very sensitive
subject. We have been elected to make difficult decisions and I would normally vote for leave to
introduce, but to do that today would send out the very wrong signal. Yes, we must be
2190 compassionate, but we must channel that compassion in the right direction and support such
fantastic care that is given by our own treasured Hospice.

I appeal to Members to reject leave to introduce. We have looked at this in detail through a
committee before, the evidence put forward was comprehensive, and I do not believe that
actually having a committee again and taking an enormous amount of time and pressure would
2195 actually help the situation.

I would like to close, Mr Speaker, with a quote from another bishop, Archbishop Justin
Welby. He said recently that elder people and others would be put under pressure to end their
lives if assisted suicide were permitted by law. Lord Falconer's Bill would be:

'bound to lead to sensitive individuals feeling that they ought to stop being a burden to others. What sort of a society would we
be creating if we were to allow this to hang over the head of every vulnerable, terminally ill person in this country?'

2200 Hon. Members, it is not usually procedure to reject a leave to introduce, but I hope people
will reject the leave to introduce today.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

2205 Vainstyr Loayreyder, I had not intended to speak to the debate but, having listened to how
Mr Watterson has introduced it, and certainly the view of Mr Cretney which I would support –
the issue of going to a committee for a wide range in views – I think that is a given in this debate
and that the community should have their say.

2210 However, what we did not hear from Mr Anderson was the public vote on the issue that was
raised last time because, if I can recall correctly voting cards, or return postcards, were sent out,
and I think there may well have been a majority response to the issue. I cannot remember if it
was for or against, but we did have that... and the whole thing was aired fully in public at that
time.

2215 What I want to say, Vainstyr Loayreyder, is that I do not know if any inputters to the debate
so far – all the people who are doing the writing in – have actually spent 24 hours, 48 hours, a
week, two weeks, a month, or six months nursing somebody who is dying.

Having had that experience myself over and over again during my time in the Health
Services... and I especially allude to care of the elderly, the dying elderly and specifically to the

2220 confused elderly, where we have somebody who is completely demented. They are not aware of person, place, date or time; orientation is completely gone, they are in a semi-comatose state, for instance, because of the degenerative process; they are doubly incontinent, they are requiring 24-hour nursing care, as it were.

2225 We end up keeping them alive, pumping them full of antibiotics and other medications because of all the reasons that we have just heard from Mr Anderson and Mrs Beecroft, and others. You are just keeping somebody alive for the sake, sometimes it appears, of keeping them alive. And when you are turning them, when you are washing them, when you are changing them and, even when you are trying to administer the medication that you are supposed to administer, you are causing them great pain and distress. Their bodies break down, they have bedsores and other issues and, every time they are cared for, you are increasing the physical pain and agony of that person.

2230 I would like the mover to take into account that kind of situation where a family can say, 'Well, actually Doctor, I do not want the medication to continue because I do not want my mum or dad to continue in that state', when there is absolutely no hope whatsoever of that person ever recovering. I think those kinds of situations – and, as I say, I am concentrating on care of the elderly – but there are other situations which I have been actively involved with as well. It is quite obvious that, because of the Hippocratic oath, people's strongly-held moral views, the culture of these isles, if you like, keeps us wanting to keep that person going. Yet when you are changing their bandages, their dressings, moving them round a bed when they are in that state, we are actually almost just keeping them alive, for keeping them alive's sake, as I said.

2240 We need to consider things like that: perhaps, a family meeting to discuss how long do you keep keeping them alive goes on, and how much agony do you keep putting them through?

I do not want to labour the point, Vainstyr Loayreyder, but, as I say, I have had to go through that time and time again. I think it is time to take a sensible, mature approach to how we are delivering care. I am not advocating euthanasia in the way that we have heard illustrated; far from it. But what I am saying is perhaps we need to look at some of our ethics and morals in care, and so on. It is a very deep and an emotive subject, but one that does need looking at, Vainstyr Loayreyder, even more so in the... *[Inaudible]*

2245 This seems to be an issue that this could cause someone to feel burdened. I can tell you, Vainstyr Loayreyder – and that is the thing which has caused me to jump up really – that plenty of elderly now feel a burden and our system causes that. It is nothing to do with Mr Watterson in particular and what he is trying to achieve, but the fact that an elderly person could fall at night in a nursing or residential home, an ambulance is called and they are taken to the general hospital, checked over, and *sometimes* – I am sorry to say – they are not kept overnight, they are shipped out as quickly as possible back to from whence they came; and then it is discovered that perhaps there were 'shipped back' too quickly because they were seen as a burden on the system in the acute care section.

2255 I think we need to be looking at things like that, cultures and attitudes towards our elderly – and I can give examples, if necessary, on that particularly – but it is happening now and that needs to stop.

2260 I think we need to support Mr Cretney in his view that, perhaps, a committee should be formed on this subject and wide-ranging views should be taken, Vainstyr Loayreyder.

Gura mie eu.

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

2265 **Mr Thomas:** Thank you very much, Mr Speaker, I will be very brief – I am not commenting on the complex, difficult issues here, I just wanted to raise some questions for the mover and also make some statements.

2270 The first statement is that I think I heard the mover say that a vote for leave to introduce should only be given if you intended to vote at the Third Reading stage positively. I do not think

that is reasonable, especially in the light of what Mr Anderson has said about the issue with not giving somebody the leave to introduce.

It seems to me in this House it is becoming quite common, in actual fact, not to give somebody the leave to introduce. I was denied it for the Planning Bill; Mr Gawne was denied it
2275 for a Legislative Council Bill; and it could be that today you do not receive your leave to introduce – and that is a separate principle from the issues and merits in this case. I wanted that clearly on record. If I have not made up my mind about the issues or about my vote still, indeed the discussion and the presentations are very helpful but, to me, it is an entirely separate issue whether or not to give leave to introduce, or to vote at the second stage, or the clauses stage or
2280 the third stage.

The second point I wanted to make is a question to the mover, inasmuch as he has very kindly repeated his statement that he would insist however he could, that there was a legislative committee and also that there was fair presentation from all sides. I would ask him to reflect on whether, in actual fact, we need a referendum about this; and in fact I will be trying to move, if it
2285 ever was to get to the legislative stage, that a clause was introduced such that we could not have the Appointed Day Order until there had been a full referendum under the 1979 Act. To me this seems exactly the sort of issue that should go to a referendum of all of the people.

My second question is one about: does the mover actually feel this is the right time to be requesting this leave to introduce? He might even choose to withdraw it today, because is there
2290 really time between now and September 2016 for us to get through all the consideration and discussion and so on that he intends. I ask, is it the right time for a parliament to actually even be bringing it?

Finally, the third question is: does the mover actually think we can go ahead if the United Kingdom, or other neighbouring places in this matter...? It seems to me it has got *profound*
2295 difficulties associated with it, and that might in itself be reason to hesitate at this stage.

The Speaker: Hon. Member, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

I will be brief as well, having gone through the last debate in this place when a motion was
2300 moved and leave to introduce and we referred it to a committee of the House. I can remember it then, all the same sad, very emotive stories coming to surface; but we are here as legislators, purely and simply as legislators, and cannot be swayed by any kind of personal experience argument in this area.

I would not go into details such as the Hon. Member for North Douglas did when he explained elements of his former career before he entered parliament. Yes, we have all had to deal with very sad cases, and family cases, but we deal with them because they are family and because we love them. This is not about that: this is about giving leave to introduce a Bill to run
2305 with this issue.

It is not commonplace for the House to give leave to introduce, the Member has to really make a case that, in fact, 'In the absence of Government bringing forward legislation in this area, I am making case to bring it forward instead.' That is the principle of the leave to introduce.

So, what have we heard? We have heard the Hon. Member say he thinks he wants to do it, and I take my hat off to him. It will be a very controversial issue, but he has got a very strong
2315 field within his constituency for this to happen. So it is hardly surprising, is it, that it comes back to the House again when it was two former Members of Rushen who were running with it all those years ago?

So it is before us, he is asking for leave to introduce. I will not be supporting him because I do not want to give him false hope that, in fact, by supporting his leave he is going to get an easy
2320 ride, if you like, in having this legislation supported. It is premature. It was premature then, it is still premature now.

We have the Lord Falconer Bill in the House of Lords which is making its way (*Interjection*) yes, it is making its passage – Falconer. We know that that is happening, we also know that the United Kingdom have gone out to consultation on no less than, in fact, seven times and on each occasion the public said by majority, ‘Yes, we want to have this freedom to do this.’ And the minority said, ‘No!’ That is since 1976.

So, in view of the public opinion, why has this not happened? It has not happened because it is very difficult to enshrine in law and put in all the necessary safeguards that you would need to put in to prevent disaster from happening in going forward – and abuse of the system, and monetary issues coming in, and all sorts of issues coming in. That is why the United Kingdom have not done it. So, we are wise to wait and see what the United Kingdom does with their legislation before we even attempt to consider going down this road.

There was one issue that the Hon. Member for North Douglas mentioned about the public opinion in the Isle of Man. The Hon. Member, Mr Anderson, who was a former Committee member looking at this area, kindly passed me the Report – the old Report that was delivered in those days. It was about 14 years ago, I think it was, or 10 years ago. In fact it was a private campaign, it was the Manx Death with Dignity campaign that was set up by a couple who send out postcards across the Island – it was in August in 2003. Not everybody received a postcard, but 3,195 postcards came back in *support* of bringing this type of legislation in.

But there was no provision on those postcards at all to give an opposite view, or to give a different opinion; so one could not regard it as a fair and unbiased poll of the public view at that time. But it was an indicator – and probably still is an indicator in certain areas – of the strength of public feeling on the issue. That is not in doubt.

It has been illustrated just the same in the United Kingdom, but they still have not got the legislation right yet, and it is still not in place. I would suggest that we should do the same and wait and see what happens in the United Kingdom before giving the Member false hope in running for leave to introduce with a Private Member’s Bill.

What will happen as a consequence, if he does get leave to introduce, this will become an election issue. It will probably become an election issue anyway for some Members in some constituencies. But I would hardly recommend it as a focus for positive campaigning if you are thinking of standing and defending your seat – what the public want to know is how are you going to stabilise the economy, how are you going to boost the coffers in the back pocket of ordinary men and women, and how we are going to provide those jobs in order to do that. That is the important issue of the day.

So I give my apologies, Mr Speaker, to the Hon. Member, but I will not be supporting him.

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

Mr Skelly: Gura mie eu, Loayreyder.

Certainly, a hugely emotive and massively complex issue and, like others, I would like to congratulate my hon. friend and colleague for bringing it forward; very brave, without a doubt, and I do congratulate him for that.

A couple of Members have mentioned – Mrs Cannell just now, and Mr Anderson previously – the debate that happened, I think it was the best part of 10 years ago. The first question I would have is: what has changed since that debate that we are bringing this forward at this time?

Mr Thomas made a very good point about the timing – the timing we have left to introduce and give this the appropriate level of scrutiny. And I have to, once more, just congratulate my hon. colleague because I know he would have done a considerable amount of research and the process that he has described is entirely appropriate to take something forward of this particular nature. But do we really have the time to do that before an election next year?

We have time and time again in this place, and the other place, talked about legislation priorities, and it is always a big issue. And that is what we are really here for: to create law and deal with legislation, and that is vitally important. Mr Watterson has highlighted, I think, an area

2375 that does need to be addressed, but how should that be addressed and do we have the time to do that?

One or two other Members have also said, 'Should the Isle of Man lead in something of this particular nature?' And that is a *very* serious question to ask. You have only got to look – and it has been mentioned several times also, with regard to Lord Falconer's Bill through the House of Lords – at the time that has taken, the 150-odd amendments to get to this particular point; and already nothing will happen before a general election in the UK. So that does highlight, I think, how difficult and complex this actually is.

2385 I know we will all have our own opinion and we will certainly hear from the religious arguments – *very* strong no doubt about it; the medical argument, again, *very* strong; and we will give those the appropriate and due respect. Hospice: very few people on the Isle of Man have not been touched by Hospice in one way or another. We understand, we appreciate the quality of care. And it was interesting in the e-mail that was sent on behalf of many people in Hospice, and Mrs Beecroft quoted the two main reasons why they would oppose this: it is dangerous and it is unnecessary.

2390 And I come back to what has changed with regard to that debate 10 years ago? In 10 years there have been – and they quoted it – advances in medicine, so care has improved and it will continue to improve. Just purely on my Government role with regard to Economic Development: biomed and the opportunities that are around the corner could help vulnerable people – and that is what we all want to do, I am sure. But the other point they make with regard to Hospice, they highlight a very important point – and it jumped right out it me – which is, today, patients can refuse life-prolonging treatment right now. So that is a *very* valid point.

2400 I thank Mr Henderson because he highlighted an important issue with regard to the culture and attitudes towards our elderly – something we really need to work on. And it is *very* simple in my view: the word is 'respect.' (**Mr Henderson:** Hear, hear.) Many cultures value the elderly much greater than, perhaps, Western civilisations do; so we do need to work on that culture and adopt that attitude, because we want respect, we want them to be dignified and, of course, that is one of the issues.

2405 If you do support this – and I know Members will want to support this and the direction this is going – the big question you need to ask yourself, and I think Mr Watterson has already highlighted: if you push this through do you really have the confidence in the legislative integrity? If you do not, it will be a haven for lawyers. And who is going to win there? Not the patients. And that is what we are here for: protecting the vulnerable.

This is honourable, what Mr Watterson is trying to do – I *know* absolutely that his heart is in the right place with regard to doing it. But I do question the timing, the legislation priority, the integrity – should we really be leading with it?

2410 There is one area I do think he does need to consider, and Members need to consider where this issue needs to go, and that is the Social Policy and Children Committee. There are representatives of six different Departments on that Committee, including Mr Watterson – I think he is Chair now – which is great. That is a perfect vehicle to actually review this matter. This will not be done in the few short months that we have left, with regard to introducing legislation. This is something that will take years, and I do encourage him, if he wishes to pursue this, to look at that particular route of the Social Policy Committee.

2415 So with that, I implore Members to consider what the implications are by granting leave at this particular time.

Gura mie eu.

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

Mr Quayle: Thank you, Mr Speaker, and may I clarify from the start that comments made by me are my own personal viewpoints, not as that of Health Minister – obviously my Department

2425 has a role to play in this. But, also, my comments are made from experiences having been Health Minister.

I will not congratulate my hon. colleague for bringing this forward, but I will admit that he has put a lot of work into this; and I did specifically like the fact that he had thought out the five-year residency part because, should this go through, the last thing we want is the Isle of Man to be seen as a 'death tourism Island'. You just would not want that. So I was pleased he had thought that one through and come up with a clause to stop that from happening. But I will not be supporting it.

I would just like to comment on a comment from Mr Henderson – I do not know if he necessarily *meant* it – but I thought I should rise to my feet to defend the healthcare that we provide on the Island. Healthcare professionals on the Isle of Man are committed to the prevention and cure of illness, and the relief of suffering where cure is not possible; and have the utmost respect for human life. That is what all our medical healthcare professionals strive to deliver on the Island, so I would hope that there are no instances where people are sent home because it is not financially right, or whatever, to keep them going. If he has any cases, or examples, of that then please come to me and I will look into it instantly, because that should not be the case and I sincerely hope it is not the case.

Mr Henderson: Treated from the nursing homes and put back again...

2445 **Mr Quayle:** We move on to: is it necessary? I think a number of speakers have contributed on this.

Palliative care has made major advances over not just the last 10 years, but over 30 years. It is constantly getting better. But there are concerns: requests for assisted dying are associated with fear, such as loss of dignity – and we have all had letters from medical professionals – loss of autonomy and fear of pain. But once the patient is in care and realises that pain can be relieved, and their dignity and autonomy are preserved, then fears do tend to dissolve.

I think Mrs Cannell pointed out that patients are free to refuse life-prolonging treatment (**Mrs Cannell:** Mrs Beecroft) – Mrs Beecroft. One thing I have become aware of in my 11 months as Health Minister is that we are blessed with having our Isle of Man Hospice on the Island. New members of my senior management team in the Health and Social Care Department, who have come over here, have commented on the high standard (**Two Members:** Hear, hear.) that our Hospice provides on the Isle of Man; how it is better than anything they have come across in their careers in the United Kingdom. I do not think we should underestimate the quality of care that people in their final hours, days, or months receive. (**A Member:** Hear, hear.)

2460 My other concern is it is dangerous: it is that perception, that obligation, on those who may be vulnerable, who feel themselves a burden on society to request assisted dying. That is a major concern to me. I have a constituent with severe cancer who was given three months to live, and five years later they are still alive. If they had felt 'Let's end it quick before the pain kicks in' – or whatever their fears or concerns were – if they had gone with that... Treatment is improving all the time; life can be extended. So it does worry me.

2465 The other thing is financial gain. I know the vast majority of families, when they are looking at their loved ones and seeing them in pain, want to do what is right for them; and if end of life is one way, then that might be their choice, and I do not doubt that they would do it for the most sincere of reasons. But I have to tell you that, as Health and Social Care Minister, I have also been exposed to an area where there are some families who have *no* respect for their elderly relatives, and the house that their elderly relative owns, money in the bank, the cost of their care draining into that etc. I have had my eyes opened to that. Whilst the vast majority of people would be honourable and love their family, there are a small number of people out there who, sadly, do not have that attitude. And, again, I fear how on earth do we legislate to protect those people?

Therefore, I just think I cannot support this. I will not be giving my support to leave, but it is a very emotive topic. I think there have been some very good points. I also think it would not happen anyway. Lloyd Falconer – I think Mr Skelly said there are 150, or it could be 140, amendments to his legislation – it is not going to happen, it is going to be time expired. Are we going to get Royal Assent when they are not doing it themselves? I would very much doubt it.

I think the strains on our legislative programme for something that is just not going to happen, is another reason why I am not prepared to give this any support.

The Speaker: Hon. Member, Mr Karran.

Mr Karran: Vainstyr Loayreyder, at the beginning of the day I was not expecting to have to second this piece of legislation, but I do believe – as I said to the Hon. Member – that my principle in respect of a Private Member's Bill, unless it defies common sense or attacks a minority, I will always give the mover the opportunity to leave to introduce.

I have to say that I am somewhat horrified that he wants that vote on the basis that we will vote for it through to the Third Reading; (*Interjection by Mr Watterson*) that is something I cannot give, as far as that is concerned. I think he needs to clarify the point that, if he gets his leave to introduce today, it is on the basis of given leave to introduce on the basis of free speech.

My personal viewpoint might be totally different to some of the points in here, but I think it has been a very worthy debate today and it would have been a shame if people were not able to put their views into this Bill; and I think that we need to remember in future we might not *agree* with the person who is saying it, but we should defend the right of the person to say what he believes to be right, as long as it is not on a malicious basis.

So, Vainstyr Loayreyder, as far as I am concerned as long as he understands that he will have to do an awful lot of arguing, as far as further on in the procedures, I will let him have his debate. I think that the input from the Hon. Member was very good – excellent, in fact, as far as his leave to introduce. Just like the input from my good colleague for South Douglas, the leader of the Liberal Party is concerned, as far as her points on that. When we remember her particular expertise with the Liverpool Pathway Care Scheme, putting safeguards in that were not there, an excellent intervention that has happened – because some of us were not even aware that these things were going on, and they were not just going on in the Hospice.

I have to say, Vainstyr Loayreyder, that I would be horrified if we were to put it down to a referendum debate, to be perfectly honest with you. I believe in democracy but if we were to put stuff to a referendum, let's be perfectly honest with you there are so many things... And you do not have to think about the Sexual Offences Bill: I can remember having horrendous fighting when we tried to bring in family planning on the taxpayer and how it was a disgrace to *seek* that legislation; and how I was going to drown people and burn them to death by trying to follow the UK. I believe that we should make the decisions, as far as that is concerned.

I do think that the points that the Hon. Member for South Douglas has brought on... I remember the old Hospice, it was the C Block in the White Hoe. I remember having a fight with the Chairman of the Health Services Board at the time, telling him they should go and lie in that bed and look at the state of that place – and it is the last thing you see before you go through the hoop and find death.

So we have come on and there are very valid points that the Hon. Member for South Douglas has brought on, about whether this would stymie the social development that we have seen from those days to today, and how far we have got, as far as palliative care is concerned. Whilst I have empathy with the Hon. Member for North Douglas, I actually think that what Mr Henderson has brought in is the very thing that I am concerned about, (**A Member:** Hear, hear.) when I said in the letter to the Hon. Member, the mover of the Bill, on 14th October, what worries me is the opening up of a Pandora's box.

2530 It is one thing to be discussing the issue of what the Hon. Member for Rushen is talking about, it is another thing to talk about other things... and whilst I have great empathy with the issue of what the Hon. Member for West Douglas is saying (*Interjections*) – I understand that – the problem is, as I had to say to somebody the other day, that my concern with this Bill is the black shirts and what they would use this for, as far as the cost evaluation. And, as I say, that concerns me.

2535 What I would like to know from the hon. mover is: is he still intent that he wants us to vote for this on the basis of giving him leave, on the basis that we still are not convinced that there is a need for the piece of legislation, or he wants us to vote for it on the basis that we will vote it throughout its passage? I could not do that.

2540 What my concern is on this Bill... and I have just seen somebody die of motor neurone disease, and I believe that there are certain diseases where I would have a lot of sympathy for it. But the Nazi death camps did not start out in the 1930s, they started out in the 1890s in Germany with the (**A Member:** Concentration camps.) development of how they brought in eugenics, as far as that is concerned. It did not start in Germany; it started 30 to 40 years beforehand which was a totally different way when the Kaiser was still in power.

2545 The worry I have is that what the hon. mover is proposing today is one thing that could be tangibly acceptable, but it is the movement down that street of whether we end up where we put life as a financial commodity of the state – and that is the worry that I have. I know the hon. mover of the Bill is not trying to justify that, and not trying to say that, and I understand that; but sometimes you start on a road and that road ends up going in the completely different way that people think.

2550 So I think, Hon. Members, we have seen in this debate up to now, the road that the mover would go on and the road that the Member for North Douglas might go on, as far as this piece of legislation is concerned.

2555 I honestly think that the mover needs to realise that if he wants our leave to introduce this Bill on the basis of his right as the people's representative for Rushen, and as far as this Bill is concerned, I am happy to give him that leave; but I am not happy to say that I am going to support the Bill when it comes back for drafting, as far as that is concerned.

He told me this morning that he did not want us to support him, but I think it would have been a disservice to this House –

2560 **Mr Watterson:** That is not what I said!

Mr Karran: – for the Third Reading –

Mr Watterson: I will clarify what I said –

2565 **Mr Karran:** As long as he wants leave to introduce, I will vote for that, but I am very doubtful that I could support this Bill, as far as it is concerned, in its future stages. But that right as the people's representative for Rushen is concerned, I believe he has a mandate to come to this House for Bills as far as Private Members' Bills are concerned. I think it is wrong, Vainstyr Loayreyder

2570 And we had the Member for Glenfaba say we generally give leave to introduce: (**Two Members:** No) we do not generally now. It used to be unless it defied common sense or it was a blatant attack of populism against the minority, we always supported leave to introduce for that Bill. I feel, Hon. Members, whilst... and I do not agree with the argument, as far as this Bill is concerned, I defend the right as a democracy for the Hon. Member to debate this issue even further than it is now.

2575 I do think that we should support the leave to introduce to let the Member debate this issue, but we need to be on the understanding that that support is to let him draft his Bill up and then

debate the contents of this Bill, to make sure that the Member understands that we are *not* saying that we will support the Bill at its Second Reading, Clauses or Third Reading stage.

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

Mr Hall: Thank you, Mr Speaker.

2585 This recognises a hugely sensitive and complex issue. I have to say I do take a neutral position on this issue and it has been interesting listening to people's various contributions so far – their views and opinions.

I am going to start, Mr Speaker, with a couple of comments that have been made by Members talking of a slippery slope. I kind of anticipated that, probably, was likely to come up in this debate and so I did a little bit of research and looked at evidence, I suppose, of this issue to underpin the opponents of this sort of change.

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Certainly the mover who is bringing this, the Hon. Member Mr Watterson, mentioned Oregon. Looking at Oregon and the legislation that has been modelled there, it is quite persuasive, I guess, because in over 16 years there has not been one single prosecution for abuse of the law. Also the evidence is that in over 16 detailed annual reports by the Oregon Health Authority in relation to the Act – which it appears that the mover is trying to model this on. And, amongst other things, the reports also demonstrate what has already largely been said in some quarters, that the evidence does not really point to there having been any slippery slope as is claimed by some people.

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Also, the numbers of assisted-dying deaths after over 16 years is 0.2%, or thereabouts, of total deaths; or one death in every 450. And there does not appear to have been, as far as I can see, any widening of any legislation; and there has been 97% of assisted-dying patients died at home, and 90% were enrolled in hospice care.

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If you look at the evidence that comes from Switzerland, which is a very conservative country within Europe, their statistics seem to be, as far as I can see, broadly similar at about 0.3% or 0.4% of all deaths. Of course the Swiss citizens do overwhelmingly support it and recently rejected a change. So I cannot see, from what I have seen, that there is any evidence to say otherwise.

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Notwithstanding that, though, I do also have concerns. I think in the UK under the Bill that is being proposed there has to be two doctors: but I am not sure whether that actually provides assurance, because who is actually going to find the second doctor? And that second doctor is likely to be known to the first doctor and that person probably, I guess, will be seen as somebody who sees physician-assisted suicide as a reasonable response to a severe illness. I think Doctor Shipman had nearly 200 cremation forms and they were all countersigned by a second doctor. So I have concerns about that, which is just one aspect of many.

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I think it was Mr Karran, my friend and colleague, who had concerns about motor neurone disease, but how would a patient with motor neurone disease – who cannot swallow and cannot move their arms because they are paralysed – be able to carry out that final act, because it does not seem that they would be able to? They might become excluded and, therefore, that compassion is rather selective in that case because it cannot apply to all people with very progressive neurological conditions.

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So I think the danger as I see it with this, is not so much in general terms but it is when you actually go and drill down into the detail, that is where I think the danger lies. Certainly, in terms of palliative care, *that* has come on and the development of that is very welcome, and also the hospice movement. We have also seen improved drugs and facilities that are available to those people who are dying. However, I think the fact remains that, for some people, that process of dying is horrific. It is not just about pain – and this is what the Hon. Member for North Douglas, Mr Henderson, was saying – it is the bedsores and the ulcers, the decaying of the bodily organs, and the sheer misery; and not to mention the loss of autonomy and dignity. Many people who

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2630 have seen a relative have to go through this, wish that the sufferer had had perhaps some choice at the end. (*Interjection by Mrs Cannell*)

2635 Palliative care, I think, is not the magic, and it is certainly not a hundred percent. And I would refer Hon. Members to the account of Anne McPherson who was a GP, who campaigned very strongly in favour of a change in law, who had pancreatic cancer. Her daughter wrote a very moving account of the last three weeks of her mother's life, which was truly *horrific* and really showed and demonstrated that with the best medical care, with the best doctors and nurses supporting her mother, it was a horrific experience. That account ended with her daughter sitting in pools of expelled fluids from her mother... and so I will leave that for Hon. Members to read.

2640 I will keep my comments to that, Mr Speaker, really, but it is two sides of the argument, I totally acknowledge that. I do also share some of the concerns and views by Hon. Members saying the timing of this... and I would question whether or not this would ever be able to be considered, certainly in this administration. It is hugely complicated; and it is being put on in the UK with nearly 150 amendments. I am just not sure if we are going to have to time, if the Member does get the leave to introduce this, to actually go and analyse this in detail. But I will leave my comments to that, Mr Speaker.

2645 Thank you.

The Speaker: Hon. Members, we have reached the period where we adjourn for lunch.
Hon. Member, Mr Anderson.

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Mr Anderson: Mr Speaker, can I propose that if there are not many more contributions that Mr Watterson be given the opportunity to wind up before lunch?

Mr Watterson: I would second that.

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The Speaker: I am in the hands of the House. I am conscious that there is a lunchtime presentation being organised by Government –

Mr Watterson: Brevity is my watchword –

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The Speaker: – But I am in your hands.

The motion has been made.

Does any other Member wish to speak in this debate?

2665 In that case I put the motion that Mr Watterson be invited to sum up now. Those in favour, say aye; straight majority required. Those against, no. The ayes have it. The ayes have it.

Mr Watterson.

Mr Watterson: Thank you, Mr Speaker, the House will be aware of my love for brevity.

I thank my seconder, Mr Karran, for doing so.

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In terms of Mrs Beecroft's contribution and the article from the Telegraph: I am surprised that the Liberal Vannin Member would be reading the Telegraph, but I do know her point about Belgium. (*Interjections*) But I did say in my opening statement that the Belgian model was not one that I would accept in the Isle of Man. She said that she would not be willing to accept something where a possible careless decision could lead to someone's death; and I would contend that the current law drives people to their death prematurely.

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A number of Members made the comment about refusing medical help. That is fine. The only way you can do that, then, is to starve yourself to death, effectively – there is no other option. But to refuse treatment you cannot say, 'This is my time and I wish to make that choice.' Refusing medical help, I do not think, is a fair choice to put on an individual.

2680 I do not argue with her contention that we should continue with palliative cares and cures; this was something reflected by the Minister for Health as well. This is *absolutely* essential.

A number of Members also referred to a letter from medical professionals, and a survey of GMC Members indicated that about one third are in favour. That is a significant minority. But two thirds of nurses agree with this principle and so there is a split in the medical profession.

2685 I would like to thank Mr Cretney for his kind comments and support and I know this is a view that he has long held.

In terms of a couple of the points that Mr Anderson has raised about constitutional issues: I believe that the Select Committee did actually report that it was a matter for the Isle of Man to legislate on, and that gives us an issue of domestic legislation rather than something which the
2690 UK felt it had a right to interfere in. In terms of recruitment of medical professionals, the Bill does have that in mind and does have an opt-out for those with the conscientious objection – no person being forced to go down this route as far as giving the end of life pills, injection, whatever it might be, should they not wish to do so.

I appreciate Mr Henderson bringing his vast experience of nursing to this debate and I think I
2695 have reflected the views of the nursing profession by survey. But I would disagree with him on two points. Firstly, that this could ever be a matter for the family: it can only be a matter of choice for the individual. Likewise, he talked about dementia, and my Bill would not allow for that: the court would have to determine that an applicant was of sound mind both when they made the application and when they took the final treatment.

2700 Mr Thomas, about the rights of leave to introduce – and a number of Members made this point. The point that I was trying to make is that I only want you to go through with this today if you feel that you can support the principle; if you feel that you could see it through to Third Reading. I do not want Members to waste their time or mine if, in *principle*, they cannot support this Bill .

2705 If you cannot see a way that it could be done down the lines that I have suggested, that is the point that I was trying to make. And I hope that provides the clarity that Mr Karran was seeking as well.

I also disagree with the point that Mrs Cannell makes: it is *impossible* to separate the
2710 personal aspects on this and trying to deal with it in a completely detached fashion. We are all human beings with thoughts and feelings and consciousness – and it is impossible to detach it from that. But only *Manx* legislators... and to reflect a point about falling out of step with the UK, only *Manx* legislators – that is *us* in this House – can make a law that is suited to *Manx* needs. Waiting for the UK is a red herring.

2715 Mr Skelly raised a perfectly valid point about whether we have the time for this before the general election. That is down to Hon. Members in this place: if you are willing to make the time it can happen – that is a matter for Hon. Members.

Is it a priority? This is another one that has been raised. I would suggest that sparing some time to consider the needs of our terminally ill is surely worth spending some parliamentary time on, even if we disagree about what should happen about it.

2720 About it being a haven for lawyers: it is our job to clarify the law but, at the moment, that law is not clear and decisions that should be made by us as legislators are being made by prosecutors. And with regard to the final point about the Social Policy and Children's Committee, I do not think that is an acceptable vehicle to take this forward. I need to take my lead from you as Members of the House of Keys, as elected representatives, as to whether this Bill continues or
2725 not.

I do support the views of the Health Minister about the medical profession, although I may disagree with his conclusion. An awful lot of what he said, I really do support. He did talk about two things that are worth picking up on: about people feeling this obligation to end their lives. I think that is terrible and I hope that if a Bill was passed this would encourage people to seek
2730 help; and certainly it would bring people to the attention of the authorities and the inevitable need for counselling and suicide prevention.

2735 He has also outlined quite clearly the reasons why families should not be involved in that decision, it should be an individual choice made by the individual— to pick up Mr Hall’s point – to go to court to seek an assurance. The original model has moved on: it was a case of two doctors, it is now a case of one doctor but also making an application to court; so there is a judicial oversight that an individual is of sound mind when making that application, and the court have to be convinced of their settled will – not just a doctor, or two doctors, sorry.

2740 I think I have provided Mr Karran with the clarification around leave to introduce. My view is that leave to introduce is something that you should be granted if you support it in principle. The point also that Mr Hall made – he stated about the Oregon experience. And I think he put that case a lot better than I would, so I will skip over the things I had to say about that, about no prosecutions in 16 years, no slippery slope – I think he put the case very well there and I thank him for that. One quote that I think will stick with me out of this is ‘palliative care is not magic’ – and I think that is a point well made and I would certainly agree with it.

2745 I think we have demonstrated today through the opinions of Members and through some of the facts which have come out, that both medics and people of religion are divided on this. The House quite rightly, as a representative of the community, is divided on this and it is perfectly reasonable that it should be.

2750 It is right that in a democracy we tackle difficult issues, we debate them in this Chamber; this is one such issue. To change the law on assisted dying is not in any way to undermine the value we place on life. However, it recognises that personal choice is pre-eminent and where a person’s individual choice can be pursued without harm to others it should be permitted.

2755 I would like to think that I have presented an option that includes appropriate safeguards, but represents an improvement on the current law. It is sad to say that some people choose suicide to end their lives; however, let us use this as an opportunity to draw them into the system not, as at present, to alienate them from it.

2760 Let us educate them as to palliative care to deal with issues of depression in order to steer them from this course; but ultimately, after all of this, if they are dying and it is their settled will to do so let us not stand in their way and make them and their loved ones fearful of the consequences, but provide a process that we as legislators are content with rather than relying on the mercy of the Police and courts to mitigate bad law. **(A Member: Hear, hear.)**

I beg to move.

2765 **The Speaker:** Hon. Members, I put the motion as set out under Item 5 ‘Leave to Introduce’. Those in favour, please say aye; against, no. The noes have it.

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

FOR

Mr Cretney
Mr Hall
Mr Henderson
Mr Thomas
Mr Watterson

AGAINST

Mr Anderson
Mrs Beecroft
Mr Bell
Mr Cannan
Mrs Cannell
Mr Cregeen
Mr Crookall
Mr Houghton
Mr Karran
Mr Quayle
Mr Quirk
Mr Robertshaw
Mr Ronan
Mr Shimmin
Mr Skelly
Mr Teare
The Speaker

The Speaker: We have 5 votes for, 17 against. The motion therefore fails to carry.

Hon. Members, that concludes the business of the House today. The House will now stand adjourned until the next sitting which will take place at 10 o'clock on 10th February in this Chamber.

The House adjourned at 1.17 p.m.