



# HOUSE OF KEYS OFFICIAL REPORT

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# PROCEEDINGS

DAALTYN

HANSARD

**Douglas, Tuesday, 5th March 2019**

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**Present:**

The Speaker (Hon. J P Watterson) (Rushen);  
The Chief Minister (Hon. R H Quayle) (Middle);  
Mr J R Moorhouse and Hon. G D Cregeen (Arbory, Castletown and Malew);  
Hon. A L Cannan and Mr T S Baker (Ayre and Michael);  
Hon. C C Thomas and Mrs C A Corlett (Douglas Central);  
Miss C L Bettison and Mr C R Robertshaw (Douglas East);  
Hon. D J Ashford and Mr G R Peake (Douglas North);  
Hon. W M Malarkey (Douglas South);  
Mr M J Perkins and Mrs D H P Caine (Garff);  
Hon. R K Harmer and Hon. G G Boot (Glenfaba and Peel);  
Mr W C Shimmins (Middle);  
Mr R E Callister and Ms J M Edge (Onchan);  
Dr A J Allinson and Mr L L Hooper (Ramsey);  
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 a.m.*

[MR SPEAKER *in the Chair*]

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

**Members:** Moghrey mie, good morning, Mr Speaker.

5

**The Speaker:** I call on the Chaplain to lead us in prayer.

### PRAYERS

*The Chaplain of the House*

### Leave of absence granted

**The Speaker:** Hon. Members, leave has been granted to Mrs Beecroft; and to the Chief Minister, once he has answered his questions, so that he can attend on Legislative Council and give his Statement there.

### Public beneficial ownership registers – Urgent Statement by the Chief Minister

10

**The Speaker:** Under Standing Order 3.5.2(2), I have given leave to the Chief Minister to make a Statement on a matter of urgent importance and I now call on him to make it.

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

15

Hon. Members, thank you for allowing me the opportunity to address the House at such short notice.

On Sunday night I left for London so that I could speak to contacts in Westminster regarding proposed amendments to the United Kingdom's Financial Services (Implementation of Legislation) Bill, which were, in the opinion of our Government, wholly unconstitutional. (**A**

20 **Member:** Hear, hear.) The Bill was ultimately deferred by the UK Government late yesterday morning, thereby avoiding the risk of the UK's democratically elected Parliament legislating for the Isle of Man without our consent.

25

As I said in the joint statement with Jersey and Guernsey yesterday, this deferral provides us with the opportunity to undertake real and meaningful engagement with the United Kingdom Government regarding public registers.

As a Crown Dependency along with Jersey and Guernsey, we are not represented in the United Kingdom Parliament. It is therefore a long standing convention that the UK does not legislate on domestic matters for Crown Dependencies.

30 The amendments proposed without consultation with us and specifically without our consent were unconstitutional, unworkable and, in the opinion of our Government, unenforceable. (**A Member:** Hear, hear.) If passed, we may have been left with no alternative but to challenge the legislative provisions before the courts.

35 Hon. Members, as a Government we do wholeheartedly endorse the aims of the MPs who proposed and supported the amendments to the Bill in the House of Commons yesterday. These were designed to tackle money laundering and financial crime on a global scale. Every day law enforcement authorities in the Island work with international partners with the aim of robustly tackling money laundering and related financial crime. Over the past few years this Government has invested millions of pounds in developing and improving our ability to join the fight in this arena. Indeed just a few weeks ago, further money was pledged in the budget for asset  
40 recovery, financial intelligence and economic crime investigation. Our commitment is clear and continuing. (**A Member:** Hear, hear.)

On Sunday, I forwarded you a copy of the letter that I sent to a number of MPs. The letter showed that the issues around the introduction of public beneficial ownership registers are complex and that currently there is an absence of global standards in this area. We recognise  
45 that the UK has taken its decision to adopt and implement a form of public register. However, currently within EU member states, the adoption of legislation to introduce and commit to public registers, in line with the Fifth Money Laundering Directive, has been markedly slow. The majority of EU countries are a long way from having working public registers of beneficial ownership.

50 Therefore, there is no EU member state or internationally recognised model of public register which provides the required standard of accuracy in addition to balancing concerns regarding privacy and the safety of individuals' data. However, there must be no doubt that we are fully committed to working globally in helping to define what those standards could look like in the future.

55 We have always met our international commitments. On beneficial ownership we meet the standards of both the FATF and the OECD. The Isle of Man works internationally to combat financial crime, contributing to improvements in global standards for anti-money laundering and countering terrorist financing. Our law enforcement agencies and Financial Intelligence Unit regularly work with and assist other countries with their investigations, providing information  
60 which includes beneficial ownership.

However, it must be for the Isle of Man to decide if and when we will introduce public beneficial ownership registers. (**Two Members:** Hear, hear.)

We are fully supportive of measures aimed at combatting money laundering and other financial crimes. We have made our commitment clear, with our Exchange of Notes with the  
65 United Kingdom in 2016, that we will exchange adequate, accurate and current information on beneficial ownership to combat tax evasion. And I have said before we are committed to working with the UK Government, the OECD and the FATF in order to develop an effective global standard. (**A Member:** Hear, hear.)

70 I would like to thank the Ministers and officers that have worked across the weekend preparing briefing material and statements and co-ordinating our work effectively with those of Jersey and Guernsey. While we welcome the swift action of the UK government yesterday, we will continue to strongly resist any attempt to undermine our longstanding democracy.

**Several Members:** Hear, hear.

75

**The Speaker:** Hon. Members, the statement is open to questions if anyone wishes to ask questions, Mr Hooper.

**Mr Hooper:** Thank you very much, Mr Speaker.

80 Firstly I would like to commend the Chief Minister and his team for their extremely robust  
stance against this extremely undemocratic and unconstitutional assault on the Island's  
independence. However, to me this seems to be a very much a temporary reprieve. I wonder if  
the Chief Minister can confirm that there is a piece of work ongoing, a piece of strategic planning  
85 ongoing within the Cabinet Office surrounding the Island's options should this amendment, or  
any similar amendment in respect of the UK trying to legislate for domestic matters without our  
consent, actually come to the floor and whether or not he would be able to commit now to  
giving Hon. Members a briefing on exactly what planning is being undertaken and what options  
the Island may have should this happen in the future.

90 **The Speaker:** Chief Minister to reply.

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

Yes, obviously we have been working on this and yes, this is a temporary delay. This will be  
brought back. The Bill that these amendments were assigned to, it could be argued the right  
95 time and the right Bill is two or three months away. But you may be cynical that the attempt to  
put these three amendments, two of which affect us, the timing just before a vote on Brexit has  
come in.

So this Bill will come back, Hon. Members, it will come back in less than a month and I will  
probably be cancelling a number of engagements for the next two or three weeks to work on  
100 this. And when I am in the position to give Hon. Members a private briefing I will, of course, do  
that.

**The Speaker:** Mr Robertshaw.

105 **Mr Robertshaw:** Thank you, Mr Speaker.

Would the Chief Minister welcome this opportunity to have *Hansard* show that he can  
confirm that the arrangements that we currently have with the UK government to exchange  
information in appropriate and speedy ways is working well?

110 **The Speaker:** Chief Minister.

**The Chief Minister:** I thank the Hon. Member for that question because he is absolutely right.  
We have been exchanging information with the UK government, and their review in 2018 clearly  
115 showed that we had complied with all the requirements of either 24 hours return of information  
if it was for a general taxation who owns a company or one hour if there was a concern on  
terrorism. That has been met by ourselves, the UK government are more than happy with this  
and we will obviously review it for 2019.

Let me just make the point that this is not the UK government wanting to enforce this  
position on us; it may well be Parliament's will on which the UK government would then have to  
120 take action.

Thank you.

**The Speaker:** Mr Hooper.

125 **Mr Hooper:** Thank you very much, Mr Speaker.

I would like to thank the Chief Minister for clarifying that, that it is not the UK government  
that is trying to do this. But in his communications in the letters he has shared and in his  
statement he talks extensively about engagement that the Crown Dependencies are having with  
the UK government. I wonder if the Chief Minister could confirm if there has been any  
130 engagement with the Speaker's Office in the United Kingdom Parliament, it is the Speaker's  
Office that selects which amendments go forward and act as the gatekeeper to prevent

unconstitutional amendments even reaching the floor of the House in the first instance. So has there been any engagement with the Speaker's Office in the UK?

135 **The Speaker:** Chief Minister.

**The Chief Minister:** Thank you.

140 Sadly I had predicted that the Speaker would accept the amendments, even though they were not relative, it could be argued, to the Bill that was coming forward and his comments have proven that judgement right. He would have accepted them had he had the opportunity to do so.

I have to say that yesterday I did have a meeting, not with the Speaker, but with the Rt. Hon. Andrew Mitchell and Dame Margaret Hodge to discuss their policies and ideas, along with a number of relevant MPs at the time.

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

## 1. Questions for Oral Answer

### CHIEF MINISTER

#### 1.1. Isle of Man EU settlement scheme – Online delivery

The Hon. Member for Ramsey (Mr Hooper) to ask the Chief Minister:

*Whether the Isle of Man EU settlement scheme will be delivered via a website or an app?*

**The Speaker:** We turn to Questions for Oral Answer and Question 1, which is in the hands of the Hon. Member for Ramsey, Mr Hooper.

150 **Mr Hooper:** Thank you very much, Mr Speaker.

I would just like to ask the Chief Minister whether the Isle of Man EU settlement scheme will be delivered via a website or an app?

155 **The Speaker:** I call on the Chief Minister to reply.

**The Chief Minister (Mr Quayle):** Thank you, Mr Speaker.

160 The Isle of Man EU settlement scheme will be delivered via a specified Isle of Man application form, together with guidance notes for applicants. These will be available to download from the Government website and also from the Isle of Man Immigration Office, from 30th March 2019. Applications should be submitted to the Isle of Man Immigration Office by post or in person. This follows the same format in which applications are currently made.

**The Speaker:** Supplementary question, Mr Hooper.

165 **Mr Hooper:** Thank you very much, Mr Speaker.

Given this EU scheme is going to impact over 4,000 of our residents, and the Isle of Man's previous commitment to making this scheme streamlined, quick, easy and user friendly, can the



Chief Minister please advise why he has decided not to go with a simple, straightforward, online application form as they are using, for example, in Jersey and the UK?

170

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

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

175

I think it is worth pointing out that in Jersey they have 24,000 EU nationals, we have 4,184, and in the UK they have 3.8 million.

I think an automated or electronic solution would enhance service delivery, but what is more important is that we are able to process the applications made to the Isle of Man scheme. So in a perfect world, in a utopian world, yes, a state-of-the-art digital system would be perfect, but we have only got 4,184 to deal with.

180

If we can bring in a system in the future then we will, but we have a system that works, it is currently in operation and it will be available. And we are dealing with 4,000, as I say, as opposed to Jersey's 20,000 extra or the UK's 3.7-something million extra.

**The Speaker:** Supplementary question, Mr Hooper.

185

**Mr Hooper:** Thank you, Mr Speaker.

So given that this is going to be a very manual, very paper based process, can the Chief Minister please advise what the anticipated turnaround time is going to be for individual applications?

190

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

**The Chief Minister:** I thank the Hon. Member for that question.

The Isle of Man Immigration Service aims to process applications within 28 business days.

195

**The Speaker:** Supplementary question, Mr Hooper.

**Mr Hooper:** Thank you very much, Mr Speaker.

200

I accept that that is their current target, when they are dealing with maybe a few hundred possibly in a year, I suspect it is not even that high, the number of immigration applications we receive to the Isle of Man. How is the Immigration Office going to be able to cope with 4,000 applications within that same 28-day turnaround time?

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

205

**The Chief Minister:** Thank you.

210

I would just like to make the point that we are not going to have 4,000 applications in the first few days, if that is what the Hon. Member is alluding to. But I have been assured that immigration officers have trained additional resource to provide support to process the anticipated influx of applications and are confident that they can manage the process with this resource.

**1.2. No Deal Brexit –  
A guide for Isle of Man residents and businesses**

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Chief Minister:

*If he will make a statement on the release of the booklet: A guide for Isle of Man residents and businesses in the event of a No Deal Brexit?*

**The Speaker:** Question 2, and I call on the Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

215 **Mr Moorhouse:** Thank you, Mr Speaker.

I would like to ask the Chief Minister if he will make a statement on the release of the booklet: A guide for Isle of Man residents and businesses in the event of a No Deal Brexit?

220 **The Speaker:** I call on the Chief Minister to reply.

**The Chief Minister (Mr Quayle):** Thank you, Mr Speaker.

225 The guide for Isle of Man residents and businesses in the event of a No Deal Brexit was published on Friday, 22nd February. It is intended to provide information to Island residents and businesses on what may occur in the event that the UK leaves the European Union without a Withdrawal Agreement in place.

Most of the information contained within the guide has already been made available elsewhere, either in previous Isle of Man Government publications or from the UK Government, such as the 106 technical notices published last autumn.

230 I am conscious that there is a great deal of coverage in the media and a great deal of information is being made available. But there are two problems which could potentially impact on the way we effectively communicate with people and businesses: firstly, for members of the public there is a danger that the message about what is happening and what action they may need to take can become confused, there is also a danger of Brexit overload; for businesses, there is a need for certainty and in many instances that certainty is not available yet. The purpose of this guide, therefore, is to bring all relevant information into a convenient, single reference point and to provide links to other areas where more detail can be found. Indeed those areas can be updated as more information comes to light.

240 I would emphasise that the advice provided to businesses is in addition to the significant amount of direct engagement that Government Departments are undertaking, particularly with those businesses involved with EU exports and supply chains such as the manufacturing, agriculture and fisheries sectors.

Finally, I would hope that the guide is useful in assisting Hon. Members to respond to questions from businesses or constituents.

245 **The Speaker:** Supplementary question, Mr. Moorhouse.

**Mr Moorhouse:** Thank you, Mr Speaker and thank you, Chief Minister for a detailed Answer. Is the booklet currently only available on the internet and in the event of a hard Brexit will it be sent to every household?

250 **The Speaker:** Chief Minister to apply.

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

255 We do not intend to print thousands of copies of the guide. There are obvious costs and environmental reasons for this, but the important thing is that the information is readily

available for those that require it and more information can be obtained by contacting the relevant Government Departments with any specific questions.

260 We are keen to make this information widely available so the release of the guide was promoted on our social media channels and it also featured prominently on the front page of last week's *Isle of Man Examiner*.

**The Speaker:** Supplementary question, Dr Allinson.

**Dr Allinson:** Thank you, Mr Speaker.

265 I would like to thank the Chief Minister for his reply and I would like to remind the Hon. Member that you can print out from the internet. *(Laughter)*

270 We are dealing with a rapidly moving scheme. Hopefully this is the worst case scenario, but planning for it. I would like to ask the Chief Minister, obviously there is a lot in this, it goes from ferrets to fisheries, but would he agree that some of the information on drivers' licences across is very pertinent for people planning their holidays?

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

275 **The Chief Minister:** Absolutely. I thank the Hon. Member for his comments and in fact in this document it shows there are a half a dozen countries where a Manx driver's licence is not accepted and it gives advice that you go to your post office to apply for a licence that will enable you to drive in a number of these countries. So, yes, it is pertinent.

280 It also points out that your passport will need to be at least six months in date if you are to go where historically it has been three months, so I thank the Hon. Member for drawing the attention of this Hon. Court to that information.

**The Speaker:** Supplementary question, Mr Moorhouse.

**Mr Moorhouse:** Thank you, Mr Speaker.

285 I did print it off, but unfortunately not back to back. **(Mr Malarkey:** The environment!) I would like to ask the Chief Minister, less than 50 hours before the booklet was published, there was a Tynwald Question asking about whether we were prepared for a hard Brexit. As part of that Answer there was no reference made to the booklet: is there any reason for that?

290 **The Speaker:** Chief Minister to reply.

**The Chief Minister:** None, sir.

## EDUCATION, SPORT AND CULTURE

### 1.3. Year 6 height and weight measurements – DESC collection of data

The Hon. Member for Garff (Mrs Caine) to ask the Minister for Education, Sport and Culture:

*What progress the Department has made with collecting Year 6 height and weight measurements to ensure the data is captured for this year, and future years, in accordance with accepted child measurement programmes instituted in the British Isles?*

**The Speaker:** Question 3, I call on the Hon. Member for Garff, Mrs Caine.

**Mrs Caine:** Thank you, Mr Speaker.

295 I would like to ask the Minister for Education, Sport and Culture what progress the Department has made with collecting Year 6 height and weight measurements to ensure the data is captured for this year, and future years, in accordance with accepted child measurement programmes instituted in the British Isles.?

300 **The Speaker:** I call on the Minister for Education, Sport and Culture to reply.

**The Minister for Education, Sport and Culture (Mr Cregeen):** Thank you, Mr Speaker.

305 The Department is not collecting this data; this is a matter for Public Health. The Department did have concerns regarding the information, how it would be anonymised, and had concerns as well regarding stigmatising our students and a league table of height and weight.

**The Speaker:** Supplementary question, Mrs Caine.

**Mrs Caine:** Thank you, Mr Speaker.

310 I thank the Minister for responding and indicating there are some concerns about the collection of this information. But is he aware, over a year ago, when the Public Health Childhood Healthy Weight strategy was published, the Director of Public Health states:

We currently have no measurements of children's weights in Year 6, and therefore no measure of the changing prevalence of overweight across childhood.

315 Given that Isle of Man children in Reception Year who are measured show already signs of an unhealthy lifestyle, with over 25% of four and five year olds being overweight and obese, would the Minister commit to ensuring that agreement is reached between Public Health, nurses and a system of measuring the height and weight to gather this data from Year 6 and enable a programme to be put into place by Public Health in conjunction with the schools?

320 **The Speaker:** I call on the Minister to reply.

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

325 I am in discussions with the Minister for Health regarding this, but as I said previously, we need to ensure that this data is anonymised. We do not wish to see children stigmatised because they have been put in some sort of league table.

**The Speaker:** Supplementary question, Mrs Caine.

**Mrs Caine:** Thank you, Mr Speaker.

330 Nobody would wish children to be stigmatised because of the proportion of overweight children in a particular school, but these measures are carried out across the British Isles. Surely there should be a process, the methodology tried and trusted across Britain. So why has it not been possible, in more than a year, for this to be collected on the Island?

335 Will the Minister commit to and working with Health to ensure the data is collected for this year for all our Year 6 children? A whole cohort of last year's children has gone without that data being collected. Will the Minister commit that he agrees this is important information to be collected for the benefit of the health of the Island's children?

**The Speaker:** Minister to reply.

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

As I said, this is something that we are working with the Minister for Health and it is a public health issue.

**The Speaker:** Supplementary question, Mr Shimmins.

345

**Mr Shimmins:** Thank you, Mr Speaker.

Perhaps the Minister could advise, all the other data we see is anonymised, why cannot we provide this data in an anonymous format as well?

350

**The Speaker:** Minister to reply.

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

The information we have had from Public Health is that they had concerns whether they could keep this anonymised and it would not come out via a Freedom of Information Request.

355

**The Speaker:** Supplementary question, Mrs Caine.

**Mrs Caine:** Thank you, Mr Speaker.

Can I ask the Minister again, does he commit to seeing the benefit of the data being collected and will he work to ensure it is collected for this year so that another whole cohort is not lost?

360

**The Speaker:** Minister to reply.

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

Yes, as I said, we are working with Health to try and get this but we have to ensure the data is kept anonymous.

365

#### **1.4. Education support officers' terms and conditions – Consultation on changes**

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Education, Sport and Culture:

*When he consulted education support officers and unions on the changes to their terms and conditions?*

**The Speaker:** Question 4, I call on the Hon. Member for Onchan, Ms Edge.

**Ms Edge:** Thank you, Mr Speaker.

370

I would like to ask the Minister for Education, Sport and Culture when he consulted education support officers and unions on the changes to their terms and conditions?

**The Speaker:** I call on the Minister for Education, Sport and Culture to reply.

375

**The Minister for Education, Sport and Culture (Mr Cregeen):** Thank you, Mr Speaker.

As mentioned in my response to the Hon. Member's Question in last month's Tynwald, the Department is reviewing whether education support officers, who are in administrative roles within schools, should have maths and English at A\*-C at GCSE as essential qualifications; and also whether it would be more appropriate for them to move employer to the Department, to PSC alongside other Government Departments' administrative staff.

380

The Department has not decided whether it will progress either of these options. If the decision is made, which involves changes to terms and conditions for this group of staff, then the Department will consult with them and their unions through the JNC.

385 **The Speaker:** Supplementary question, Ms Edge.

**Ms Edge:** Thank you, Mr Speaker.

Can the Minister therefore confirm that there have been no discussions beyond his Department and officers within his Department?

390

**The Speaker:** Minister to reply.

**The Minister:** Yes, Mr Speaker. As was said, we have not progressed this; that is why there have been no discussion with the unions.

395

**The Speaker:** Supplementary question, Ms Edge.

**Ms Edge:** I am not particularly talking about unions, specifically, Minister. Can you confirm that there have been no discussions outside of your Department? Have you discussed with the OHR department or the PSC?

400

**The Speaker:** Minister to reply.

**The Minister:** Mr Speaker, this is the decision; we are going to review it. I am not sure whether any of the officers who are carrying out this review have spoken to anybody, but what we have said is if it involves terms and conditions it will go through the appropriate channels.

405

### 1.5. Lifeskills / PSE lessons – Compulsory areas of study

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Education, Sport and Culture:

*Whether the Department identifies compulsory areas of study in Lifeskills / PSE lessons to schools?*

**The Speaker:** Question 5, I call on the Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

410 **Mr Moorhouse:** Thank you, Mr Speaker.

I would like to ask the Minister for Education, Sport and Culture whether the Department identifies compulsory areas of study in Lifeskills / PSE lessons to schools?

**The Speaker:** I call on the Minister for Education, Sport and Culture to reply.

**The Minister for Education, Sport and Culture (Mr Cregeen):** Thank you, Mr Speaker.

415

The Island's Essentials for Learning Curriculum, launched in 2011, provides a broad framework for schools and supports the development of essential academic, school and personal skills. In practice, and much like the academies and free schools in England, the details of each school's curriculum is therefore delegated to the head teachers so they can best develop

420 the curricula which are relevant to the needs and interests of their school communities and can respond to pupils as cohorts change.

The Education Curriculum Order 2011, under general principles, requires that:

all teaching shall promote the personal spiritual, moral, social and cultural development of pupils and contribute to their education in the fields of – health; careers; citizenship;...

In addition the Department requires schools to have their own policies in some areas of PSAG such as relationships and sex education, drugs and alcohol education.

425 **The Speaker:** Supplementary question, Mr Moorhouse.

**Mr Moorhouse:** Thank you, Mr Speaker and thank you, Minister, for that detailed Answer.

430 From 2020 children in the adjacent island will receive compulsory health and relationship education in addition to the areas the Minister has identified. Will the Minister be issuing any such guidance here?

**The Speaker:** Minister to reply.

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

435 As I said, this is actually up to the schools to have their detailed curricula.

**The Speaker:** That concludes Questions for Oral Answer.

Item 2, there are six Questions for Written Answer and the responses for those will be circulated.

## 2. Questions for Written Answer

### TREASURY

#### 2.1. SAVE initiative – Projects underway and projected savings

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for the Treasury:

*If he will list the SAVE initiative projects underway, showing which Departments are responsible and the projected or targeted saving from each project for each financial year from 2019-20 to 2022-23?*

440 **The Minister for the Treasury (Mr Cannan):** In June 2018 Tynwald Court received the Securing Added Value and Efficiencies (SAVE) Progress Report which outlined the approach, proof of concepts, estimated saving targets and suggested areas of further work by Departments.

445 A summary of these projects and where relevant their sponsoring body is listed below in Table 2.1.A with a further breakdown of estimated savings target from 2019-20 to 2022-23 provided in Table 2.1.B overleaf.

**Table 2.1.A**

<b>SAVE Programme projects and savings estimates (June 2018)</b>		
<b>Workstream</b>	<b>Sponsor</b>	<b>Estimated Savings</b>
Integrated Bus and Rail Strategy	DOI	£1M
HE Education Consolidation	DESC	£1M
Access to Justice ( former Public Defender Unit)	Attorney General Chambers	£1M
Efficiency Review	Cabinet Office	£0.5M
Asset Management Review	Treasury	£0.25M
Casual Agency Worker	Cabinet Office	
Lean Business Process Reengineering (Courts)	General Registry	
Lean/Six Sigma/ Business Re-engineering	Treasury/ Cabinet Office	
Contract Review		
Semi Commercial Agency Model		

A number of additional projects remain confidential in order to establish their suitability for implementation. It is the intention of the SAVE Sub-Committee of the Council of Ministers to disclose this work in due course.



Table 2.1.B

Original SAVE Targets Estimated 2019-2022								
Workstream	Original Idea	Project Sponsor	Estimated Savings	Status	2019-20	2020-21	2021-22	2022-23
Integrated Bus and Rail Strategy	Externalisation of Bus Services Review of Heritage Railways (steam, electric, horse trams)	DOI	£1M	Approved 2019-20 budget includes savings target	£333,333	£333,333	£333,334	-
HE Education Consolidation		DESC	Over £1M post implementation of new Higher Education provider	Pre- contract stage; Savings estimated in 2019-20 from consolidation of existing HE provision	£36,000	-	-	-
Access to Justice	Public Defender Unit	Attorney General Chamber (with accountability to the Legal Aid Committee)	Original PDU concept cited £1M estimated savings	Pre-consultation stage prior to policy decision on criminal and civil access to legal aid	-	-	-	-

## POLICY AND REFORM

### 2.2. Child Death Overview Panel – Case for statutory footing; reasons no longer necessary

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

*What the original case was for placing the Child Death Overview Panel onto a statutory footing and what changes have occurred since this case was made that have resulted in this no longer being necessary?*

450 **The Minister for Policy and Reform (Mr Thomas):** The case for placing the Isle of Man Child Death Overview Panel ('IoM CDOP') onto a statutory footing was, and remains, to ensure that all deaths of children, normally resident in the Isle of Man, are reviewed in order to identify any matters relating to the death, or deaths, that are relevant to the welfare of children in the area or to public health and safety and to consider whether action should be taken in relation to any  
455 matters identified.

A statutory footing is a means of ensuring that such reviews are undertaken and that those approached for information to support the reviews are compelled to provide it. It is also a means of ensuring that the CDOP publishes reports on the learning and outcomes from the reviews.

460 When the Safeguarding legislation was being prepared, it appeared to offer an appropriate vehicle for placing IoM CDOP on a statutory footing, not least because IoM CDOP had been constituted as a sub-committee of the Safeguarding Children Board. However, as noted above, child death reviews cover issues that go beyond safeguarding. In addition, arrangements for and

465 legislation pertaining to child death reviews have been revised in the UK, and Child Death  
Overview Panels are no longer accountable to Safeguarding Boards.

In the UK, the relevant legislation covering child death reviews is the Children Act 2004. The  
relevant sections of this Act (sections 16M to 16Q) were revised in 2018 in line with the Children  
and Social Work Act 2017. Under the revised arrangements, child death review partners in each  
470 local authority area (the partners being defined as the local authority and the clinical  
commissioning group(s) covering the local authority area) are required to set up an appropriate  
structure (or panel) to undertake reviews and to identify learning relevant to the individual case  
and the local area. The reports for the local reviews are then submitted into a regional Child  
Death Overview Panel for independent review and higher level learning (including linking to the  
National Child Mortality Database). The UK recommendation is that a CDOP should cover a  
475 population (group of local authorities) sufficiently large to encompass 60 child deaths for review  
per year. This volume is sufficient to indicate trends and patterns which can extend learning  
beyond case specific issues.

There are an average of five or fewer child deaths on Island per year. This is below the level  
necessary to identify patterns and trends in child deaths as envisaged by the UK arrangements.  
480 The Chair of the current IoM CDOP (the Director of Public Health) is working with the  
Merseyside Child Death Overview Panel ('Merseyside CDOP') with a view to becoming part of  
their child death review pathway. This would see the current IoM CDOP evolving to become the  
Isle of Man Child Death Review Partnership. All child deaths on Island would continue to be  
reviewed here but with the reports/analyses being passed to Merseyside CDOP for independent  
485 review and analysis as part of a larger case volume. The Chair of the Child Death Review  
Partnership would be a member of the Merseyside CDOP. Having a formal link with Merseyside  
CDOP is appropriate not only to ensure the necessary population level but also because our care  
pathways for specialist paediatric services feed into Alder Hey Hospital in Liverpool.

Notwithstanding the decision to exclude section 9(1)(b) of the Safeguarding Act 2018 ('the  
490 Act'), which removes the requirement to establish the CDOP as a committee of the Safeguarding  
Board from the provisions of the Act which commenced on 1st March 2019, there remains a  
necessity to establish the IoM CDOP in statute and to identify the appropriate legislative vehicle  
to do so.

The Chair of the current IoM CDOP is working with the legislative team of the Department of  
495 Health and Social Care to identify the best means of placing child death reviews on an  
appropriate statutory footing which reflects a remit wider than safeguarding.

One potential piece of legislation which may provide the mechanism to place the IoM CDOP  
on a statutory footing is the Children and Young Persons Act 2001, an amendment Bill for which  
is scheduled within the Legislative Programme for introduction into the Branches by the end of  
500 this administration.

The Chair of the current IoM CDOP is a statutory member of the Safeguarding Board and the  
close links that have been developed on Island between the Safeguarding Board and IoM CDOP  
will continue for those cases with safeguarding implications. Any investigations carried out  
within the child death review process that indicate abuse or neglect as a cause of death will  
505 continue to be notified through the Safeguarding Board procedures.

**2.3. Work permits –  
Details of those issued in last five years**

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Enterprise:

*How many work permits have been issued in each of the last five years broken down by (a) category of employment (b) type of permit issued and (c) period of time for which they were issued?*

**The Minister for Enterprise (Mr Skelly):** The following five tables provide the information requested in parts (a) and (c) of the Question.

It should be noted that these numbers differ slightly to those published in the Isle of Man in Numbers 2018, as they are based on calendar years rather than the periods requested in this question. The simplified summary of work permits issued and renewed is contained in each of the Council of Ministers' Quarterly Reports on the Economy and the annual Isle of Man in Numbers digest:

27th February 2014 – 26th February 2015							
Business Type	< 1 year	1 year	2 years	3 years	4 years	5 years	Total
(001) Agriculture, Forestry & Fishing	54	67	1	1			123
(005) Manufacture: Food & Drink	19	34		1			54
(010) Manufacture: Engineering	77	70	2	2			151
(021) Manufacture: Other	19	34		1			54
(022) Mining & Quarrying		5	1				6
(025) Construction	245	136	1	1		2	385
(031) Electricity	2	5					7
(032) Gas & Other Energy		20					20
(033) Water	7	12					19
(035) Transport & Communications except Sector 040	2	80	2	5			89
(040) Ship Management		6	2				8
(045) Wholesale Distribution	12	76		1			89
(050) Retail Distribution	22	175					197
(055) Insurance	7	76		1			84
(060) Banking	14	52	1				67
(065) Other Financial Institutions	11	80	5	2		1	99
(070) Property Owning/Management	1	21			1		23
(075) Other Business Services	15	182	1	2		2	202
(076) Information Technology / Computing	25	110	6	1		1	143
(081) Legal Services	13	18	1	1			33
(082) Accountancy Services	3	27	1				31
(083) Education / Teaching	7	124					131
(084) Medical & Health Services	134	431	6	6		1	578
(085) Tourist Accommodation	28	127					155
(086) Other Professional or Technical Services	31	195	4	3			233
(087) Residential / Nursing Homes	10	53					63
(091) Other Catering & Entertainment	17	436		2			455
(092) Film Productions		2					2
(093) E-Gaming	2	111	10	5	1	3	132
(095) Miscellaneous Services	16	192	1				209
(100) Public Administration	1	28	2	1			32
<b>Total</b>	<b>794</b>	<b>2985</b>	<b>47</b>	<b>36</b>	<b>2</b>	<b>10</b>	<b>3874</b>

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<b>27th February 2015 – 26th February 2016</b>							
Business Type	< 1 year	1 year	2 years	3 years	4 years	5 years	Total
(001) Agriculture, Forestry & Fishing	20	51		3		1	<b>75</b>
(005) Manufacture: Food & Drink	2	22		1		1	<b>26</b>
(010) Manufacture: Engineering	43	87	5	1	1	1	<b>138</b>
(021) Manufacture: Other	10	37	1	1		3	<b>52</b>
(022) Mining & Quarrying		3					<b>3</b>
(025) Construction	187	157	3		1	1	<b>349</b>
(031) Electricity	7	11		1			<b>19</b>
(032) Gas & Other Energy	11	11	1	1			<b>24</b>
(033) Water	2	11					<b>13</b>
(035) Transport & Communications except Sector 040	9	73	11	2	1	2	<b>98</b>
(040) Ship Management	3	6	4	1	2		<b>16</b>
(045) Wholesale Distribution	14	103					<b>117</b>
(050) Retail Distribution	13	145	3				<b>161</b>
(055) Insurance	2	69	7				<b>78</b>
(060) Banking	12	48	5	3		2	<b>70</b>
(065) Other Financial Institutions	9	71	6			2	<b>88</b>
(070) Property Owning/Management	3	19					<b>22</b>
(075) Other Business Services	13	138	6	3		6	<b>166</b>
(076) Information Technology / Computing	20	96	7	16	1	2	<b>142</b>
(081) Legal Services	6	15	1	1		1	<b>24</b>
(082) Accountancy Services	2	30		1			<b>33</b>
(083) Education / Teaching	7	133	7	2	3	1	<b>153</b>
(084) Medical & Health Services	105	348	12	5			<b>470</b>
(085) Tourist Accommodation	26	113	4				<b>143</b>
(086) Other Professional or Technical Services	26	163	4	1	3	4	<b>201</b>
(087) Residential / Nursing Homes	4	60					<b>64</b>
(091) Other Catering & Entertainment	17	428	1			1	<b>447</b>
(093) E-Gaming	4	84	16	14	4	8	<b>130</b>
(095) Miscellaneous Services	21	201	1		1		<b>224</b>
(100) Public Administration		27	4	1		1	<b>33</b>
(600) Not Identified	3	40					<b>43</b>
<b>Total</b>	<b>601</b>	<b>2800</b>	<b>109</b>	<b>58</b>	<b>17</b>	<b>37</b>	<b>3622</b>

<b>27th February 2016 – 26th February 2017</b>							
Business Type	< 1 year	1 year	2 years	3 years	4 years	5 years	Total
(001) Agriculture, Forestry & Fishing	4	54	1	1		1	<b>61</b>
(005) Manufacture: Food & Drink		23					<b>23</b>
(010) Manufacture: Engineering	25	53	3	4	3		<b>88</b>
(021) Manufacture: Other	25	21	4	4	1	2	<b>57</b>
(022) Mining & Quarrying		16					<b>16</b>
(025) Construction	282	102	4	1			<b>389</b>
(031) Electricity	10	4	2	1		1	<b>18</b>
(032) Gas & Other Energy	4	10	1	1			<b>16</b>
(033) Water	2	9					<b>11</b>
(035) Transport & Communications except Sector 040	3	48	3		1	4	<b>59</b>

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(040) Ship Management	1	5		1	1	2	<b>10</b>
(045) Wholesale Distribution	20	81					<b>101</b>
(050) Retail Distribution	9	107	4			1	<b>121</b>
(055) Insurance	6	45	4	2		1	<b>58</b>
(060) Banking	7	26	1				<b>34</b>
(065) Other Financial Institutions		50	4	4	3	4	<b>65</b>
(070) Property Owning/Management		12	1	1		1	<b>15</b>
(075) Other Business Services	14	78	3	2	2	3	<b>102</b>
(076) Information Technology / Computing	3	43	5	8	2		<b>61</b>
(081) Legal Services	1	8		1		1	<b>11</b>
(082) Accountancy Services	1	15	2	3		4	<b>25</b>
(083) Education / Teaching	10	64	6	2	3	3	<b>88</b>
(084) Medical & Health Services	43	224	8	5	2	3	<b>285</b>
(085) Tourist Accommodation	31	121	2	1	1		<b>156</b>
(086) Other Professional or Technical Services	9	137	11	3	3	4	<b>167</b>
(087) Residential / Nursing Homes		42	1			2	<b>45</b>
(091) Other Catering & Entertainment	11	444	3	3		1	<b>462</b>
(093) E-Gaming	2	24	11	6	10	6	<b>59</b>
(095) Miscellaneous Services	14	177	3	4	2	2	<b>202</b>
(100) Public Administration	2	17		2		4	<b>25</b>
(600) Not Identified	10	146					<b>156</b>
<b>Total</b>	<b>549</b>	<b>2206</b>	<b>87</b>	<b>60</b>	<b>34</b>	<b>50</b>	<b>2986</b>

27th February 2017 – 26th February 2018							
Business Type	< 1 year	1 year	2 years	3 years	4 years	5 years	Total
(001) Agriculture, Forestry & Fishing	5	50	3		2	3	<b>63</b>
(005) Manufacture: Food & Drink	1	28	2			4	<b>35</b>
(010) Manufacture: Engineering	20	55	3	9	1	3	<b>91</b>
(021) Manufacture: Other	8	20	5	1	1		<b>35</b>
(022) Mining & Quarrying	1	5	1				<b>7</b>
(025) Construction	241	201	13	25	2		<b>482</b>
(031) Electricity	25	3	1	1			<b>30</b>
(032) Gas & Other Energy	5	15	1				<b>21</b>
(033) Water	7	7				1	<b>15</b>
(035) Transport & Communications except Sector 040	4	53	3	3		5	<b>68</b>
(040) Ship Management		6		1	1	5	<b>13</b>
(045) Wholesale Distribution	1	72		3		3	<b>79</b>
(050) Retail Distribution	7	140	3	2	1	24	<b>177</b>
(055) Insurance	8	57	4		1	7	<b>77</b>
(060) Banking	4	59		1	1	2	<b>67</b>
(065) Other Financial Institutions	5	45	7	1	2	7	<b>67</b>
(070) Property Owning/Management		9	1	2		4	<b>16</b>
(075) Other Business Services	31	85	4	4	2	7	<b>133</b>
(076) Information Technology / Computing	12	60	5	2		5	<b>84</b>
(081) Legal Services	2	11		1		1	<b>15</b>
(082) Accountancy Services		16	6	3		6	<b>31</b>
(083) Education / Teaching	7	71	4	3	1	6	<b>92</b>
(084) Medical & Health Services	30	254	13	3		11	<b>311</b>
(085) Tourist Accommodation	6	138	13	1		15	<b>173</b>
(086) Other Professional or Technical Services	26	138	16	5	2	15	<b>202</b>

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(087) Residential / Nursing Homes	3	58	2	1		3	67
(091) Other Catering & Entertainment	9	441	15	8	3	28	504
(093) E-Gaming	2	19	5	6		5	37
(095) Miscellaneous Services	23	208	10	5	5	20	271
(100) Public Administration	2	14				2	18
(600) Not Identified	7	282					289
<b>Total</b>	<b>502</b>	<b>2620</b>	<b>140</b>	<b>91</b>	<b>25</b>	<b>192</b>	<b>3570</b>

27th February 2018 – 26th February 2019							
Business Type	< 1 year	1 year	2 years	3 years	4 years	5 years	Total
(001) Agriculture, Forestry & Fishing	4	14		3	4	14	39
(005) Manufacturing Food & Drink		10	4	3	3	7	27
(010) Manufacturing Engineering	6	35	4	7	6	9	67
(021) Manufacturing Other	3	16	7	1	1	6	34
(022) Mining & Quarrying		7					7
(025) Construction	131	153	12	4	4	29	333
(031) Electricity	3	7	2			3	15
(032) Gas & Other Energy	1	10	1				12
(033) Water		1		2			3
(035) Transport & Communications	1	34	6	3	2	27	73
(040) Ship Management		1		1	1	3	6
(045) Wholesale Distribution	2	15	8	12	5	7	49
(050) Retail Distribution	8	74	16	11	10	70	189
(055) Insurance	2	23	4	3	4	7	43
(060) Banking		20	11			12	43
(065) Other Financial Institutions	1	27		5	3	16	52
(070) Property Owning / Management		3	4	2	2	3	14
(075) Other Business Services	15	44	3	5	2	37	106
(076) Information Technology	12	57	8	4	1	17	99
(081) Legal Services		9	2	1		10	22
(082) Accountancy Services	2	11	3	2	2	13	33
(083) Education / Teaching	3	22	9	7	19	8	68
(084) Medical & Health Services	24	98	23	28	43	28	244
(085) Tourist Accommodation	1	37	42		8	68	156
(086) Other Professional Services	24	102	7	2	9	24	168
(087) Residential / Nursing Homes	2	36	5	13	3	13	72
(091) Other Catering & Entertainment	3	152	72	28	34	139	428
(093) E-Gaming		10	2		3	4	19
(095) Miscellaneous Services	29	127	18	25	31	167	397
(100) Public Administration		2		1	1	8	12
(600) Not Identified	6	402					408
<b>Total</b>	<b>283</b>	<b>1559</b>	<b>273</b>	<b>173</b>	<b>201</b>	<b>749</b>	<b>3238</b>

**Note:** Automatic permits (for spouses, civil and cohabiting partners) are applied for by the individual and are therefore not attributed to a particular employment category at the time of issue. This explains the numbers recorded as 'Not identified' above.

In answer to part (b) of the Question:

	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Employed	3576	3348	2752	3210	2611
Self employed	298	274	234	323	195
<b>New Automatic</b>				37	432
<b>Total</b>	<b>3874</b>	<b>3622</b>	<b>2986</b>	<b>3570</b>	<b>3238</b>
of which renewals	1816	1816	1058	1527	1226
of which previous spouse / civil partner	151	168	163	127	

**Note:** During 2017 the process for obtaining an 'automatic' permit for spouses and civil partners was amended and extended to include co-habiting partners. New permits of this type are now recorded separately, as opposed to being included in the employed / self-employed categories.

#### 2.4. Key worker housing – Working group to action

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Infrastructure:

*Pursuant to his Answer of 18th December 2018, which Departments are working in partnership to progress the action in respect of key worker housing; which officers are on the working group; and how many times this group has met since the Programme for Government Action was approved by Tynwald in 2017?*

515 **The Minister for Infrastructure (Mr Harmer):** The plan for key worker housing has been developed with input from the Department for Enterprise, Department of Education Sport and Culture, and Treasury. This requires policy development to support delivery, which will need to determine the vires for the provision, eligibility and formal definitions of who is classed as a key worker, links into the population policy and the Department for Enterprise locate.im strategy plus operationally determining the 'who and how' of administration and management. A policy paper will come forward to the Social Policy and Children's Committee as this will need to be a pan-government policy and may have a flexible delivery model to suit the defined key workers.

The operational working group included:

- Nick Black, Chief Executive Department of Infrastructure
- Ronald Barr, Chief Executive Department of Education, Sport and Culture
- 525 • Sheila Lowe, former Chief Financial Officer, Treasury
- Deborah Reeve, Director of Public Estates and Housing Division (PEHD), Department of Infrastructure
- Andrew Sidebottom, Director of Strategic Asset Management and Valuations, Treasury
- Brett Woods, Head of Commercial, PEHD, Department of Infrastructure

530 The group met twice in 2018.

**2.5. Lapsed driving licences –  
Obligation to re-sit driving test**

The Hon. Member for Ramsey (Dr Allinson) to ask the Minister for Infrastructure:

*When a driving licence is allowed to lapse for 10 years or more, whether the individual involved is obliged to re-sit a driving test?*

**The Minister for Infrastructure (Mr Harmer):** If a driving licence has expired, Schedule 3 of the Road Traffic Act 1985, section 2(1)(b) provides that it cannot be re-issued if it has expired more than 10 years. However, if a licence has expired within the 10-year period it is possible to simply renew the licence on application.

535 Schedule 3 of the Road Traffic Act 1985, section 2(1) states:

2. (1) Subject to the provisions of this Schedule as to provisional licences and to the provisions of any regulations made by virtue of paragraph 22(1)(f), a licence authorising the driving of motor vehicles of any class shall not be granted to a person unless he satisfies the Department –

(a) that at some time during the period of 10 years ending on the date of coming into force of the licence applied for he has passed the test of competence to drive prescribed by virtue of subparagraph (2) or a test of competence which under subparagraph (4) is a sufficient test, or

(b) that within the said period of 10 years he has held a licence authorising the driving of vehicles of that class, not being a provisional licence or a licence granted by virtue of section 50(4) of the Road Traffic Act 1963.

The only way to obtain a driving licence in this context will be to retake a theory and practical driving test.

**2.6. Pulrose sub-post office –  
Number of people utilising services in last three years**

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Chairman of the Post Office:

*How many people (a) collected their pension (b) bought a tax disc and (c) paid a utility bill at the sub-post office in Pulrose in each of the last three years?*

**The Chairman of the Post Office (Ms Edge):** Due to changes in data collection in respect of Benefit payments, IOMPO are unable to provide the total number of pension payments collected during 2016.

540

The utility payments are made up of Gas, Electricity, Telecom and Government Rates payments.

	2016	2017	2018
Total Utilities	4,334	3,940	3,886
Pension Payments	N/A	7,853	7,104
Tax Discs	2,791	2,542	2,870



## Order of the Day

### 3. BILLS FOR FIRST READING

- 3.1. Council of Ministers (Amendment) Bill 2019
- 3.2. Town and Country Planning (Amendment) Bill 2019

**The Speaker:** Item 3, Bills for First Reading and I call on the Secretary of the House.

545 **The Secretary:** Bills for First Reading: Council of Ministers (Amendment) Bill 2019 – Member in charge, Mr Malarkey; Town and Country Planning (Amendment) Bill – Member in charge, Mr Thomas.

### 4. BILLS FOR THIRD READING

- 4.1. Communications Bill 2018 –  
Third Reading approved

Mr Malarkey to move:

*That the Communications Bill 2018 be read a third time.*

**The Speaker:** Bills for Third Reading.

550 First, I call on Mr Malarkey to move the Communications Bill 2018.

**Mr Malarkey:** Thank you, Mr Speaker.

Hopefully I will not keep you as long as I did last week! (*Laughter*) (**The Speaker:** Hear, hear.)

555 Mr Speaker, I am pleased as Chairman of the Communications Commission to move the Third Reading of the Communications Bill 2018.

To recap briefly on the Bill, it brings together telecommunications and broadcasting, previously dealt with separately in the Telecommunications Act 1984 and the Broadcasting Act 1993, and modernises the terminology in those Bills.

560 The Bill has largely adopted the technology and service neutral approach to allow flexibility in the future. The Bill gives the Commission new standalone competition powers and communications space. There are also more clearly defined enforcement measures such as fines and other penalties which will help the Commission to ensure that the market is a level playing field for all operators to compete in.

565 Hon. Members, the Member for Ramsey, Mr Hooper, supported by this House, put forward an amendment to recognise the harm that can be caused by messaging and, thanks to a further amendment by Dr Allinson, images sent online. I support this and see it trying, with future legislation proposed by my Department, going forward. There will be a further slight amendment to this suggestion put in at clauses stage in LegCo which will eventually come back here, in a couple of weeks hopefully, just to be ratified.

570 There was a healthy debate about the issue of the Chair of the Commission. However, I think something that was lost in the debate is the fact that the Commission is not adverse to change. It simply wants the matter to be dealt with in an appropriate and evidence-based way. While there was a lot of discussion about the merits of the Chair being political or not, what was not considered at all was what the most suitable structure would be.

575 Any form has to be appropriate for the entire industry, not just for certain parties. The  
Commission feels that this is what has been missing from the debate and the consultation to  
date. It was mentioned several times that all or a majority of industry want to bring about this  
change to the regulations. That, in itself, should give us all pause for thought and ask the  
question: have the full implications of these proposals been considered? Would it be good for  
580 the consumer? Most importantly, would it effectively result in industry regulating itself? None of  
these questions have been explored and that is what the Commission wishes to do.

Mr Speaker, this part of the speech was put together by the Commission without my  
interference and these are the words and what came back from the Commission and a meeting  
that was held yesterday.

585 A suggestion from the mover was to have a chair from industry. This, in my opinion, would be  
very dangerous and undermine the Commission's independence even more. The National  
Telecoms Strategy recommended that the Commission consider and consult on its structure  
after the Bill has passed into law and that is what the Commission intends to do.

While the push for change is coming from interested parties in the broadcasting space, let us  
590 not forget that the Commission is a national regulator authority for the telecom sector on the  
Island and that sector is of vital importance to our economy. Can everybody in the House today  
say with certainty that changing the current structure of the Commission without proper  
consultation on the activities would not have unintended consequences? The Commission is  
committed to getting to the bottom of these questions and is only asking for time to do so. At  
595 present, all we are getting is, 'Remove the political chair and we can figure out what happens  
afterwards.' This is not good enough for our telecommunications or its economy.

Before I finally move to the final Reading, I would just like to say on this matter that many of  
you are comparing different regulators. The FSA and Gambling Commission deal with financial  
sectors, the heads of marketing and well-regulated international markets which put money into  
600 the Treasury, into our economy and it is a very hi-tech oversight by these regulators. The  
Communications Commission – and without belittling them in any way – monitors fair  
competition, prices, new technology, complaints, all parts of the market.

Most importantly, and this was brought out by the operations executive of the Commission,  
it looks after the public; it makes sure that what the public are getting, the very people that we  
605 are in here representing, is getting value for money – the man in the street. They see that as  
their bottom line: to make sure that in all this competition, all this pricing, all this everything  
else, the man in the street is getting value for money – the very people that we represent.

So I see a marked difference between what they are regulating in the Communications  
Commission and what is being regulated up in e-gaming or financial services. I also throw in, I  
610 am sure that the Members of the Commission would love to have the same pay scale as those  
people sitting on the FSA – we could all double our wage; how much the new chair of the  
Commission would be getting if we are going to start classing everybody as the same?

I do not want to harp on about this, Mr Speaker, today. I just wanted to be clear, having had  
time to reflect on the discussion that was held last week. It was a good debate on the clause that  
615 was put by the Hon. Member. I hope we can move on from that today. I think we have made the  
Commission's views extremely clear.

So, with that, I am not going to go on, and do a few thank-yous, if I can find the right part of  
the page to move to now.

I would like to take the opportunity to thank, firstly, my officers for the work they have done  
620 in the Commission and also the board for the amount of times they have drawn up draft after  
draft after draft of this Bill – probably several boards have done it over the last five years as well,  
with the past Chair of the Commission.

I would like to put a personal thanks out to Dr Allinson, for not just seconding the Bill but for  
stepping in at a very late stage for the Second Reading in my absence and taking that forward. I  
625 do appreciate that as well.

Finally, Hon. Members, I would like to thank all of you who took the time, talked with the Commission, to help the clauses to go through, what I considered to be, quite quickly and smoothly last week. It surprised everybody how we managed to get through it in a day. I hope we can do exactly the same today with the Third Reading.

630 Mr Speaker, I would like to move that the Communications Bill 2018 be read for the third time today.

**The Speaker:** Dr Allinson.

635 **Dr Allinson:** Thank you, Mr Speaker.

I would like to second the motion that this Bill gets Third Reading.

I think we need to remember how long this Bill has been in the making and how important it is. But I would also like to thank the Minister and the Chair of the Communications Commission for his commitment that now that we have got the Bill, as the communications sector evolves so the Communications Commission will evolve to match that (**A Member:** Hear, hear.) in the best interests of the people of this Island.

640 Thank you, Mr Speaker.

**The Speaker:** I call the Hon. Member for Garff, Mrs Caine.

645

**Mrs Caine:** Thank you, Mr Speaker.

I had not intended to speak today but I think in response to the Minister's introductory comments that I should just clarify a couple of points and the reasons again why I think that having a non-political Chair of the Communications Commission is something that we should feel is desirable for the future.

650 I concur there are many laws coming in under the new amalgamation of the Telecoms and the Communications Bills that are very much wanted. However, I think it was a slip of the tongue if I said the independent chair; I had always intended it would be ... not an *industry* chair, rather, it should be an *independent* chair. I do not see how having a chair appointed in the normal way through the Government selection process and then ratified by Tynwald would undermine the Communication Commission's independence at all.

660 The Communication Commission, yes, it is a regulator and, most importantly, one of the aspects it regulates is the public service broadcaster and there is a very important principle that there should be and there should be seen to be a separation between regulator and media and also the industries. I cannot see why an *independent* chair, rather than a political chair would not be an improvement and be seen to be better for the Isle of Man in the long term.

665 Indeed, the Minister said in response to my moving that amendment that I could bring it again in two years and perhaps in two years it would be appropriate. I cannot myself imagine why, when we are bringing primary legislation and when we heard from the legislative drafter that it was possible to stagger the Appointed Day Orders for different aspects of the Bill, if it is considered so important to have the political link with one foot in Council of Ministers and one foot in the regulator, we need to have that while the regulations, the secondary legislation and this primary legislation are going through. I cannot see why it would not be considered appropriate that an Appointed Day Order would establish the principle to separate the regulator from Government at the point in the future when all that legislation had been concluded.

670 However, I am happy to support today because I recognise there are many positives in the legislation we are bringing today. But I think it is a shame for the Isle of Man that we did not support having a non-political chair at an appropriate time in the near future of the Communications Commission.

675 Thank you, Mr Speaker

**The Speaker:** Hon. Member for Middle, Mr Shimmins.

**Mr Shimmins:** Thank you, Mr Speaker.

680 I recognise the progress that this Bill makes and I will be happy to support on that basis. I also welcome that the Commission is open to change and I understand that it wishes to consider the make-up on how it proceeds in a considered way.

685 Would the Minister commit to introducing a public consultation on the make-up of the Commission within the next 12 months? Given the concerns raised by many organisations in this sector, the concerns raised by many Hon. Members in this House and indeed the concerns raised by the digital agency which was set up by this Government to guide us in digital manners, this would seem a sensible and measured approach which would enable our community to consider the make-up of the Commission and the points raised by my hon. friend for Garff in this important area, and perhaps enable us to move forward in a modern and cohesive manner.

690 **The Speaker:** Hon. Member for Ramsey, Mr Hooper.

**Mr Hooper:** Thank you very much, Mr Speaker.

695 I was not going to rise to say anything today but I was very concerned by the comments from the hon. mover talking about how there had not been proper consultation around some of these points.

700 The 2015 consultation asked very clearly about the constitution of the Communications Commission, asked very clearly about the political chair, the independent chair. The consultation response provided by the Communications Commission made very clear there were several alternatives the Communications Commission had considered and ruled out.

So this idea that it is kind of off the hoof, out of the blue, it is just nonsense. It was properly consulted on back then.

705 The Minister did say when he moved it there had not been a proper consultation, so I would just like him to confirm to this House that he is satisfied that the 2015 consultation and the 2017 update to that were in fact proper consultations that undertook around this Bill.

**The Speaker:** Hon. Member for Garff, Mr Perkins.

**Mr Perkins:** Thank you, Mr Speaker.

710 I will be supporting the Bill because I think it is long overdue and a necessary addition to our legislative armoury.

715 However, I do take issue with the Minister on the issue of an independent chair. Being the Chair of the Office of Fair Trading, I, from time to time, get calls in the evening complaining about the outcome of certain decisions that my officers have made, and because we are in the phone book we are very accessible and the conversation goes something like this, 'Yes, your officers looked at it all and I am still not happy with the outcome, I am phoning you at home telling you what I think and, by the way, I am not going to vote for you.'

720 Now, let's just transmit that into telecoms: Maughold is very bad at receiving broadband to the level at which they purchased it. And there is a massive movement out there, and I can just see it, if a political head gets into the chair of the telecoms you are going to have the whole of Maughold saying, 'We ain't going to vote for you next time round', and I feel that is where the danger is.

It is a complex issue, telecoms and, as the Hon. Member said, it goes to broadcasting and all the rest of it. I believe it needs some technical expertise and we will probably have to pay for it, but that is my position.

725 I will be supporting the Bill, but the reason I did not vote for it the last time was exactly that.

**The Speaker:** Mr Baker, Hon. Member for Ayre and Michael.

**Mr Baker:** Thank you, Mr Speaker.

730 I was not intending whatsoever to speak on this but I have just listened to the words of my  
hon. friend, Mr Perkins, and as the politically elected Chair of the Planning Committee,  
(*Laughter*) whatever Mr Perkins is alluding to there is magnified about 100 times, and every two  
weeks, and in public. I think we had the debate last week about political chair and it was voted  
735 on and this Hon. House, rightly or wrongly, decided that it was going to with a political chair so,  
for me, we have had the debate, we need to move on.

I think we have got a mixed economy within the various different supervisory organisations.  
We have got some which are independently chaired; we have got some that are politically  
chaired, there is no standard model. I can see benefits on both sides. Clearly, a political chair  
allows political accountability and that is something which is of great value, I think, within this  
740 Hon. House and within the Court of Tynwald so I think we need to be very mindful of looking at  
this all in the round and actually considering what the right solution is for the right situation. And  
with that, I will close my remarks.

**The Speaker:** Is anyone else not planning to speak but going to anyway? (*Laughter*)  
745 In which case, I will call on the mover to reply.

**Mr Malarkey:** Thank you, Mr Speaker.

I knew when I read this it was going to start something!

Can I start by just addressing the movers – I am not turning this into another debate,  
750 Mr Speaker, I certainly did not intend to today, I think enough was said last week, views were  
made quite clearly.

I will briefly go through: I am glad that Mrs Caine has clarified the word ‘industry’ and rather  
‘independent’ because there was a marked difference and alarm bells did go ringing around the  
Commission when that was mentioned yesterday about putting somebody from the industry  
755 into it, so I am glad for that clarification.

As regard to consultation, yes, there was consultation and, as the Member for Ramsey says,  
there was much in that consultation about having an independent chair. The consultation was  
some time ago, and I have just had a note from the Commission, things have moved on quite  
considerably since that consultation and what did not come out of the consultation, and he said  
760 in his own words, the Commission did not find any solution within the consultation something  
that they could actually go with, that they could actually accept. There were plenty of ideas – it  
did not actually mean there were all the correct ideas. The Commission at this stage does not  
believe that the correct way forward has yet to be found.

Will I commit to a consultation in the future? I am the Chair; I do not run the Commission. I  
765 will be guided by what the Commission wants to do. If they want to do a consultation in the  
future it will be their decision, not mine. But I have also had a note from the Commission saying  
that they are prepared in the future to have a consultation, but it is not my commitment, that is  
the commitment that is coming from the board or certainly the Commission itself.

I do not really know what to say about Mr Perkins. All I can suggest is if you ever get a chance  
770 to be Chair of the Commission, turn it down. (*Laughter*) That seems to be the problem. Politics is  
not easy. In life we have jobs and certainly if I was offered one today, ‘would I be OFT or would I  
be planning?’, I would be rushing out to the OFT as fast as possible. (*Laughter*)

I could go on and on, Mr Speaker, I think the debate has been well and truly heard. You know  
the options are there for the future. This is not the last we have heard of it. Really, I want to see  
775 the last of the Bills, not what is coming in the future. I am delighted to be moving the Third  
Reading today and I hope you will all support it and help this Bill, which has taken so long to  
make, to move on.

I beg to move, Mr Speaker.

780 **The Speaker:** I put the question that the Communications Bill 2018 be read for a third time.  
Those in favour, please say aye; those against, no.

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

<b>FOR</b>	<b>AGAINST</b>
Dr Allinson	None
Mr Ashford	
Mr Baker	
Miss Bettison	
Mr Boot	
Mrs Caine	
Mr Callister	
Mr Cannan	
Mr Cregeen	
Ms Edge	
Mr Harmer	
Mr Hooper	
Mr Malarkey	
Mr Moorhouse	
Mr Peake	
Mr Perkins	
Mr Quayle	
Mr Robertshaw	
Mr Shimmins	
Mr Skelly	
The Speaker	
Mr Thomas	

**The Speaker:** With 22 for, none against, the ayes have it. The ayes have it.

#### **4.2. Highways (Amendment) Bill 2019 – Third Reading approved**

Mr Harmer to move:

*That the Highways (Amendment) Bill 2019 be read a third time.*

**The Speaker:** Item 4.2, Highways (Amendment) Bill 2019, and I call on Mr Harmer to move.

785

**Mr Harmer:** Thank you, Mr Speaker.

I would firstly like to thank Members for supporting this Bill through this House, and in particular my seconder, Mr Baker.

790

This legislation seeks to amend the Highways Act 1986 by rectifying a deficiency in the definition of 'planning approval' within the Act to allow the Department to make highway orders so as to enable development to occur.

795

The Bill also changes the Tynwald procedure for section 92A orders, when they are made under that section, as a consequence of either an order under section 33, 34 or 91; or an agreement under section 4 or 87; or both such an order and such an agreement. In these circumstances the order needs to only be laid before Tynwald as the process is essentially administrative in nature.

I hope that Hon. Members will now give it their full support.

I beg to move that the Highways (Amendment) Bill 2019 be read for a third time.

800

**The Speaker:** Hon. Member for Ayre and Michael, Mr Baker.

**Mr Baker:** Thank you, Mr Speaker. I beg to second.

**The Speaker:** I put the question that the Highways (Amendment) Bill 2019 be read for a third time. Those in favour, please say aye; those against, no. The ayes have it. The ayes have it.

805

Hon. Members, that concludes the business before us on our Order Paper today. We will stand adjourned until 10 ' clock next Tuesday, 12th March, in our own Chamber.

Thank you.

*The House adjourned at 10.49 a.m.*