



**HOUSE OF KEYS
OFFICIAL REPORT**

**RECORTYS OIKOIL
Y CHIARE AS FEED**

**PROCEEDINGS
DAALTYN
(HANSARD)**

Douglas, Tuesday, 7th February 2006

Present:

The Speaker (The Hon. J A Brown) (Castletown); Hon. D M Anderson (Glenfaba);
 Hon. A R Bell and Mrs A V Craine (Ramsey); Mr W E Teare (Ayre); Mr J D Q Cannan (Michael); Mrs H Hannan (Peel);
 Hon. S C Rodan (Garff); Mr P Karran, Mr R K Corkill and Mr A J Earnshaw (Onchan); Mr G M Quayle (Middle);
 Mr J R Houghton and Mr R W Henderson (Douglas North); Hon. D C Cretney and Mr A C Duggan (Douglas South);
 Hon. R P Braidwood and Mrs B J Cannell (Douglas East); Hon. J P Shimmin and Mr D F K Delaney (Douglas West);
 Capt. A C Douglas (Malew and Santon); Hon. J Rimington, Mr Q B Gill and Hon. P A Gawne (Rushen);
 with Mr M Cornwell-Kelly, Secretary of the House

Business transacted

	<i>Page</i>
Leave of absence granted.....□	467
5.2 Representation of the People (Preferential Voting) Bill – Consideration of clauses deferred.....	467
Terms used in the House – Statement by the Speaker	467
Questions for Oral Answer	
1.1. ‘Where will our Waste go?’ press release – Justification	467
1.2. Modification of redundant churches – Progress following survey.....	469
1.3. <i>Sunday Times</i> magazine’s ‘attack’ on Island – DTL response	470
1.4. Law Society Indemnity Scheme – Investigation.....	471
1.5. Boundaries Review Committee – Immediate disbanding.....	472
1.6. Insurance and Pensions Authority – Alleged fraud case; staff salaries and expenses.....	472
1.7. Areas of Special Scientific Interest (ASSIs) – Designated sites and trespass laws.....	476
1.8. Smoking ban at airport – Departure lounge and pilots’ rest room	477
1.9. Smoking ban at airport – Consulting passengers in departure lounge.....	478
Standing Order 43(2) suspended to allow continuation of Question Time.....	479
1.10. Smoking ban at airport – Forcing smokers outside: security and flight delays.....	479
1.11. Smoking ban at airport – Designating smoking area in refurbished departure lounge	481
1.12. Airport hotel development – Contract and timescale for scheme	482
1.13. Registration/licensing of service providers – Question deferred	
1.14. Noble’s Hospital – Car parking	484
1.15. Care homes for young people – DHSS inspections	484
1.16. Recent death of young person in care – Last inspection of home.....	485
1.17. Care of young people – Service specification in contracts.....	486
1.18. Central bus station – Question deferred	
Procedural	487
Questions for Written Answer	
2.1. Manx Family Services and other agencies – Length of time employed and costs.....	487
2.2. Care of young people – Minimum service standards.....	487
Orders of the Day	
3.1 Regulation of Surveillance etc Bill – Select Committee Report and Supplementary received and recommendations approved	488
4.1 Disability Discrimination Bill – Second Reading approved.....	493
Procedural	497
<i>The House adjourned at 12.59 p.m. and resumed its sitting at 2.30 p.m.</i>	
5.3 Registration of Electors Bill – Clauses considered.....	497
5.1 Sexual Offences (Amendment) Bill – Consideration of clauses adjourned	516

The House adjourned at 5.12 p.m.

*Reports, maps and other documents referred to in the course of debates may be consulted
 upon application to the Tynwald Library or the Clerk of Tynwald’s Office,
 Legislative Buildings, Douglas, Isle of Man IM1 3PW.*

House of Keys

The House met at 10.00 a.m.

PRAYERS

The Chaplain of the House of Keys

LEAVE OF ABSENCE GRANTED

The Speaker: Hon. Members, I have granted leave for part of the proceedings today to the Hon. Member for Onchan, Mr Karran and the Hon. Member for Ayre, Mr Teare.

BILLS FOR CONSIDERATION OF CLAUSES

Representation of the People (Preferential Voting) Bill Consideration of clauses deferred

5.2. Mr Rimington to move.

The Speaker: Also, Hon. Members, I can advise you that the Hon. Member for Rushen, Mr Rimington, has advised me that he does not intend to move Item 5.2 on the Order Paper today, Representation of the People (Preferential Voting) Bill and, therefore, that will come back to us at another sitting.

Terms used in the House Statement by the Speaker

The Speaker: Now, Hon. Members, I wish to refer to the situation that arose last week, in relation to the Hon. Member for Douglas North, Mr Houghton.

Hon. Members, as you know, at the last sitting of the House I expressed concern that the Hon. Member for Douglas North, Mr Houghton, during his reply to his amendment, whilst the House was considering the Income Tax (Amendment) (No 2) Bill, used terms that the Hon. Member for Ramsey, Mr Bell, the mover of the Bill and Treasury Minister, objected to. As Hon. Members will recall, I requested that the Hon. Member withdraw the remark, which he refused to do.

I have spoken with the Hon. Member for Douglas North and he has provided me with certain previous reports to support his use of the term he used in the debate. I have also taken the opportunity to view the unedited *Hansard* of the sitting in question, which I am satisfied properly records this matter.

Hon. Members, whilst the Hon. Member for Douglas North, in his contribution to the debate used the term 'lies', his reference was, however, not specific, as he did not specifically refer to the Treasury Minister.

That being said, I have concluded that the Hon. Member

for Douglas North, Mr Houghton, has not contravened the Standing Orders of the House.

Finally, I must say that I find it most unfortunate that it was felt necessary by the Hon. Member to use such a term and I do feel that any Hon. Member does themselves and, importantly, this House, a disservice when using such unnecessary terms during debate. (**A Member:** Hear, hear.) I would ask that greater care be taken.

Thank you, Hon. Members.

Questions for Oral Answer

LOCAL GOVERNMENT AND THE ENVIRONMENT

'Where will our Waste go?' press release Justification

1.1. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Local Government and the Environment:

Can you justify the press release 'Where will our Waste go?' issued on 23rd January 2006 by your Department?

The Speaker: Members, we move on to Questions on the Order Paper, Questions for Oral Answer. Hon. Member for Michael, Mr Cannan, Question 1, sir.

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

The Speaker: I call on the Hon. Member for Rushen, Mr Rimington, Minister for Local Government and the Environment to reply.

The Minister for Local Government and the Environment (Mr Rimington): Mr Speaker, the Answer is simply yes.

The Speaker: Hon. Member for Michael.

Mr Cannan: Will the Minister agree that the decision of Tynwald was to reject his waste management policy? Does he not, as a matter of principle, agree to honour the decisions of Tynwald, rather than to cherry-pick a minor decision of Tynwald, when the overall decision was to reject his waste management policy?

The Speaker: Minister to reply.

The Minister: Following the recent Tynwald vote on the Department's Waste Report and its recommendations, it is highly possible that members of the public will be confused as to the issues at stake. Although the matters arising waste levels were set out clearly in the Report to Tynwald, little attention was paid to this issue in the debate.

The Department and the Council of Ministers believe that it is important that the general public understand that the Island has a waste problem to resolve. On current

growth predictions, the Energy from Waste Facility will be at capacity level in four or five years' time.

When the incineration project was being progressed, it was always stated that increased recycling would need to take place. This is now proven to be true, possibly a few years earlier than expected.

Hon. Members may recall that, in November 2004, in the Tynwald debate on waste charges, and based on early waste figures to the Energy from Waste Facility, I predicted that we had around nine years before the plant would be at capacity. With the advantage of over a year's waste figures, we could now predict a much shorter period.

Therefore, the Department, as the public authority with responsibility for waste management, must progress a solution to our growing volume of waste. Within the time available, there are only two practical options. We could search for a major landfill site, which would need to be fully engineered, to receive increasing volumes of untreated domestic waste.

In addition, the Island requires a separate landfill facility for more difficult waste, which might or might not have to be at a separate location. The landfill of untreated domestic waste is the worst environmental option, but if Hon. Members believe that this is an option my Department should pursue, I would be grateful if they could suggest any sites in their constituencies that would be acceptable to them.

The only practical option is some system yet to be determined for the kerbside collection of recyclables. There is also a widespread acceptance by the public and most local authorities that this is the direction we should pursue.

The Department will discuss with local authorities on the considerable practical issues of introducing kerbside collection. We shall return to Tynwald at some later date, probably after the General Election, with more detail.

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

Mr Cannan: I thank the Minister for his Answer, written by the civil servants in his Department, but will the Minister agree the question is a matter of principle? Is he suggesting that Members of Tynwald, in voting out his waste management policy, did not understand what they were voting out?

The Speaker: Minister to reply.

The Minister: I find the question from the Hon. Member confusing. If Members did not understand what they were voting for, when they have had two Reports on the matter, it is a sorry state of affairs, in that, possibly, their minds were deflected for other reasons.

It is quite clear that there is an issue that has to be addressed, and we will not stand back from that, and although there was, if you like, confusion in the outcome of that result, and I accept that the Report overall was lost on the casting vote of Mr Speaker, that does not deflect from the fact there is a waste issue to be resolved. We cannot sit back and do nothing.

It can be the case of Nero fiddling while Rome burns, if we do not take steps to resolve that waste problem. We will do so, and we will return to Tynwald in due course when a satisfactory way forward has been progressed.

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

Mr Quayle: Thank you, Mr Speaker.

I wonder if I may ask the Minister if he could provide some clarification as to the output of the Energy from Waste Plant.

It does seem to be speculated about that the original scheme envisaged an overall tonnage many thousands of tons more than what has recently been referred to, and I wonder if the Minister may check back over the records, even, through the planning process, to just clarify the exact overall maximum tonnage that could be accommodated through the plant and maybe inform the Hon. House, in due course.

Thank you.

The Speaker: Minister to reply.

The Minister: I can inform the Hon. House right now, Mr Speaker. I was present throughout the 1998 Public Inquiry on the said incinerator. The design capacity is 60,000 tonnes. We know that it can take, comfortably, at any one point in time the equivalent of 65,000 tonnes.

However, waste does not come evenly over the year, and you need to head for an overall yearly figure of 60,000 tonnes, knowing that, in the summer months, that will equate pro rata to 65,000 tonnes, i.e. there will be a higher throughput in the summer and a lower throughput in the winter. So the project was progressed, I think, quite openly and clearly, by all on that figure of 60,000 tonnes as the overall design capacity, but understanding that there is actual leeway in terms of the overall figure.

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

Mr Delaney: Thank you, Mr Speaker.

May I ask the Minister two supplementaries. One is: on the statement he has read out in relation to the Answer given, is he saying that now we find we have a waste problem? Is he not aware that, right through the last century, this Island knew it had a waste problem, and it was only addressed at the latter part of the last century with real concern? It is not anything new, would he agree with me on that?

The second one is: is it not true that, as this Member understands it, the majority of people voted it out, because the argument was rightly put that you were putting the cost of the waste disposal back onto the householders of the Isle of Man and you did not give any clarity, in your answers, to what it was going to cost the householders of the Isle of Man? Is that not correct, Minister?

The Speaker: Minister to reply.

The Minister: The Hon. Member is incorrect on that last point.

First of all, yes, there has always been a waste problem on the Isle of Man, and there always will be a waste problem on the Isle of Man –

Mr Delaney: Thank you. You have not invented it.

The Minister: No. It is quite clear, it does not take rocket science for the Hon. Member to come to that conclusion, but there we go.

On the very last point, the rejection, the charges in the recommendations were voted out. Having been voted

out, and kerbside collection having been voted in, and the matter of civic amenity sites voted in, for reasons perhaps other Members can explain clearly to the public themselves, the overall Report was rejected by that very narrowest of margins.

But it still does not resolve the basic issue that there is a waste problem to resolve, and I would just refute the Hon. Member's point. The figures that we put forward in terms of what would be charged to the householder, through the rates, were very clear. I know Mr Speaker had particular concerns about how they were expressed, but, in fact, he was the only person who seemed to be unclear on that, because the local authorities, who were very much the interested parties in this, knew exactly what was coming their way, understood that quite clearly, and so did all the members of the public who responded on the consultation matter.

Thank you.

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

Mr Cannan: Notwithstanding the answers given by the Minister, will the Minister agree that, overall, having lost his Waste Management Strategy, it is his responsibility to persuade sufficient Members of Tynwald the right of his cause, and the manner in which he intends to proceed, that he will get support? (**A Member:** Hear, hear.) But at the moment, it is no use blaming Nero fiddling while Rome burns, when perhaps the fiddling is occurring in his own Department?

The Speaker: Minister to reply.

The Minister: Quite simply, Mr Speaker, we will continue with what we need to do. I note from the questions today and from the debate in Tynwald last month that no Member of this House is putting forward any other solution as to do that. All we are receiving, unfortunately, is negativity on this matter.

We will progress, and we will come back and hope to persuade Tynwald at an appropriate point.

The Hon. Member should actually understand, which might be a little difficult for him, but that, in terms of the legislation, Tynwald or the Department cannot compel local authorities to undertake kerbside collection. It is a matter within their remit, if they wish to do so.

Conversely, if local authorities do undertake kerbside collection, the Department actually does not have legislative power to stop them doing it, either. So, it is really a matter of Tynwald deciding a policy in principle, and then the practicalities to be worked upon.

But for reasons best known to themselves, Hon. Members chose to end the matter in some confusion.

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

Mr Delaney: Thank you, Mr Speaker.

Is it true or untrue that, in the policy put and rejected by Members of this House, the policy was to decrease the cost to companies and large organisations for the cost of waste disposal, but increase the cost to the ordinary householder?

The Speaker: Minister to reply.

The Minister: The Hon. Member's powers of recollection from last month are quite correct, and that is so. Indeed, it will

be, until there is some balancing of those costs: until people do understand that waste costs and disposal costs, there will not be that motivation to actually try and reduce the waste and try and resolve some of the problems.

But that is not part of the Question. The Question related to the press release. The press release mentioned nothing about charges. It was –

Mr Delaney: Point of order, Mr Speaker.

The Hon. Member in that press release referred to all the matters, virtually, contained in the policy.

The Speaker: Hon. Member, Mr Rimington.

The Minister: Well, indeed, as I wrote the press release – and as I wrote my Answer, not my civil servants, thank you, Mr Cannan – I would just like to say that the press release mentioned *nothing* about the charging structure.

The Speaker: Hon. Member, maybe it did not, but you did in some of your responses, therefore opened the Question up.

Modification of redundant churches Progress following survey

1.2. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Local Government and the Environment:

What progress has been made following your survey of the Island's churches with the modification of the redundant churches legislation to protect such buildings?

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

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

The Speaker: I call on the Hon. Member, Minister for Local Government and the Environment, Mr Rimington.

The Minister for Local Government and the Environment (Mr Rimington): Mr Speaker, the survey to which the Hon. Member for Onchan, Mr Karran, refers was the Study of Places of Worship jointly financed by my Department, Manx National Heritage and the Church authorities. It was undertaken in respect of all the Island's churches, to ascertain both their condition, with an overview of their historic and architectural merits and pastoral viability.

The funding support, provided by Government, was merely to facilitate the commissioning of the Study of properties for which the Church authorities are responsible.

Upon receipt of the Study, the same was circulated to the Church authorities, as owners of the buildings and to Manx National Heritage for their views. As advised in a letter to all Hon. Members of Tynwald, in October 2004, the Department had anticipated receiving the views of the Church authorities, in order to enable me to report back to Tynwald on the outcome of the consultation.

However, the Church authorities requested additional time to consider the implications of the survey, before making any

representations to my Department. These discussions continue and mean that I am not yet in a position to report back.

I trust Hon. Members will appreciate the reason for the delay in progressing this matter. Clearly, we must await the views of the Church authorities.

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

Mr Karran: A supplementary, Vainstyr Loayreyder.

Would the Shirveishagh give some indication of a timescale, in order that we can try and make sure that, for these buildings that have got a value to the whole of the nation, there is a system to make sure that they are protected for future generations? Can we have some sort of timescale? What is going to be done? When it is going to be done – especially in light of the fact that you were supposed to come back in November 2004, and here we are in 2006?

The Speaker: Minister to reply.

The Minister: Yes, Mr Speaker.

I wish I could give the Hon. Member a timescale. The matter rests outside my Department and, therefore, I cannot foresee how long that might be before a response comes from the Church authorities.

Part of the Report did not just cover the structural nature of the buildings in their historical position and their architectural merits, it also commented on their pastoral viability, which is an incredibly sensitive area. I think, possibly, that, linked in with the others, is creating not a problem, but a matter that has to be addressed quite carefully, and over probably a longer period of time than we would like. I think that might be the crux of the issue there.

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

Mr Karran: A supplementary, Vainstyr Loayreyder.

Would the Shirveishagh tell us, have you got any plans, as far as bringing some primary legislation in, to develop a church conservation trust or similar legislation as in the United Kingdom, in order to protect these buildings, if it comes down to it?

The Speaker: The Minister to reply.

The Minister: The answer is probably twofold, Mr Speaker. The answer is: no, I have not got any plans; but, on the other hand, we have not ‘not got any plans’. Obviously, if proposals came forward to us, out of this process, which indicated we should go in that direction, I am sure they would be given good, open, consideration.

TOURISM AND LEISURE

Sunday Times magazine’s ‘attack’ on Island DTL response

1.3. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Tourism and Leisure:

How does your Department intend to respond to the unacceptable and scurrilous attack on the Isle of Man by A A Gill in an article in the Sunday Times magazine dated 22nd January 2006?

The Speaker: Question 3, Hon. Member for Michael, Mr Cannan.

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

The Speaker: I call on the Hon. Member for Douglas South, Mr Cretney, Minister for Tourism and Leisure to reply.

The Minister for Tourism and Leisure (Mr Cretney): Thank you, Mr Speaker.

I am very proud of the Isle of Man, its traditions and heritage. I am, also, pleased that, over the past several years, we have made significant progress in terms of our international standing in many areas for the future.

It is sometimes frustrating that some uninformed commentators hark back to played-out stereotypes of what used to be. As Minister for Tourism and Leisure, I am very much aware of the fact that it is our differences that make us special. The Isle of Man is somewhere that does not slavishly follow the fashions set in the places which, for example, London media would normally frequent. Also, the people of the Isle of Man are known for having a good sense of humour; often enough we poke fun at ourselves.

A A Gill is well known for his deliberately provocative style of writing, which is supposed to be entertaining and amusing. The targets of his satirical assaults have included the Welsh, the people of Jersey, and even the English. Mr Gill, himself, claims to be a Scot.

I appreciate that people such as myself and those who have contacted me, unfamiliar with Mr Gill’s approach, may have found some of his comments about the Isle of Man offensive, but those who know his work, including regular readers of the *Sunday Times* realise that it is not to be taken as serious documentary journalism. He presents a cartoon, rather than the photograph.

Having now had the opportunity to read some of his musings about others, I recognise this. At times, in his piece, he appeared to live up to his television role as a grumpy old man.

A Member: There is one here. (*Laughter*)

The Minister: It is unfortunate that the weather was not too good on the day he visited, as it appears to have coloured his outlook somewhat. It would have been nice to have had the opportunity to point out some of the wonderful things about the Island to Mr Gill, but we did not get that chance.

I am pleased, though, that the queenies and turbot more than lived up to his expectations, when sampled at Ciappelli’s.

A Member: Hear, hear.

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

Mr Cannan: Would the Minister agree that, to many of the hundreds of thousands of readers of the *Sunday Times* who have no knowledge or conception of the Isle of Man, this article could give an impression of the Isle of Man more of fact than of fiction? What action did the Media Relations Department of his Department or of Government take to redress some of the outrageous statements that he made?

The Speaker: Minister to reply.

The Minister: Yes, thank you, Mr Speaker.

I was delighted in *The Times*, the week after, Saturday, January 28th 2006 – the same paper – a week later, which said:

'it has beaches, such as at Port Erin with its old-fashioned café selling ice-creams, and thatched whitewashed Manx cottages in fishing villages, such as Cregneash, where the comedy *Waking Ned* was filmed. Refreshingly, there are no high streets lined with homogenous shopfronts... the perfect place to come and recapture your lost youth.'

In short, Mr Speaker, we have to take the good with the bad.

OFFICE OF FAIR TRADING

Law Society Indemnity Scheme Investigation

1.4. The Hon. Member for Onchan (Mr Karran) to ask the Chairman of the Office of Fair Trading:

Will you investigate whether the Isle of Man Law Society Indemnity Scheme works in the interests of the consumer and does not represent an anti-competitive arrangement?

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

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

The Speaker: I call on the Chairman of the Office of Fair Trading, the Hon. Member for Rushen, Mr Gill to reply.

The Chairman of the Office of Fair Trading (Mr Gill): Yes, thank you, Mr Speaker.

Each sole practitioner or member firm of the Isle of Man Law Society is presently required to obtain their professional indemnity insurance from the Society. The Society, each year, takes out what is known as a master policy for all its members through an insurance broker, who obtains the best prices from the market.

The total premium for the master policy is then split equitably between all members, so that the larger the firm and the greater the number of advocates, so the larger amount of premium to be paid.

The level of cover provided by the master policy currently stands at £1 million per claim, so it is fair to say that the larger firms dealing with commercial matters have to obtain top-up insurance, but for most types of legal work involving consumers, this insurance is more than adequate.

The requirement to obtain insurance through the master policy ensures that all practising advocates are insured to a reasonable level, and the Law Society polices this requirement. Furthermore, the terms and conditions applied by the particular policy are standardised, and ensure that claims are not unreasonably rejected.

It is the opinion of the Office of Fair Trading, at this time,

that we believe that the Isle of Man Law Society Indemnity Scheme does work in the interests of consumers and does not represent an anti-competitive arrangement worthy of investigation.

Thank you, Mr Speaker.

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

Mr Karran: Vainstyr Loayreyder, would the Caairliagh not agree that, with the fact of his previous statements, when he said that there was no evidence of profiteering in the energy industry, even though that has made certain families multi-millionaires because of those cartels in the past, his reply to this statement, he needs to review again and, maybe, start actually looking after the interests of the small people – the people that his Office, which costs nearly £1 million a year to run, needs to look after?

The Speaker: Chairman to reply.

The Chairman: Yes, I would entirely agree that it is the role, and it is the function, of the Office of Fair Trading, to look after the interests of consumers. It is what we do.

In relation to the first part, the Hon. Member makes the allegation that I have suggested previously that there has been no evidence of profiteering in energy markets. Well, that is outside the scope of this Question, Mr Speaker.

I would remind the Hon. Member, that he has made the statement that there is a cabal of energy providers, and he now has the opportunity to put up... in the energy price investigation, which the Office of Fair Trading is undertaking. That is an open invitation.

He has so far declined to rejoin on that, but, again, I invite him to come to the Office of Fair Trading and provide some evidence to back up his allegation.

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

Mrs Cannell: Thank you, Mr Speaker.

Would the Chair of the Office of Fair Trading like to advise the House on whether or not the Office has actually received any complaints from the public, in respect of the Question on the Question Paper?

The Speaker: Chairman to reply.

The Chairman: To the best of my knowledge, Mr Speaker, we have not received any complaints, but, of course, if we did, we would deal with them in the robust and full manner that we deal with all complaints.

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

Mr Karran: Vainstyr Loayreyder, would the Caairliagh not agree that there has been a review, there have been representations on this issue? Would he not agree that, being the Office of Fair Trading, you should be in the vanguard of being proactive, instead of reactive, about an issue where small practitioners who are prepared to do the job find themselves at a disadvantage because of the Law Society's way that they set out to do things?

The Speaker: The Chairman to reply.

The Chairman: Eaghtyrane, as I previously advised, I was not aware of any complaints, and when the questioner uses the phrase 'representations', I would be obliged if he could clarify what he exactly means by that.

But, specifically, the advice that I am promulgating is that the master policy that the Law Society undertake, given the benefits of it, is in the best interests of the consumers on the Isle of Man, as I have explained at some length.

CHIEF MINISTER

Boundaries Review Committee Immediate disbanding

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

Will the Council of Ministers disband the Committee for the Review of Constituency Boundaries forthwith?

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

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

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

The Minister for the Treasury (Mr Bell): Mr Speaker, on 21st April 2004, Tynwald passed a resolution that, pursuant to section 11(5) of the Representation of the People Act 1995, the Governor in Council do appoint a committee to review the number and boundaries of the constituencies for elections to the House of Keys and to report thereon to Tynwald, as soon as may be.

However, on 15th July 2004, Tynwald further resolved that Tynwald direct, save for the requirement to appoint a committee, the Governor in Council to defer their implementation on the resolution of Tynwald dated 21st April 2004 for the committee to review the number and boundaries of the constituencies for elections to the House of Keys, until such time as the Constitution (Legislative Council) Bill 2004 either: (a) receives Royal Assent, in which case a further resolution of Tynwald will be required; or (b) fails, in which case the resolution of Tynwald of 21st April 2004 can be fully implemented.

Finally, Mr Speaker, Tynwald resolved, in 2005, that the resolution of 15th July 2004 be rescinded and that the Boundary Review Committee should commence its work forthwith.

Being conscious that a general election was scheduled to be held in November 2006, the Committee determined to commence their work in two tranches. That is, they decided to bring forward recommendations for immediate change, which might address glaring irregularities, in time for any such recommendations to be enacted prior to the 2006 election, and to commence a full scale evaluation of any necessary changes in the knowledge that such recommendations were unlikely to be implemented until after the general election of 2006, and then only if they were accepted by Tynwald.

Mr Speaker, the work which Tynwald required to be done has not yet been carried out. I would suggest that, if Tynwald wishes that work to cease, then it is for Tynwald to pass a motion to that effect.

It would be presumptuous of the Council of Ministers to assume that, simply because Tynwald did not approve of the Interim Report of the Boundary Committee, that Tynwald wished that the work itself, which has been requested by Tynwald, be stopped.

Mr Speaker, I cannot be so presumptuous and neither can the Council of Ministers.

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

Mr Cannan: Having listened carefully to what the Minister said, will the Minister...? Well, he does agree that the Report of the Boundary Commission was totally rejected last month in Tynwald, that there is a general election in November, and there is every likelihood that there will then be, as has been indicated, a fresh move to have the Legislative Council and the House of Keys amalgamated into a one-chamber Tynwald, which will require new constituency boundaries.

So, what is the purpose of carrying on this Boundary Commission, at a cost which has already cost £4,000, and is likely to continue to cost the exchequer, for possibly no reasonable use, until a decision has been made after the General Election in November?

The Speaker: Minister to reply.

The Minister: I can only repeat, Mr Speaker, that this is not a Council of Ministers' issue; it was a resolution put forward within Tynwald, supported by Tynwald and the Committee is responding to the wishes of Tynwald.

If Tynwald itself wishes now to rescind that, then I would suggest to the hon. questioner, Mr Speaker, that the way forward is simply to take a further resolution to Tynwald, and allow that situation to be addressed.

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

Mr Cannan: Can the Treasury Minister tell us whether the Boundary Committee are still claiming fees and expenses. They have already claimed £4,000.

The Speaker: Minister to reply.

The Minister: Mr Speaker, the Boundary Commission are carrying out the wishes of Tynwald, and if they are still doing that, I have no doubt they will still be claiming expenses.

Insurance and Pensions Authority Alleged fraud case; staff salaries and expenses

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

(1) Are the Insurance and Pensions Authority aware that Cable and Wireless is suing a group of former employees for an alleged fraud of its Isle of Man captive,

Pender Insurance, in that they steered over £80 million of insurance premiums to Messenger Insurance, a Guernsey based entity that they, the former employees, secretly owned;

(2) how did the 'alleged fraud' escape the supervision of the Insurance and Pensions Authority;

(3) does the Insurance and Pensions Authority normally prosecute any individuals in respect of alleged fraud, if proved;

(4) what action does the Insurance and Pensions Authority intend to take so that similar fraud (if proven) does not occur in future;

(5) how many staff are employed by the Insurance and Pensions Authority;

(6) what was the total amount of salaries/wages for the period 1st April 2004 to 31st March 2005 in respect of the Insurance and Pensions Authority; and

(7) what was the total amount of all other expenses paid for the same period?

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

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

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

The Minister for the Treasury (Mr Bell): Mr Speaker, taking each part of the Hon. Member's Question separately, for the first part, I can confirm that, yes, the Insurance and Pensions Authority (IPA) is aware of the case in question, although the facts of it, as stated in the Hon. Member's Question, are not entirely correct.

There are currently civil, not criminal, proceedings taking place in the High Court in London, involving Cable and Wireless and Pender Insurance Limited jointly, as plaintiffs against a number of parties, one of whom was based on the Isle of Man and held a senior position within a registered insurance management company.

As the matter is still *sub judice*, it would be inappropriate to comment further at this stage on the facts of the matter that are known to the IPA.

For the second part, Mr Speaker, I would say that the words 'alleged fraud' are the questioner's words and not those of the IPA. In general terms, the arrangements giving rise to the case in question involve the onward seeding of reinsurance premiums from large international reinsurance companies in the UK to another company in Guernsey.

Premiums had originally been paid by Pender Insurance Limited to those large international reinsurers, as part of legitimate reinsurance arrangements that were put in place with them.

The placement of reinsurance business in the international insurance market is typical of the way in which the worldwide captive insurance market operates, and the IPA, having considered the security of any immediate reinsurance arrangements in place for the Isle of Man company, would not normally be aware of any further arrangements beyond that point. Any further transactions would be between parties regulated in other jurisdictions.

In addition, because one of the defendants named in the action worked for an insurance management company in the

Isle of Man, the IPA took the necessary steps to ascertain and ensure that other insurance companies and their policy-holders with the same management arrangements on the Isle of Man were not affected.

With regard to part (3), Mr Speaker, where criminal fraud is alleged, it would normally be the Police that would investigate and, if necessary, prosecute, not the IPA. The IPA will always co-operate in the investigation of any alleged fraud which might lead to prosecution.

As noted before, the civil proceedings are ongoing and the IPA is monitoring them. When the proceedings are completed, the IPA will consider such other action as is necessary and is available to it. This will include the question of the 'fit and proper' status of any individuals involved in the case.

Part (4): many of the crucial events of this case involved entities and activities outside of the Isle of Man and, therefore, not subject to the IPA's supervision. The IPA will always co-operate with regulators in other jurisdictions.

To assist it in doing this, it is entering into an increasing number of mutual co-operation agreements and memoranda of understanding.

In answer to part (5), Mr Speaker, I can advise that the IPA currently has 11 full-time staff. **(Mr Houghton: Wow!)**

For part (6), the total amount of salaries for the period 1st April 2004 to 31st March 2005 was £501,937.

For part (7), the total amount of all other expenses paid for the same period was £451,690.

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

Mr Delaney: I thank for the Minister for the Treasury, acting on behalf of the Chief Minister, for answering my Question quite completely, Mr Speaker, but it leaves a number of supplementaries, if I may, sir.

First of all, you denied the figure that was mentioned, and I would accept that. Would you now tell the Members of this House what the figure is, if you are aware of it?

Secondly, Mr Speaker, when did you become aware, or when did they become aware, that this... if not alleged fraud, that is the only word I can use, came into being? Will the Minister then indicate, after we go through these questions he has answered, what good interest the Isle of Man is served by such cases, whether they be criminal or not, giving the image of the Isle of Man to the rest of the financial world and, certainly, the people who are interested in investing in this Island, and, he alleges – and he will agree with me – money-laundering?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I am not quite sure what figure the Hon. Member is referring to, but –

Mr Delaney: If I might clarify, Mr Speaker, I use the figure quoted in the press of £80 million. You deny that. I would agree with you, but you would tell us what that figure is, if not £80 million.

The Speaker: Minister.

The Minister: I do not have that figure, Mr Speaker. **(Mr Delaney: Thank you.)** I cannot...

As to when the IPA became aware of it, Mr Speaker, again, I have not got that information as to what the date was, but it was, certainly, at an early stage, when enquiries were first made, but I do not have that information with me.

Any publicity, Mr Speaker, in relation to business activities in the Isle of Man which reach the press in a negative sort of way, clearly, are not helpful to the Isle of Man's position. But the position here, Mr Speaker, is that the vast majority of these activities which are being referred to took place in other jurisdictions, in the City of London and in Guernsey, and there is only a very minor part of – it would appear, at least – these activities which actually took place in the Isle of Man.

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

Mr Delaney: Mr Speaker, it leaves me speechless that, in a briefing to such a complicated and important Question, the Minister has been given no figures or information from a department which has cost the taxpayer over £1 million. **(Mr Houghton and another Member:** Hear, hear.)

Can I ask, Mr Speaker, would he not agree with me that, whether or not the figure in the press article is correct of £80 million, the figure that he said is incorrect – in his Answer, he says 'incorrect' – he should know from his officers what that figure is, if mine is incorrect and the press report is incorrect?

Secondly, Mr Speaker, may I ask this: would he go back to this very substantial department of 11 persons on £1 million, and find out why he has not been given enough briefing notes **(Mr Houghton:** Hear, hear.) to actually help the public representatives in this House, **(Mr Houghton:** Hear, hear.) who have to go back to the public and give answers to questions they are asking on the street of 'what do you know about £80 million alleged being transferred from the Isle of Man to another island?'

Do you not understand, Mr Speaker, how difficult it is for us, the public representatives, to give answers?

And can I ask, on a last supplementary, would it not be courtesy to the public representatives, in one of the briefing papers, which are many and varied, for the Chief Minister to have given some information to Members, so we could answer these questions on something that could do so much damage to the Isle of Man?

The Speaker: Minister to reply.

The Minister: Quite frankly, Mr Speaker, the easiest answer to all this would have been for the Hon. Member to ask this question directly to the Chief Minister in another place, as the Chief Minister is Chairman of the IPA, and he could have had all the details given to him first hand, from the Member responsible for it.

So, really, I do not take cognisance of some of the comments the Hon. Member has made.

I do not have the figure, whether it is £80 million or not, Mr Speaker. The Isle of Man's role in this was a very minor role in the whole exercise. The bulk of this activity relates to activities which took place in the City of London, and the diversion of certain fees to a company in Guernsey. That currently is before the courts, it is *sub judice*, and I am led to believe there is likely to be a settlement in relation to this in the next three or four weeks, so it will be coming to a head very shortly.

If the Hon. Member still has further questions that he wishes to have clarification, if he can come and see me separately, I can arrange for the appropriate members of the IPA to brief him to give him that information.

And, finally, Mr Speaker, to the tut-tutting I hear about the high cost of the Insurance and Pensions Authority to the taxpayers of the Isle of Man, I would just add that the IPA is self-financing, and it is covered by fees generated by the IPA. I would also add, Mr Speaker, that the insurance business which is regulated and stimulated by the IPA is, in fact, a very, very profitable arm of Government and a big employer on the Isle of Man and generates considerable revenues for the taxpayer.

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

Mr Houghton: Thank you, Mr Speaker.

Mr Speaker, with regard to the IPA, they are looked upon, Mr Speaker, as rather a high society quango, with the way they simply charge fees that they generate themselves against the profitable part of the finance sector.

Can the Hon. Minister inform this House, Mr Speaker, what do the IPA do as regards prosecutions? How many prosecutions have they made over the last five years, or brought before courts?

And, especially, insofar as they do not give pension advice to people who make enquiries to them, what do they actually do to advise people, rather than bat people off, just like they are batting Hon. Members of this House this morning, by the use of yourself, sir?

The Speaker: Minister to reply.

The Minister: Mr Speaker, the IPA is the regulator. It is not there to give pensions advice to individual customers outside.

As far as the prosecution is concerned, Mr Speaker, *(Interjection by Mr Houghton)* I answered it quite clearly in the Question. It is not the role of the IPA to prosecute. If there is any identified fraud, and I have to say I am not aware of any in the IPA realm of late, this information is passed on to the Police and they will do to the investigation and any prosecutions which flow from that.

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

Mr Delaney: I am taking a couple of deep breaths, Mr Speaker.

Mr Speaker, rather than have public representation by proxy –

Mr Houghton: Nobody knows what they are doing.

Mr Delaney: – and the fact that the Chief Minister is in another place, which is a decision of this Hon. House and others, can the Minister not understand the concern of me, if not other Members, at the lack of information about a body which does not make money on its own? It makes money on behalf of the public. **(Mr Houghton:** Hear, hear.)

It is not a private business run of its own accord; it is run for the betterment of the people of the Isle of Man. Will the Minister not agree?

And next, Mr Speaker, working on the idea that the fees are somehow self-generated, they are generated because we have made the laws to enable them to be generated for the benefit of the people, not for the benefit of the IPA and their staff. (**Mr Houghton:** Hear, hear.)

Thirdly, could you ask the Chief Minister, courteously, if he would have a meeting with me and anybody else interested, to find out what the real facts are, which you seem to know about, but no Members of this House or the public seem to know about?

Mr Houghton: Hear, hear.

The Speaker: Minister to reply.

The Minister: Mr Speaker, I can only repeat, (*Interjection*) if the Hon. Member had been so concerned about this, he should have raised it directly with the Chairman of the IPA, who is, in fact, the Chief Minister, in another place. (*Interjection*)

I am doing my best to answer the questions that the Hon. Member is putting, Mr Speaker, on the information that has been given to me. The attack, almost, on the IPA, I find quite astonishing. It is a very effective regulatory body, Mr Speaker, which has been responsible for generating and developing a very profitable sector of the Isle of Man economy, which employs several thousand people and which, one way or another, generates considerable revenues for Government.

Mr Houghton: *They do.*

The Minister: We certainly make the laws. We set up the IPA and they are doing exactly what we asked them to do.

A Member: Hear, hear.

Mr Houghton: High society.

The Minister: There is no secret about it.

I will certainly, Mr Speaker, going back to the Hon. Member for West Douglas, mention it again to the Chief Minister, and he can make arrangements to meet with the Hon. Member, I am sure, to give him more detail.

I would just repeat, though, Mr Speaker, that there is a problem, at the moment, insofar as the case being heard is actually still in the courts, and it is, therefore, in part at least, *sub judice*. Therefore, I can only add that it is expected this case will come to a conclusion in the next three to four weeks, and, at that point, I am sure, whatever the decision is will be made public and a full disclosure of the relevant information be made at that time.

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

Mr Houghton: What do you know about the IPA, Martyn?

Mr Quayle: Thank you, Mr Speaker.

I think, in referring to the IPA, I was rather surprised to hear that the Chief Minister is actually Chairman of that organisation

Mr Delaney: Oh, yes, he is Chairman. That's why I asked the point.

Mr Houghton: Nobody knows.

The Minister: Course you do!

Mr Quayle: I had understood the fact that there are the Minister and three Members for Treasury, and I would just ask him if he could consult with the Chief Minister, if he is content to stay in that position, or whether or not it could be better dealt with by a Member for Treasury – although I am not implying any criticism of the Chief Minister in this regard? It might lighten his load, if the Members for Treasury that he has – three of them – might be able to undertake the work that is usually done by Treasury. (*Interjection by Mr Houghton*)

The Speaker: Minister to reply.

The Minister: Mr Speaker, I am astonished at the comments that nobody knows that the Chief Minister is Chairman of the IPA!

Mr Delaney: We all know. That's why I asked the Question. (*Laughter and interjections*)

The Minister: Tynwald voted for the Chairman of the IPA. They endorsed his position. (*Laughter*) Treasury does not appoint these people; it is a Tynwald decision.

So, I can not add any further than that.

The Speaker: Final supplementary, Hon. Member for Douglas West, Mr Delaney.

Mr Delaney: I thank the Member for giving me a little bit of his humour there, because that is why I asked this Question, Mr Speaker, of the Chief Minister, as he is the Chairman.

But I still have to ask the following supplementaries. Bearing in mind, now, that it has been raised he is the Chairman, which I thought everyone knew, (*Laughter*) could you ask the Chief Minister, in his position as Chairman, to hold a briefing as I have asked for Members on this important subject, so we can all be satisfied, regardless of whether a settlement is going to be held behind closed doors, which we and the public will never know about.

And is the Minister, in my second supplementary, not aware, Mr Speaker, this could be the follow-on of a 'mini' – if we carry on like this – of the MEA, because the situation is that things are happening without our knowledge? We needed to know as public representatives, Mr Speaker.

The Speaker: Minister to reply.

The Minister: Mr Speaker, this is getting out of control altogether. This is absolute nonsense that is being spoken. It is nothing to do with a 'mini MEA'. This is a private commercial transaction between a body which is based in the City of London and its employees and an insurance company, which has a branch in the Isle of Man, or a presence in the Isle of Man, and its operation in Guernsey.

It has got nothing to do with Government funding, Government revenues or any other issue –

Mr Delaney: Government revenues.

The Minister: – and the issue at stake at the moment is

being considered in the courts, Mr Speaker, and the outcome of that, as I say, I am led to believe, will be decided in the next three or four weeks, at which point I am sure, whatever that outcome is, the information will be made public.

AGRICULTURE, FISHERIES AND FORESTRY

Areas of Special Scientific Interest (ASSIs) Designated sites and trespass laws

1.7. The Hon. Member for Malew and Santon (Capt. Douglas) to ask the Minister for Agriculture, Fisheries and Forestry:

Would you indicate –

- (a) How many ASSIs sites have been dedicated on the Island, in the last five years by your Department;*
- (b) have any such designated sites been the cause of restricted access/use by the public;*
- (c) can you name any of such designated ASSIs sites and indicate their position, boundaries/routes on a map of the Island; and*
- (d) can you clarify the law(s) of trespass as they appertain to the Island?*

The Speaker: Question 7. Hon. Member for Malew and Santon, Capt. Douglas.

Capt. Douglas: Gura mie eu, Vainstyr Loayreyder. I beg leave to ask the Question standing in my name.

The Speaker: I call on the Hon. Member for Rushen, Mr Gawne, Minister for Agriculture, Fisheries and Forestry to reply.

The Minister for Agriculture, Fisheries and Forestry (Mr Gawne): Gura mie eu, Loayreyder.

There are six Areas of Special Scientific Interest (ASSIs) in the Island, and, in answer to the first part of the Hon. Member's Question, four sites have been designated as ASSIs in the last five years.

Altogether, the six ASSIs cover 2,071 acres, including the single biggest ASSI, consisting of 670 acres at the Ayres.

In respect of the second part of the Question, in no case has designation of a site as an ASSI changed the access arrangements in respect of the area. Where there is a public right of way, it is not affected. Where there is private property, the rights of the landowner, with regard to access, remain unchanged.

With regard to the third part of the Question, I would advise the Hon. Member that I can, indeed, point out the whereabouts and the boundaries of our six ASSIs on a map, but to save me having to do so, a copy of the map has been circulated to Members.

However, the experience in other jurisdictions is that they have to be circumspect about making some details public, because the presence of rare species of flora or fauna in an area can attract the wrong sort of attention.

I can advise Hon. Members that the Wildlife and Conservation Division has been considering its policy on this, and will make its recommendations to me in due course. The question of landowners' privacy also has to be taken into account.

Where information about such sites is made known in other places, it is accompanied by a reference to the need for the public to observe rights of way and respect private landowners' rights.

The fourth part of the Question asks for clarification on the laws of trespass. I am certainly not a lawyer, and feel that it would be prudent for the Hon. Member to seek advice from the Attorney General's Chambers on matters of law.

However, I can refer the Hon. Member to the Trespass Act 1705 and the Trespass Act 1753. These are to do with damage caused by straying livestock, and there is a reference to similar intent in the Pinfolds Act 1963, which is DAFF legislation.

No-one is permitted to trespass on the basis that they hold a game licence under the Game Act or an angling licence under the Inland Fisheries Act. There are also rules and regulations of the High Court which deal with the setting up of trespass juries, which can include deciding on the value of damage caused by trespass by persons, as well as animals.

The legislation that particularly seems to covers trespass is section 61 of the Petty Sessions and Summary Jurisdiction Act 1922. However, I offer this information in the spirit of trying to be helpful to the Hon. Member, but I think that it would be the better course to make enquiries of the Attorney General in legal matters.

Gura mie eu.

The Speaker: Hon. Member for Malew and Santon, Capt. Douglas.

Capt. Douglas: Thank you, sir.

I would like to thank the Minister for his fulsome reply. (**A Member:** Hear, hear.) I am sure that he would gain some experience, if he was seconded to the Attorney General's Department, and I thank him for his answers. (**A Member:** However...) (*Laughter*)

However, yes, would the Minister confirm that, when agreements are made by a Government Department, with members of the public, all efforts should be made to ensure that such agreements should not be to the disadvantage of the public?

And a second supplementary, sir, is: has your Department entered into any discussions with the owners of parts of Langness peninsular, including the lighthouse, re rights of way or permissive footpaths, and was there any consultation by your Department with the public re this matter?

Thank you.

The Speaker: Minister to reply.

The Minister: Gura mie eu, Loayreyder.

I would, certainly, agree that any agreements reached between Departments of Government and private individuals, companies, landowners, whatever, should not be to the disadvantage of the public, where possible. Obviously, it would depend on the circumstance and the particular case.

The second issue: the Department is in negotiation with the landowner at Langness, in relation to the management agreement for the ASSI down there, and, certainly, as part of that, part of the management of the ASSI, there is, on occasion, a need to restrict public access in particular areas, although that particular issue has not specifically been raised. Certainly, in terms of public consultation with regard to the ASSI, there is public consultation when ASSIs

are designated, so the public certainly had an opportunity when the ASSI was initially designated, to have a say over that matter.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Could the Minister confirm or otherwise, as a result of the designation of Langness, that, in fact, no areas of public access that have been originally enjoyed have been restricted as a result of the designation of the area?

Could he confirm, also, that, prior to designation, a very large public meeting was held for the residents of Castletown and surrounding parties who may be interested, to perform such consultations as he has indicated?

The Speaker: Minister to reply.

The Minister: Gura mie eu, Loayreyder.

Certainly, in respect of the first part of the question, I can confirm that the designation of the ASSI, as I think I indicated in the original Answer, that designation certainly does not affect public rights of way.

With regard to the second part of the Hon. Member for Douglas North's supplementary, I am not fully aware of the size of any public meetings, but I was aware that public meetings have taken place on the issue, in advance of the ASSI being officially designated.

The Speaker: Question 8... Hon. Member for Malew and Santon, Capt. Douglas, Question 7.

Capt. Douglas: Thank you, Mr Speaker.

Just a further supplementary.

Could the Minister confirm that he agrees that when money has been expended by his Department, then it was probably duty-bound by the Department to ensure that full value for that expenditure is obtained and that, if you like, on a like-for-like basis, there should be something given from the other side? In other words, you just do not pay for, say, fencing and then not achieve access to the land.

Thank you.

The Speaker: Minister to reply.

The Minister: Gura mie eu, Loayreyder.

It is a very interesting question from the original questioner, Hon. Member for Malew and Santon. Certainly, I would agree that the Department should not just be spending money and getting nothing in return for that money, particularly in this sort of instance.

Obviously, the Department did spend significant amounts of money, in terms of paying for fencing and gates and the like, and I would say that the benefits that we have from that are that the site can be properly managed. We can have grazing on the site, which I think is, absolutely, a good pay-off for the money that has been expended by the Department. It does mean that the site is properly managed.

Unfortunately, there does seem to be an issue at the moment, in relation to the site, whereby some people have apparently been allowing dogs to roam freely in the areas which have been fenced off, causing damage to some of the

livestock in those areas. This is a concern for the Department and, indeed, the landowner and the farmer in the area and it is something that we are looking at with the landowner, to try to resolve.

TRANSPORT

Smoking ban at airport Departure lounge and pilots' rest rooms

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

With regard to the policy change to ban smoking in a section of the departure lounge at Ronaldsway Airport, will this policy also extend to the pilots' rest rooms area in the airport?

The Speaker: Question 8. Hon. Member for Douglas East, Mrs Cannell.

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

The Speaker: I call on the Hon. Member for Douglas East, Mr Braidwood, Minister for Transport, to reply.

The Minister for Transport (Mr Braidwood): Thank you, Mr Speaker.

Mr Speaker, as Hon. Members may be aware, my Department now operates a no smoking policy in all public areas of the Isle of Man Airport terminal building.

However, this policy does not extend to non-public areas of the airport that are leased as tenancies to private companies, which includes the pilots' rest room. The airport tenants remain free to decide upon their own company policy.

However, we will review this situation as each tenancy agreement becomes due for renewal.

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

Mrs Cannell: Thank you, Mr Speaker.

In view of the Minister's reply, does he think it is fair, then, to actually have a different set of rules, irrespective of whether it is a private firm, or a company, or an individual renting space within the airport building? Does he think it is fair to actually outlaw smoking to the public, but to turn a blind eye to anybody else who happens to be renting the space within the actual building itself?

The Speaker: Minister to reply.

The Minister: Mr Speaker, there are about 20 companies at the airport, and they are, of course, situated in non-public areas. I believe the majority of those companies have no-smoking policies, and, as I have already said, as soon as the tenancy agreements come up for renewal, we will look at the situation, and put a caveat on the lease that no smoking will exist in those areas.

**Smoking ban at airport
Consulting passengers in departure lounge**

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

Has your Department consulted with those passengers who currently smoke in the section of the departure lounge at the airport with regard to the policy change, in order to gauge their views and, if not, why not?

The Speaker: Question 9. Hon. Member for Douglas East, Mrs Cannell.

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

The Speaker: Again, I call on the Hon. Member for Douglas East, Mr Braidwood, Minister for Transport, to reply.

The Minister for Transport (Mr Braidwood): Thank you, Mr Speaker.

Mr Speaker in answer to the Hon. Member's Question, regarding passengers who currently smoke in the departure lounge, I would first like to clarify that smoking facilities in the departure lounge area were removed on 10th January 2006.

The decision to extend the no-smoking policy to the departure lounge was on safety grounds, following a peak period fire alarm evacuation in October 2005, which resulted in departure lounge passengers evacuating into a very busy and active airport parking area.

As the decision was taken in order to meet the Department's obligations to ensure the safety and comfort of all users, it was not deemed appropriate or necessary to undertake public consultation.

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

Mrs Cannell: Mr Speaker, I am astounded at the arrogance in the response from the Minister.

Would the Minister agree with me that the whole evacuation, on that occasion he referred to in October last year, was caused by a faulty smoke detector that was in the departure lounge –

Mr Henderson: Should have been a heat detector. *(Interjection by Capt. Douglas)*

Mrs Cannell: – and would he not have been better having his staff, or getting staff at the airport to actually look at that smoke detector, with a view to replacing it, or looking and trying to resolve the problem and making it more appealing for non-smokers, as well as smokers, rather than just total outlaw as of the 10th January this year?

The Speaker: Minister to reply.

The Minister: Mr Speaker, as soon as the fire alarm goes off in any building, you have got to evacuate the building and, as it went off in the departure lounge, the strategy is for the exits to be used for all passengers in the departure lounge.

If you carried out a consultation, you could not carry out a consultation just with the smokers, because that would be discriminatory. You would have to have a consultation with all passengers in the departure lounge, and I would say that over two thirds of those passengers will be non-smokers.

Mrs Craine: Hear, hear.

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

Mr Duggan: Thank you, Mr Speaker.

Would the Minister not agree that passive smoke, sir, is definitely offensive and definitely detrimental to people's health, especially those with asthma, and children?

A Member: Hear, hear.

The Speaker: Minister to reply.

The Minister: I totally agree with the comments which have been expressed by the Hon. Member for South Douglas, Mr Speaker.

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

Mrs Cannell: Thank you, Mr Speaker.

Mr Speaker, will the Minister answer my question from previous: does he not agree with me that the whole evacuation kicked in, yes, because the fire alarm went off, but it was caused by a faulty smoke detector, as stated in a letter written by an officer of his Department on behalf of a question which was raised by both his and my constituents?

Further, if he feels that it is discriminatory not to consult all who use the airport departure lounge – that includes non-smokers and smokers – does he not consider it is even more discriminatory to have actually banned smoking from the departure lounge for those smokers than not consulting with anybody at all?

The Speaker: Minister to reply.

The Minister: Mr Speaker, if the fire alarm had gone off because it was a faulty fire alarm, or it had gone off because it had been activated by smoke, it does not matter, we have to evacuate the departure lounge.

Secondly, in actual fact, passive smoking is offensive to a lot of people who are non-smokers. It does not matter about the smoke. We may have ventilation which will remove the smoke but, unfortunately, it does not remove the carcinogens which are still in the atmosphere and which are the cause of cancers.

The Speaker: Now, Hon. Members... Hon. Member Douglas East, Mrs Cannell.

Mrs Cannell: Sorry, Mr Speaker, were you going to say something?

The Speaker: Well, you want to ask another question, Hon. Member, don't you?

Mrs Cannell: I do, please, Mr Speaker.

The Speaker: Carry on.

Mrs Cannell: Mr Speaker, is the Hon. Minister giving us an idea here, this morning, that he is going to be pushing for the banning of all diesel fuels in the Isle of Man, which is highly carcinogenic, which we often breathe in in this Chamber, during our sessions here? (**A Member:** Disgraceful.)

Would he, also, accept from me that all smokers would agree that passive smoking for those who do not smoke is unpleasant and unwarranted and unnecessary, but that the reaction that he has made, in terms of removing this facility from the public, is a knee-jerk reaction, is against civil rights of those people who choose to smoke, and is really avoiding the issue? Instead of trying to manage the situation where the airport caters for all passengers, he is excluding a large number of passengers to his Departments' own detriment.

The Speaker: Minister to reply.

The Minister: Mr Speaker, the Airport Authority knows that, at other airports, there are secluded areas for smokers. We are looking at legislation, at the present time, in this Hon. House: the Public Health (Tobacco) Bill, and part 2 of that Bill says that all areas in public places will be banned for smokers.

So, even if you had a segregated unit at the airport, as soon as the Bill becomes law, it would have to be removed, so there is no point in putting anything in, at the present time.

A group decision has been taken at the British Airports Authority, and they will be removing all their units for smokers in their airports. There is UK legislation coming through, at the moment, and the same situation will happen. Those airports which are not under the British Airports Authority will be removing the areas for smokers.

The Speaker: Hon. Members, that concludes the time allotted under Standing Orders for our Oral Questions.

Standing Order 43(2) suspended to allow continuation of Question Time

The Speaker: Hon. Member, Mrs Cannell.

Mrs Cannell: Mr Speaker, sir, I beg to move:

That Standing Order 43(2) be suspended to permit the remaining Questions to be taken at this sitting.

I do so, sir, because there are nine Questions left for Oral Answer. We have a multitude of Questions this morning, simply because the House was not sympathetic last week, to extending Question Time, so Questions were carried over.

I would suggest that, if Members do not get rid of the Questions this morning, whilst they have the opportunity, they will be carried over to next week and so the same pattern will begin to repeat again, as it did last year.

Further, Mr Speaker, in so moving, I believe that we have sufficient time, today and tomorrow afternoon, to actually deal with all of the legislation, bearing in mind we finished last week at half past three on Wednesday and, in fact, we could have accommodated those who had Questions last week.

I beg to move, sir.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. I beg to second, sir.

The Speaker: I just remind Hon. Members that all Questions can be answered today, if the Members so elect to do so.

Hon. Members, the motion before the House is that Standing Orders be suspended to permit Oral Questions to be taken until completion, those on our Order Paper. All those say aye; against, no. The ayes have it.

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

FOR

Mr Anderson
Mr Cannan
Mr Rodan
Mr Quayle
Mr Gill
Mr Gawne
Mr Houghton
Mr Henderson
Mr Cretney
Mr Duggan
Mr Braidwood
Mrs Cannell
Mr Delaney
Mrs Craine
Mr Earnshaw
Capt. Douglas

AGAINST

Mr Shimmin
Mrs Hannan
Mr Corkill
The Speaker

The Speaker: Hon. Members, the motion to suspend Standing Orders carries, with 16 votes for and 4 votes against.

Mr Houghton: Hear, hear.

Smoking ban at airport Forcing smokers outside: security and flight delays

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

(1) For those passengers who smoke in the departure lounge at present, prior to their flight departing, will they in future be forced to go outside the airport building; and, if so

(2) what effect will this have on going through security, perhaps for a second time, and what is the likely effect on delays to flights departing on time due to such passengers being outside the airport building?

The Speaker: We, therefore, carry on with Question 10. Hon. Member for Douglas East, Mrs Cannell.

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

The Speaker: I call on the Hon. Member for Douglas East, Mr Braidwood, Minister for Transport, to reply.

The Minister for Transport (Mr Braidwood): Thank you, Mr Speaker.

Mr Speaker, in answer to part (1) of the Hon. Member's Question, I can advise that, as the airport now operates a total ban on smoking in all public areas, then those passengers wishing to smoke will have to do so outside the airport building.

When the smoking facility was removed from the departure lounge, on 10th January 2006, considerable publicity was given to this change and prominent signage erected to alert passengers to the change, before entering the departure lounge.

In answer to part (2) of the Question, since the departure lounge became non-smoking on 10th January, there have been no issues that the Department is aware of regarding delays to flights or missing passengers due to this issue. This is likely to continue to be the situation into the future.

Further, unless there is a lengthy flight delay, passengers are not encouraged to leave the departure lounge. In any event, they would need to obtain permission to do so.

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

Mrs Cannell: Thank you, Mr Speaker.

Mr Speaker, is the Minister saying, this morning, that the policy was hatched within his Department without due consideration to the feasibility of the policy, and also the potential impact such a policy could have on the operation of the actual airport and security?

Is that what he is telling Members this morning, that they did not look at it, and review and consider all of the scenarios which could flow by such a sweeping policy change? If he is, will he accept my surprise that they did not do that?

Would he also agree with me to actually push all these people outside the front of the building – it is usually the front of the building where people will go outside – that it is not providing for a good visual effect for the Isle of Man's main airport for others who arrive who do not smoke, who are, perhaps, now forced to have to walk through a cloud of smoke, in order to actually get into the airport building?

What has he done to facilitate the appropriate ashtrays and bins for the deposit of such cigarettes, cigar ends and used tobacco smoke? Has he really, and has his Department really, thought about this, or is it merely just a knee-jerk reaction, to accompany the Health Department, which is promoting and moving the Public Health Smoking Bill, which is a ban on smoking?

The Speaker: Minister to reply, except you do not need to reply to the last part of that Question, as it is contrary to Standing Orders.

The Minister: Thank you, Mr Speaker.

Mr Speaker, I would not say it is a sweeping policy change. There has been no smoking on the land side of the airport since, I think, January 2000.

Also, I have been looking at trying to see if there is a facility could be erected, or outside the terminal building, so that smokers would be protected. I am also asking the Airport Director to put out larger bins for smokers.

Capt. Douglas: Get in them!

The Minister: The situation, if we look at another airport, at Dublin, is there is no smoking in the terminal building and people have to smoke outside. There are bins already there, so that they can put their butts or whatever into the side – (*Laughter*) I might have to change that reference there, I think, to 'cigarette ends', I think might be a better word!

So, really, no, I would not agree with the Hon. Member for Douglas East that we have just brought this in as a sweeping change and it is a sop to the Department of Health and Social Security.

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

Mrs Cannell: Thank you, Mr Speaker.

Mr Speaker, how can the Hon. Minister say that it is not a sweeping change, when, by his own admission this morning, he has not consulted the general public, i.e. those who smoke and those who do not smoke, and those who work or have to take passengers to the airport?

He has not consulted anybody, so why is he defensive of the fact that it is not a sweeping change?

Will he accept from me that *of course* it is a sweeping change, if you do not make any consultation or plans for implementing such a policy? Is he really expecting us to accept that he brings in such a sweeping change, on 10th January this year, almost over a month ago, and yet he has made no provision, and there is no forethought, about how the airport is going to manage the problem?

And will he also, finally, agree with me that what he has proposed, what he has presented, what he has provided is not visually pleasing for the airport and for anybody wishing to use the airport, who does not enjoy passive smoking of any kind?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I do not know what the Hon. Member for Douglas East wants.

Mrs Cannell: Tell the truth.

Two Members: Ooh!

The Minister: She is saying we should have facilities in the terminal building for smokers –

Mrs Cannell: Departure lounge.

The Minister: What I am saying is, under the new Public Health (Tobacco) Bill, that will not be allowed –

Mrs Cannell: Point of order, Mr Speaker.

The Speaker: Yes, Hon. Member.

Mrs Cannell: That current Bill has merely had Second Reading. We are not to the clauses or third stage, (**Mr Earnshaw:** Hear, hear.) and the Bill has not yet passed. How can the Minister make reference to it when it is only just before us, it is not passed?

The Speaker: The Minister can make reference to it, because he is not asking a question about the Bill, but he,

certainly, will have to be careful.

Minister to reply.

The Minister: Thank you, Mr Speaker.

So, therefore, I am looking at having a facility outside the building which would be for the benefit of smokers. There is nothing else I can do.

It would be unfortunate – yes, that is a way of life. If we look at other airports where there is a ban in the terminal building, people are outside. We can see this round Douglas, where there is no smoking in buildings, where they are smoking outside and the cigarette ends are either put in a dispenser or, unfortunately, yes, you do see it on the ground.

All I am trying to do is be accommodating for smokers who enter the terminal building and want to go into the departure lounge: they can go outside and smoke.

The Speaker: Hon. Member for Garff, Mr Rodan.

Mr Rodan: Mr Speaker, will the Hon. Minister agree with me that the Hon. Member for Douglas East is swimming frantically against the tide of public opinion, (**Several Members:** Hear, hear. which non-smokers and smokers are, overwhelmingly, in favour of restricting the rights of smokers to smoke wheresoever they please, in order to enhance and protect the rights of non-smokers, and employees in public places, who have no option but to breathe unwanted smoke of smokers? This is a public health issue and public opinion is aligned firmly behind it.

The Speaker: Minister to reply.

The Minister: Mr Speaker, I thank the Hon. Member for Garff for his comments. I do not think I could have put it better myself, sir.

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

Mr Duggan: Thank you, Mr Speaker.

Could the Minister confirm there have been very few complaints from the general public over this matter?

The Speaker: Minister to reply.

The Minister: Mr Speaker, there have been very few complaints. In actual fact, the Airport Director has been complimented by numerous people in the departure lounge.

A Member: Hear, hear.

Smoking ban at airport Designating smoking area in refurbished departure lounge

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

If the departure lounge is to be extended and refurbished would it not be appropriate to provide a designated area

for smokers which complies with all relevant extraction and ventilation systems?

The Speaker: Question 11. Hon. Member for Douglas East, Mrs Cannell.

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

Mr Cretney: Go on, Brenda, have one more go! (*Laughter*)

Mr Houghton: Go and have a smoke afterwards.

The Speaker: I call on the Hon. Member for Douglas East, Mr Braidwood, Minister for Transport to reply.

The Minister for Transport (Mr Braidwood): Thank you, Mr Speaker.

Mr Speaker, in answer to the Hon. Member's Question, my Department has now received tenders for the scheme to extend the departure lounge, and I will shortly be bringing a motion to Tynwald, seeking approval to enter a contract regarding the extension of the departure lounge.

Prior to that motion, I will arrange for a briefing and presentation to Members. I can advise, in advance of this presentation, that it is not my Department's intention to include a designated smoking area.

The Hon. Member refers to compliance with all relevant extraction and ventilation systems. My Department is not aware of any approved standards for such a facility.

Furthermore, I am sure that the Minister for the Department of Health and Social Security will be able to confirm to this House that there are no acceptable standards for exposure to second-hand tobacco smoke.

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

Mrs Cannell: Thank you, Mr Speaker.

Mr Speaker, will the Minister accept from me that this will be a missed opportunity, if he does not at least consider this?

Would it surprise him to learn today that the Department, under a previous leadership prior to his, (*Laughter*) and previous Department membership prior to the current one, was not only looking at improving the facility, thereby trying to mitigate against the nuisance of smoke impeding on non-smoking passengers in the departure lounge, but was also actively considering providing such an area in the general airport, when people are waiting to collect passengers, often from delayed flights?

Does it surprise him to learn that? That was the thinking of the Department just two years ago and much work was done in respect of that, including costings.

Will he, finally, accept from me that this Member is not swimming against the tide, this Member does not agree with the swathe of public opinion in this respect? This Member merely is shouting for the rights of the minority, the civil liberties of the minority.

We are here, are we not Minister, to represent the views of the minority and the majority of people, all of the time? This is all I am trying to do, to represent their views and to call for some common sense and some tolerance, in a zero

tolerance situation that could be better managed.

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

Mr Speaker, no, it does not surprise me at all that the Department, a couple of years ago, was looking for designated areas. In actual fact, when I came into the Department, and it was brought to my attention about the extension to the terminal building, I did ask if there was any way that we could have a designated area, as we have seen in other airports.

I have already mentioned, in answer to a previous Question, I know, Mr Speaker, that the Public Health Tobacco Bill is still in front of this House, and we have not got to the clauses stage and, after that, we have not got to the Third Reading, but if the Bill does go through this Hon. House, and then the Legislative Council, and becomes law, then that Act will state that we will not be able to have designated areas in public places for smoking.

Also, legislation does not stand still, so we have moved on, as I have said, for those two years. I totally agree with the Hon. Member for Douglas East that all Members of this House have to represent the views of majorities and minorities, and put those views forward.

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

Mr Corkill: Thank you, Mr Speaker.

Would the Minister agree with me that it is rather curious that some Members in this House often accuse Government of not being joined up, that Departments have differences of policy and agreements on things, and yet, in this case, there is a complete agreement between the Department of Transport and the Department of Health and Social Security, and that that joined-up Government is something to be welcomed?

The Speaker: Minister to reply.

The Minister: Mr Speaker, yes, I do agree with the comments by the Hon. Member for Onchan.

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

Mrs Cannell: My final supplementary, Mr Speaker. I do thank the Members for the latitude and you, sir, for giving me latitude this morning.

Final supplementary to the Minister: can I ask him just one last time that, whilst they are looking at tenders which have been received, and looking at the plans etc, will he not at least review and reconsider the possibility of installing an area that is behind closed doors, if you like, from the rest of the passengers in the departure lounge, to cater for those passengers who cannot cope with going on a flight without first having a cigarette?

A Member: Hear, hear.

The Speaker: Minister to reply.

The Minister: Mr Speaker, I am sympathetic to the concerns of the Member for Douglas East, but if the legislation does go through this House, the Public Health Tobacco Bill, I have no option. I will not be able to have a designated area in

the departure lounge, because it is part of the public area.

The Speaker: Could I just make the point, I do not think that anybody should anticipate what decision the House may make on any legislation. (**Mr Delaney and another Member:** Hear, hear.)

Hon. Member for Garff, Mr Rodan.

Mr Rodan: Mr Speaker, will the Hon. Minister accept the congratulations of this House, and of the Department which I minister, for the way that they are taking their responsibilities seriously, in respect of the particular public buildings for which they have current responsibility? They are taking pre-emptive action, which is in tune with public opinion and the great majority of people's views as to the requirement to accept a degree of restriction in human behaviour, for the greater good and for the public health of all.

The Speaker: Minister to reply.

The Minister: Mr Speaker, I do thank the Minister for Health for his comments, but I would also like to say, and I have already mentioned it, that smoke can be removed by ventilation, but it leaves the carcinogens, which cause the smoking-related diseases.

Also, through Health and Safety, in actual fact, if a member of staff would enter a smoking area, what is supposed to happen is he is not allowed to enter that area for over three hours and have the ventilation and the extraction continue for those three hours, before he is allowed to enter those premises.

Mrs Hannan: Or she.

The Minister: Or she. So, there are Health and Safety elements, as well, Mr Speaker. (*Interjections*)

Airport hotel development Contract and timescale for scheme

1. 12. The Hon. Member for Douglas West (Mr Delaney) to ask the Minister for Transport:

- (1) *On what date was the contract to develop a parcel of land at the airport, by a private company, signed;*
- (2) *was the agreement entered into only for the development of a hotel;*
- (3) *what length of time was given for the completion of this scheme;*
- (4) *how many changes in the planning application have there been since the original application; and*
- (5) *is there any agreement that ties this development to the Langness redevelopment?*

The Speaker: Question 12. Hon. Member for Douglas West, Mr Delaney.

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

The Speaker: Hon. Member for Douglas East, Mr Braidwood, Minister for Transport.

The Minister for Transport (Mr Braidwood): Thank you, Mr Speaker.

Mr Speaker, in answer to part (1), the option agreement in respect of a site opposite the airport for the development of an airport hotel by Ronaldsway Airport Hotel Limited was executed on 5th March 2004.

In answer to part (2), the option agreement was in respect to the development of a new airport hotel, with ancillary restaurant facilities.

In answer to part (3), subject to no extension of time being granted, for example as a result of any of the delaying factors included within the option agreement, the premises were required to be open and fully operational for business by no later than 31st December 2006.

In answer to the penultimate part, Ronaldsway Airport Hotel Limited has received planning approval based on two different designs of a potential airport hotel.

In answer to the final part, the option agreement is specific to the land owned by the Department located opposite the airport, and is not related to any developments elsewhere.

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

Mr Delaney: I thank the Minister for his reply, Mr Speaker. Bearing in mind information received and the Answer just given, can I ask the Minister a number of supplementaries and, depending upon the supplementaries, may I ask further ones?

Can the Member tell the House, having given us the date of 2006, how it is possible now to develop a hotel by that date? First supplementary, Mr Speaker.

Secondly, is it possible for the Members of this House, the public representatives, to view the original contract?

And thirdly, has that contract been changed or been asked to be changed?

A further supplementary: is it not true, Minister, that at least two planning applications, with variables, have been applied for?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I think I answered one of those queries, that the Ronaldsway Airport Hotel Limited received planning approval, based on two different designs for a potential airport hotel. I think this was a design for, internally, for kitchens and bedrooms, which was further to the original plan.

On building time, I do not know if it could be completed on time by December 2006. From what I can gather, it was going to be based on such as units being brought over and stacked, so that what would happen, bedrooms and lounges would come over as one, and then the airport hotel would be built on that.

Mr Delaney: Module form.

The Minister: On the changes to the contract, all I know is that they have an option, which, as I have said previously, would expire at 31st December 2006, if the hotel is not there, sir.

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

Mr Delaney: There are a number of supplementaries he did not make answers to, Mr Speaker, which I will ask again, with your courtesy, sir.

First of all, is it possible for the Members of this House to view the contract?

Secondly, can I ask the Minister, as he is the Minister responsible for public land that has been given out in a contract, surely he has a right to have knowledge of what is happening in relation to that land, rights about the duration of such a contract, and it is not up to anybody else but him, to make sure that his officers are keeping themselves abreast of what is happening in relation to public land?

Thirdly, can I ask this – and this is rather important to me, and I am sure to other Members – so that we all know what is happening here – he says ‘no ties to any other development’, or he has given that indication – could you tell me why it is, then, that it is circulating generally, even from a Government Department, that the development of this land is tied to the development at Langness? Why is that?

The Speaker: Minister to reply.

The Minister: Mr Speaker, this development is not tied to any development at Langness!

Mr Delaney: That is the answer I want, Minister!

The Minister: Well, that is the answer I gave you!

The Speaker: Hon. Member, please speak through the Chair.

The Minister: Mr Speaker, the original contract, as far as I... would be confidential between Ronaldsway Airport Hotel Limited and the Department of Transport.

Mr Delaney: I asked the Minister, with due respect, sir, he still has not answered it. Can Members of this Hon. House, the public representatives, view this contract, and will he give us assurance no variation is taking place in that contract? For the third time!

The Speaker: Minister to reply.

The Minister: As far as I am concerned, it is a confidential document between the developer and the Department of Transport. As far as I am concerned, the option agreement will last until the end of December 2006, when the hotel was supposed to be up and running.

The Speaker: Question 14. Hon. Member, Mr Delaney, do you wish to ask a question – ?

Mr Delaney: Mr Speaker, I wish to ask a further supplementary depending on the answer, which took three questions to get an answer.

The Speaker: Final supplementary, then, on Question 12.

Mr Delaney: Can I ask a supplementary?

Regardless of the fact that you say you have a private deal amongst the private developer, why is it the public representatives can see what is going on with their property

in this Island? We are not going to run out and tell everybody, but we need to know, Mr Speaker, what is happening there, and the terms of that contract – or have I got to have a resolution of Tynwald?

The Speaker: Minister to reply.

The Minister: Mr Speaker, the terms of the contract and the option agreement was that a hotel should be up and built by 31st December 2006.

In actual fact, I do not know where the Hon. Member for West Douglas is coming from!

Mr Delaney: You still have not answered the question.

HEALTH AND SOCIAL SECURITY

Noble's Hospital Car parking

1.14. The Hon. Member for Middle (Mr Quayle) to ask the Minister for Health and Social Security:

What, if anything, is being done to improve car parking facilities at Noble's Hospital in relation to the main car park and the car park adjacent to Accident and Emergency?

The Speaker: Question 14. Hon. Member for Middle, Mr Quayle.

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

The Speaker: I call on the Hon. Member for Garff, Mr Rodan, Minister for Health and Social Security to reply.

The Minister for Health and Social Security (Mr Rodan): Thank you, Mr Speaker.

Mr Speaker, yes, the Department acknowledges that it is sometimes difficult to find a car parking space within the main car parks at Noble's Hospital.

In order to ensure that priority is given to patients, the Department has a contract with a private company to provide car park attendants at the peak times of the day. These arrangements work well.

At the present time, the Department has no plans to modify car parking facilities, but the general situation and car park usage will continue to be monitored.

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

Mr Quayle: Thank you, Mr Speaker.

In thanking the Minister for that reply, could I ask him to revisit this particular issue, because it seems to be an issue of great concern to a number of people. Perhaps he may be able to utilise some of the land in the area to provide additional car parking which will alleviate the problems in all the car parks I have mentioned.

The Speaker: Minister to reply.

The Minister: Yes, Mr Speaker, I am happy to keep the

matter under review. Car parking spaces do exist outside the main car parks, including the use of car parking at Union Mills football pitch.

Mr Henderson: A mile away.

The Minister: I would acknowledge that these are less intensively used, and there would be some further scope there.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Will the Minister, in addressing this matter, assess the current situation, to see if people who are coming to work in Douglas are still using the main hospital car park as a free park-and-ride service for themselves, as was the case when the new hospital first opened, which caused absolute mayhem.

The Speaker: Minister to reply.

The Minister: Mr Speaker, I just want to make very clear that we have no evidence that that practice is taking place. The car parking attendants work between 8.00 a.m. and 4.00 p.m. which is the main period, and if there is the slightest shred of evidence that this is taking place, we would certainly want to know about it, Mr Speaker.

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

Mr Quayle: Thank you, Mr Speaker.

I wonder if I might just ask the Minister if he could clarify the situation with regard to the parking of cars by staff, because it has been suggested that, perhaps, there are cars could be parked by the staff, and then their spouse could be then travelling into work by public transport.

The Speaker: Minister to reply.

The Minister: I am sorry, Mr Speaker, I do not have information to that level of detail. I do know that there is staff car parking. It is acknowledged that, generally, it is not sufficient, and that this can, on occasion, lead staff to use spaces which are also available to patients and carers.

But if the Hon. Member has evidence along the lines he is suggesting, I would be happy to speak with him further.

Care homes for young people DHSS inspections

1.15. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

Does your Department perform inspections of the homes contracted to care for young people, and, if so, how often?

The Speaker: Question 15. Hon. Member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Ta

mee shirrey kied yn eysht y chur ta fo my ennym. I beg to ask the Question in my name.

The Speaker: Hon. Member for Garff, Mr Rodan, Minister of Health and Social Security, to reply.

The Minister for Health and Social Security (Mr Rodan): Mr Speaker, inspections are undertaken under the terms of section 55 of the Children and Young Persons Act 2001. Homes accommodating three or more children are required to be inspected by inspectors appointed by the Department.

Minimum standards have been written to use when inspections take place. Informal inspections on all the homes were undertaken from October 2004, with formal inspections commencing in July 2005.

A further, but separate, inspection is carried out, on a frequent basis, which looks specifically at the care provided for each young person. A directive was issued by the Director of Social Services that all homes accommodating fewer than three children must comply with agreed minimum standards, and are required to do so under the terms of their contracts agreed in July 2004.

The homes are required to be formally inspected, from time to time, under the terms of the Act. Where problems are identified, visits are more frequent. Where the unit is functioning well, there will be a minimum announced visit once per year.

Unannounced inspections are undertaken on a frequent basis. Most units, Mr Speaker, will be visited a minimum of twice per year, one announced, one unannounced.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Would the Minister agree to circulate to all Members what these agreed minimum standards are?

Also, when he says that homes are usually visited frequently, could he indicate the timespan between what 'frequently' means? Although he has indicated that there is a minimum of two per year, in any case, what is the time between these frequent visits? Is it a month, two months, or is it on a weekly basis, sir, if you could give some clarification on that?

The Speaker: Minister to reply.

The Minister: In relation to the first part from the hon. questioner, yes, I have no problem in circulating, making available the agreed minimum statutory standards.

As to the frequency of inspections, I really have no information, beyond what I have given in my Answer, a minimum of two per year. I am confident that the circumstances of each individual home or individual cared-for person will dictate the actual frequency of visits. In some cases, it will be longer; where there are on-going issues, I have no doubt they will be more frequent and, certainly, more often than twice per year.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I thank the Minister for his clarification, but for the purposes of the questioner and this House, would he, again, agree to circulate a little more information, when time allows, as to the actual frequency of the visits for the various homes, so that Hon. Members may have some understanding of just how the inspections and so on work?

The Speaker: Minister to reply.

The Minister: If it will help the Hon. Member and other Members, I am happy to give a more detailed setting-out of the frequency of visits, without, of course, wishing to compromise any confidentiality.

The Speaker: Hon. Member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Vainstyr Loayreyder.

Would the Minister agree with me that social workers are visiting these premises on a regular basis, to see the children in our care, and they are visiting much more often than the two minimum visits, which have to be carried out? They are carried out on a very regular basis, and they are able to assess the type of care and the surroundings that the young people are being kept in.

The Speaker: Minister to reply.

The Minister: Yes, indeed, I thank the Hon. Member for Peel. There is, of course, a distinction to be made between inspection of premises, both statutory and as a matter of best practice, as I indicated, where premises comprise less than three persons, and the regular routine visits that are going on, when required, by individual social workers, in respect of individual cared-for people. It is a matter of course that those visits will take place, because that is part of the social workers' job.

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

Mr Earnshaw: Thank you, Mr Speaker.

Would the Minister agree with me there is great public concern, regarding this issue? Can he confirm that he himself feels confident, in view of recent events, that the number of inspections that are being carried out are sufficient?

The Speaker: Minister to reply.

The Minister: Yes, Mr Speaker, I do acknowledge that there is a situation where public concern has been expressed, over particular events. Naturally, the Department shares that concern. The Department has reacted to that concern, and I hope my answers, this morning, have indicated that the Department also has in place a system of systematic inspection of homes, and it is taking a pro-active position, so that situations which cause concern are minimised, as far as possible.

Recent death of young person in care Last inspection of home

1.16. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

Before the recent death of a young person in the care

of one of your contractors, when was the last time one of your officers inspected the relevant home to ensure standards of care were to the Department's satisfaction and expectations?

The Speaker: Question 16, Hon. Member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Ta mee shirrey kied yn eysht y chur ta fo my ennym. I beg to ask the Question in my name.

The Speaker: I call on the Hon. Member for Garff, Mr Rodan, Minister for Health and Social Security to reply.

The Minister for Health and Social Security (Mr Rodan): Mr Speaker, an inspection was undertaken on the unit in question on 8th April 2005, and again in November 2005.

There were no serious concerns expressed on this inspection, although a number of recommendations were made to enhance practice, as would be the norm with most inspections.

The Department were advised soon after the inspection by Manx Family Services (MFS) that the recommendations had been acted upon.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Could the Minister indicate the time between the last inspection and the death of the young person in the care of MFS, in days and weeks, please.

The Speaker: Minister to reply.

The Minister: The last inspection took place in November – I am unable to give him the actual date in November – and the death of the young person took place in December.

Care of young people Service specification in contracts

1.17. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

When your Department contracts the services of an organisation to undertake care of young people, is there a detailed service specification drawn up as part of that contract, and, if so, how does your Department know whether the requirements of that service specification are being adhered to?

The Speaker: Question 17. Hon. Member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Ta mee shirrey kied yn eysht y chur ta fo my ennym. I beg to ask the Question in my name.

The Speaker: I call on the Hon. Member for Garff, Mr Rodan, Minister for Health and Social Security, to reply.

The Minister for Health and Social Security (Mr Rodan): Mr Speaker, the Answer is yes, there is a detailed service specification drawn up within the contracts.

The contracts are monitored at partnership meetings, held four times per year, one of which is an annual review, chaired by Mrs Hannan, MHK, the Hon. Member for Peel and, of course, the current Member for Social Services.

The providers provide reports of the services, future plans and staffing issues, for example, training programmes. Contract partnership meetings will also ensure that the specifications of the contract are being met.

The Registration and Inspection Unit have a dedicated Children's Inspector who has the responsibility of ensuring the care standards are met. There are, also, regular inspection visits undertaken by another officer, who looks, specifically, at the care provided to individual young people. These reports are overviewed by the Care Contracts Manager.

Social workers undertake regular visits to the children and young people, and have a duty to review the care plans. They have a responsibility, also, to share any concerns with their line managers and Care Contracts Manager.

As part of the above, the children and young people are themselves consulted. The Care Contracts Manager, also, has a responsibility to liaise closely with the Department's Complaints Officer, in order to monitor the number of complaints and any common themes.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Can the Shirveishagh confirm or otherwise that he and his Department are entirely satisfied with the care that Manx Family Services have been providing?

The Speaker: Minister to reply.

The Minister: Mr Speaker, as the Hon. Member and the House are aware, there is currently an independent review taking place into that particular contract provider, and it would not be appropriate for me to comment, at this particular time.

The Speaker: Hon. Member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Vainstyr Loayreyder.

Maybe the Minister does not know this, but could I ask the Minister if he is aware that, because there was an inquiry going on, a review did not take place into the aforementioned provider, because there was a review appointed by the Minister into that provider?

The Speaker: Minister to reply.

The Minister: I thank the Hon. Member for her comments, sir.

The Speaker: Hon. Members, that concludes our Questions on the Oral Paper.

Procedural

The Speaker: We have two Questions in the name of the Hon. Member for Onchan, Mr Karran, Question 13 and Question 18.

The Hon. Member has been granted leave by me to be absent. He has not been able to return at this point.

I, therefore, intend to ask the Secretary of the House to consult with Mr Karran, as to whether he wishes the Questions to be withdrawn, whether he wishes the Answer in writing, or whether he wishes to put the Questions on to the next Order Paper.

Hon. Members we have two Questions for Written Answer. They will be circulated during the sitting. That is Item 2 on our Order Paper.

Questions for Written Answer**HEALTH AND SOCIAL SECURITY****Manx Family Services and other agencies
Length of time employed and costs**

2.1. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

- (1) When did your Department first engage the services of Manx Family Services for the care of young people;
- (2) to date, how much in total, or best estimate, have these services cost your Department and the taxpayer;
- (3) does your Department employ the services of any other agency to care for young people, and, if so, who –
 - (a) how long have they been engaged;
 - (b) what time period were they used; and
 - (c) what was the total cost of these services for every organisation used over the past five years, or best estimate?

Answer: (1) MFS were engaged in January 1999, following a formal tendering process.

(2) The following payments, as shown in Table 2.1A, have been made to MFS:

Table 2.1A

Year	Cost £
1998/1999	43,350
1999/2000	191,856
2000/2001	1,042,397
2001/2002	1,901,135
2002/2003	1,966,879
2003/2004	2,142,878
2004/2005	1,805,302
2005/2006	2,792,221

(3)(a) and (b) In July 2004 the Department placed all contracts for child care services out to tender. The Member responsible for Social Services, Mrs Hannan, chaired a panel which awarded the contracts to providers, with involvement from the Chief Internal Auditor.

The following contracts were awarded from July 2004:

- MFS – Family Centre south, leaving care unit, 7 residential placements, approved provider of spot placement and an outreach programme;
- St Christopher's – Secure Unit, Tromode House Unit, White Hoe Unit and an approved provider of spot placements. St. Christopher's were new to the Island;
- Isle of Man Childrens' Society – 3 x 2 bed units; 2 x Family Centre and outreach team. This organisation has provided services since before Social Services became responsible for children's services in 1990.
- Fosterplus – Fostering Services. Fosterplus are new to the Island;
- Isle of Man Adoption Service – Adoption Services. Provided services since before 1990.

(3)(c) The current contracts have been awarded since July 2004. The costs from that date are as shown in Table 2.1B:

Table 2.1B

	2004-05 £	2005-06 £
St Christopher's	2,375,748	2,689,567
Isle of Man Children's Society	1,388,999	1,176,436
Fosterplus	259,024	220,742
Isle of Man Adoption Service	239,595	184,813
MFS	Payment detailed in (2) above.	

**Care of young people
Minimum service standards**

2.2. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

- (1) When your Department engages the services of an organisation to care for young people, does it lay down minimum service standard requirements; and
- (2) what qualifications/training must the staff who will care for the young people have?

Answer: (1) The minimum service standards are laid down in the standards prepared by the Registration & Inspection Team who inspect the Children's Homes against these standards.

These inspections are carried out by an experienced and dedicated children's inspector.

(2) The staff who care for the young people are expected to gain an NVQ III qualification, or equivalent, as laid down in the Care Standards. There is an NVQ centre which has been established and funded by the three residential providers – St Christopher's, Isle of Man Children's Centre and Manx Family Services to provide training for staff. There is an expectation that, within the next two years, all staff will be qualified to this level. Additionally, there are comprehensive induction programmes for newly appointed staff, along with probationary periods to ensure that staff are meeting the standards.

Procedural**Manx Family Services and other agencies – Length of time employed and costs
Care of young people – Minimum service standards**

Orders of the Day

MOTION

Regulation of Surveillance etc Bill Select Committee Report and Supplementary received and recommendations approved

3.1. The Caairliagh of the Select Committee on the Regulation of Surveillance etc Bill (the Deputy Speaker) to move:

That the Report of the Select Committee on the Regulation of Surveillance etc Bill, as amended by the Committee's Supplementary Report, be received and their recommendations individually approved.

The Speaker: We go on to Item 3 on the Order Paper, 'Motion', and we have a motion there in relation to the Select Committee Report on the Regulation Surveillance etc Bill. I call on the Caairliagh, the Chair, to move the motion.

Yn Caairliagh (Mrs Hannan): Thank you, Vainstyr Loayreyder.

This relates to two Reports, in actual fact: the main Report and a Supplementary Report, which have been put together by the Committee of the House looking into the Regulation of Surveillance etc Bill.

The Committee, consisting of Mr Gawne, the Member for Rushen, and Mr Teare, the Member for Ayre, took evidence. In that evidence, we consulted the Department of Home Affairs, the Treasury and within that, the drafters of the Bill, and, also, we had consultation, through these Departments, with the Isle of Man Constabulary and the Isle of Man Customs and Excise Division of Treasury.

When we had finalised our Report, we consulted the Departments with the recommendations that we had made. The consultations were very helpful. However, there was a small glitch. That is why it was not moved a fortnight ago, when we had further consultations.

So, now I am relieved, Vainstyr Loayreyder, to be able to move your Select Committee's Report.

We had hoped to report back in October, but, unfortunately, it has taken longer. Then, two weeks ago, this problem arose, with some of our original recommendations giving this cause for concern. These have now been overcome by this further consultation and that further consultation is supplied to Members in a Supplementary Report.

Your Committee started by taking evidence, and looked, first of all, at the case for this legislation. We know that it was moved in the House, so as to be Human Rights compliant, but your Committee was concerned to learn that, after over 50 years of the Human Rights Convention being signed, little thought had been given to article 8, concerning the right to privacy, and the need for invasions of it to be in accordance with the law.

We have reproduced, in full, article 8 on page 7 of our main Report.

The Police told us, in their evidence, that they had, in practice, operated their surveillance with reference to the UK legislation since 2003, and they felt that they were in compliance with the 2003 legislation of the UK. Both the Police and the Department of Home Affairs supported the

view that the Bill would not expand on the surveillance currently being carried out, that it merely put in place a statutory mechanism for regulating surveillance when it is carried out.

But, on the assumption that nothing was done which was outside the law, we found it difficult to follow, since clause 7 specifically legalises conduct in the course of authorised surveillance, and it contains certain exemptions from civil liability for associated conduct. It would appear that neither provision would be necessary, if no change to the extent of the law was being made.

Your Committee considered two general principles – the first: accountability to Tynwald. If Members would like to refer to section 17 of the main Report, which relates to ultimate political accountability, we felt that Tynwald should have this ultimate political accountability, when activity such as this was being carried out by the state, in this area, as in any other. The surest safeguard against abuse of power is the prospect that its exercise would be open to parliamentary scrutiny.

We put this principle to the Department of Home Affairs, which has proposed that, under the Code of Practice to be issued under clause 26 of the Bill, the Department would be empowered to specify what information should be included in the Surveillance Commissioner's Report. The Code would require that all public authorities should provide prescribed information for inclusion in the Report, so that the Commissioner would have a full list of directed surveillance.

The terms of the Code itself, under clause 26(8), would first have to be approved by Tynwald. We consider that this mechanism would meet the principle, and so we recommend.

Paragraph 19 of the main Report covers national security, and it relates to 'prejudicial to national security or to the prevention of detection of crime'. The exclusion by the Department of matters provided for in clause 25(5) on the grounds of national security or the prevention of detection of crime should only be possible following the endorsement of that direction by the Chief Minister, advised by the agency concerned and the Attorney General.

We reached this conclusion, because the judgement of such matters is essentially subjective and needs to be verified by those at a distance from the initial authorisation – that is, whether it is involved in the first authorisation. This mechanism is accepted by the Department of Home Affairs, and we so recommend.

Paragraph 20 relates to independent validation, and this is the second part of our general principles. The second principle is that authorisations should be independently validated in all cases, even in an emergency. We suggested that authorisation should be given, as soon as possible after the event. We suggested 48 hours, but representation since the publication of our main Report have been accepted by your Committee and instead of 48 hours, we have accepted it to read 'two working days'. This takes into account holidays and weekends.

If you note paragraphs 3 and 4 in the Supplementary Report, that deals with this issue, but we are very happy to accept that amendment.

The authorisation to be provided by an independent person, paragraph 22 of the main Report, either the Commissioner or a deputy, as suggested by the Department of Home Affairs or, if not available, we are suggesting either

the judiciary or the magistracy presently responsible for issuing warrants for search, seizure and arrest, and we so recommend, in the recommendation 57(iii).

In regard to resources, the Committee was quite concerned that the cost of the introduction of the Bill was put at £155,399 per annum and three full-time equivalent personnel. We were told that a case will be made by the Department of Home Affairs budget submission for 2006-07, when the impact of the additional workload has been more fully appraised.

This claim is, in fact, at odds with the protestations of the Police in evidence to us that they have been implementing this regime prescribed by this Bill for some years. They also claimed their approach to surveillance had meant that other duties had been given lower priority. So, it would appear that there is no evidence that additional resources are needed, merely as a result of the passing of the Bill. It would appear that is an issue of overall allocation of resources, something that we all have to do.

Comments on clauses: clause 4(3) relates to directed surveillance, which allows for the collection of private information. This relates to paragraphs 29 and 30 of the main Report.

We felt that, in principle, access to private information for any purpose of Government ought to be exceptional, insofar as that there are specific areas in which it is more likely to be needed, such as certain police and Social Security measures, where already specific, and where already specific and targeted powers are available. But in view of the proposal by the Department of Home Affairs in relation to independent validation, we are now satisfied that sufficient safeguards would be in place, with regard to private information.

Clause 7(2) excludes damage from civil liability. The feeling of the Committee was that the course of law should run as usual, and we are glad to record that the Department of Home Affairs is in agreement to this.

There were a number of concerns around clauses 10, 11 and 13 in relation to persons authorising surveillance, to believe that the necessary grounds exist for that surveillance. We suggested that the Chief Constable and the Chief Constable agreed with the Committee that the intent would be clearer, in the event of a legal challenge, if the word 'reasonably' was inserted. The Department of Home Affairs agrees with this change.

There are other issues regarding economic well-being, and we found, after investigation, that there is no definition of this concept. Both the Police and Treasury suggested it would be likely to be linked to the notion of national security and, as you will see in article 8, there are separate grounds for this exception, with economic well-being being separate from national security. Your Committee did not accept that the one was necessarily linked to the other.

Treasury has acknowledged that there has been no desire to use the 'economic well-being' clause to justify surveillance of commercial life. The Department of Home Affairs said, in evidence:

'It is agreed that the reference to economic well-being of the Island was difficult to justify and should be removed from the Bill, subject to any issues being raised by the Treasury that will justify inclusion.'

Therefore, we recommend that all references to 'economic well-being of the Island' should be deleted from the Bill. It has been agreed.

Your Committee were concerned that, by having the

provisions of this Bill, it could be used as a shortcut to gaining information that could be gained by using other methods, when the convention of Human Rights was clearly intended to protect an individual's privacy. We recommend that intrusion should be kept to an absolute minimum and should be qualified by a requirement that the information sought by means of surveillance could not reasonably be obtained by other means. We are pleased to record that the recommendation has been agreed by the Department of Home Affairs.

Paragraph 42 of the main Report deals with intrusive surveillance and retention of information.

When intensive surveillance has taken place and information is gained, but then the order is quashed by the Surveillance Commissioner, the legislation, as drafted, states that the Commissioner may order the records to be destroyed. Your Committee heard no compelling case for the retention of this information, if it had been improperly gained or the authorisation was quashed.

Your Committee recommend destruction within six months of the quashing, save where it is to be used in proceedings commenced within that period, in the case of an officer obtaining information improperly, to enable action to be taken against that officer.

Customs and Excise have drawn to our attention that much of their surveillance information would be sent to other authorities. They required to know what would happen to that, and also information that was just not used at all.

After detailed discussion, your Committee remained of the view that that information should be destroyed. After listening to the representations made, we suggested extending the provision, and suggested the following recommendation:

'all information acquired by means of surveillance should be destroyed within two years, unless it is to be used in proceedings commenced in that period, and if it is supplied to another jurisdiction it should be supplied subject to such a condition.'

That has been accepted by the Treasury, and also by the Department of Home Affairs, and the Committee thanks the Department and Treasury for that agreement to that.

If I refer back to the main Report, the Bill, as written, does not require Tynwald approval of the Code of Practice. Your Committee is clearly of the view that Tynwald should positively approve the Code and debate its contents. The Department of Home Affairs has agreed to this and we so recommend.

I wish the Member next to me would stop telling Members how many more pages I have got. I have got three more pages.

Clause 27 relates to:

'A failure on the part of the person to comply with the provision of a code of practice for the time being in force under section 26 shall not of itself render that person liable to any criminal or civil proceedings.'

Your Committee saw little point in imposing standards and procedures in the Code, if they could be disregarded with impunity, so we recommend the introduction of a criminal offence of non-compliance with the legislation.

Following representations by Customs and Excise, it was suggested to us that this could lead to defence lawyers seeking suspension of officers or disqualification of evidence on the ground of criminal activity, which could lead to failure of the prosecution, when, in fact, the substantive merits of

the case would lead to conviction.

Your Committee were persuaded that public confidence would be maintained if it was shown that enforcement action was taken by an independent body of the officers or officer at fault.

Our proposal now is that we are satisfied that the Surveillance Commissioner should be charged with ensuring that appropriate disciplinary proceedings against defaulting officers are, in fact, taken. This would make it unnecessary for a criminal offence to be created.

We, therefore, modify 57(x) to read that clauses 27(2) should be deleted, retaining normal civil liability, and that the Surveillance Commissioner should be responsible for ensuring that failure to comply with the requirements of the Bill is subject to appropriate disciplinary procedures.

There are just another couple of points, Eaghtyrane, before I finish. We also suggested that clause 28(2) should be amended to refer only to orders under clauses 28 and 32. The drafter confirmed that intent.

Clause 32: we suggested that Codes should be approved by Tynwald, prior to an Appointed Day Order. We also suggested that the schedule should be amended to remove local authorities.

In recommending the Reports to the House, I would like to place on record my thanks for the co-operation, not only fellow members of the Select Committee whom the House gave the responsibility to look at this legislation, but also the consultation that we were able to take – very positive consultation that I found very helpful, and that I would hope that the House would look to doing more of in future, to make sure that, especially in this instance, Human Rights are protected and given the fullest of consideration, before legislation is brought in.

What we are now suggesting is that the Government considers our recommendations, and I would hope the House will support the recommendations in both of these Reports, which are as follows:

- (i) that the Code of Practice issued under clause 26 should require public authorities to report all surveillance to the Surveillance Commissioner.*
- (ii) that exclusions from the Surveillance Commissioner's Report should be endorsed by the Chief Minister on the advice of the agency concerned and the Attorney General;*
- (iii) that all authorisations for surveillance should be independently validated, either before or after the event, by the Surveillance Commissioner or a deputy Commissioner or, if not available, by the judiciary or magistracy presently responsible for issuing warrants for search, seizure or arrest;*
- (iv) that subclause 7(2) should be deleted;*
- (v) that the word 'reasonably' should be inserted in clauses 10(2), 11(2) and 13(2) before 'believes';*
- (vi) that all references to the 'economic well-being of the Island' in clauses 10(3), 11(2) and 13(3) should be removed from the Bill;*
- (vii) that clauses 10(3), 11(2) and 13(3) should be qualified by a requirement that the information sought by means of surveillance could not reasonably be obtained by other means;*
- (viii) that all information acquired by means of surveillance should be destroyed within two years, unless it is to be used in proceedings commenced within that*

period, and if it is supplied to another jurisdiction it should be so supplied subject to such a condition.

(ix) that the Codes of Practice should be subject to Tynwald approval – clause 26(8);

(x) that clause 27(2) should be deleted, retaining normal civil liability, and that the Surveillance Commissioner should be responsible for ensuring that failure to comply with the requirements of the Bill is the subject of appropriate disciplinary proceedings;

(xi) that clause 28(2) should be amended to refer only to orders under clauses 28 and 32;

(xii) that clause 32 should be amended to provide that no Appointed Day Order should be made until the initial Codes have been approved by Tynwald;

(xiii) that the reference to local authorities in the Schedule should be deleted.

I hope that the Government will then be able to introduce the amendments, or even, if they feel necessary, to reprint the Bill prior to it coming back for its clauses stage.

So, I thank everybody for their very constructive work on this piece of legislation, and I thank the Members for their attention.

Thank you, Vainstyr Loayreyder.

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

Mr Gawne: Gura mie eu, Loayreyder.

I rise to second this, and, certainly, to echo many of the points that the mover has made. I do feel that, regardless of how Members, ultimately, vote on the recommendations and on the Report itself, this has been a good example of how Select Committees of the House can work with Government, to actually achieve a positive result.

I recall, when I first wished to move for the ROSE Bill to be sent to a Committee, there was not an awful lot of concern amongst Members, when it went through Second Reading. I think there were only three people who voted against, and I must put on record my thanks to the Minister at the time, Minister Braidwood, for agreeing to reconsider the situation.

I do feel that if the Committee's Report, the recommendations, are agreed, then we will have a much better piece of legislation than we had before. The piece of legislation, as was, probably would not have made an awful lot of difference to most people's lives, but it did allow for a fairly unrestricted amount of surveillance to go on, with – I felt, certainly at the time, and I still do feel – limited safeguards.

I feel that what your Select Committee has done is reviewed the legislation, and found a number of ways in which more stringent safeguards can be introduced, without undermining the purpose of the Bill. I think that has to be a good thing.

It is certainly a good thing, I feel, for our citizens, who will now have a greater degree of protection than they would have had, had the original Bill gone through unchallenged.

So, I am very pleased with the way that we have been able to work with Departments, with Home Affairs, Treasury and Customs and Excise.

I suppose the only remaining point of contention is the issue which Treasury has with regard to economic well-being. Certainly, the Committee feels very strongly that any examples that we have heard, so far anyway, whereby

surveillance should be undertaken into economic well-being would be covered by one or other of the other areas which are allowed under the Bill.

So, I do not really think that we need to include economic well-being, because it then opens up a large area of doubt as to exactly what economic well-being means. When we have asked the question of various persons who have given us evidence, as to what exactly they can define economic well-being as, what circumstances we would wish to have investigations carried out into economic well-being, they have not been able to give a clear example or clear definition of what exactly is meant by that point.

My concern is that we are giving, in this Bill, a certain degree of power to authorities to investigate persons' lives without their knowledge, and if we cannot actually define what it is that we are allowing the various forces to investigate, then we really should not be giving them the power to do that. So, I am pleased that we have come up with the recommendation that economic well-being should be removed. If Treasury can actually find a clear definition as to what is meant by that, and can show and clearly demonstrate that there are examples where this provision is required, we would be very interested to see it. But the only example, I think, that the Treasury has come up with is actually on the final page of the large Report. You actually look at that – and this is in relation to intimidation. Well, intimidation is, as I understand it, not a lawful practice, so if people are going to undertake intimidation of bank staff or whatever, then they can be dealt with under one of the other sections relating to criminal offences.

So, I do think that we have got everything covered, with that single exception of economic well-being. I think we have agreement with the relevant Government Departments on all issues.

So, I am very happy to support the Report and I commend it to the House.

The Speaker: Hon. Members, now that the motion has been formally presented and seconded, can I just advise Hon. Members how I intend to deal with this.

We have had circulated before us a white paper with the 13 recommendations of the Committee, which consolidates both Reports. I intend to put each recommendation individually to the House to determine whether or not they support those recommendations.

Hon. Member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

Mr Speaker, can I first offer my congratulations to the Committee for an awful lot of hard work. Both Reports are of great interest, and I feel that, as the hon. mover, Mrs Hannan, has already stated, this is exactly the function of such a Committee to do this work, but I would also, in particular, like to commend the Hon. Member for Rushen, Mr Gawne, for bringing these concerns before this Hon. House and causing the Committee to be so formed.

Now, there is one area that I feel sits outside what may have been looked into by the Committee, and I would be grateful for the comments of the hon. mover on this, and that is the activities of phone tapping under the Interception of Communications Act, currently. The Hon. Member, Mr Gawne, put a sufficient argument forward that caused this Committee being formed, of the activities that could be taken against Hon. Members of this House and another place, for their political activities.

Now I have very serious concern, Mr Speaker, and very serious suspicion that Members of this House – myself being one – have had their phones unlawfully tapped (**A Member:** Shame.) – very serious concerns. I have made application to the Tribunal under the Interception of Communications Act. I have written most recently to Her Majesty's Attorney General for advice to see whether Members of this House have had their phones intercepted.

Mr Shimmin: Point of information, Mr Speaker.

As the Hon. Member has now raised this issue, and I would not have done, he has indeed questioned as to whether he has been intercepted, and he has been proven not to have been. Therefore, he is now making allegations, as if this is something which may be out there.

He has had the answer to that, on his request, and there is no case to be found. Therefore, raising this now as a spectre I believe is unhelpful and unwarranted.

The Speaker: Thank you Hon. Member for Douglas West, Mr Shimmin.

Hon. Member for Douglas North, continue, and I do not think that you need to continually go into major details of other cases.

Mr Houghton: And I do not intend to, Mr Speaker, because that is an issue for another day, as far as what has happened in the past, because we need to be working to the future, in this particular case.

Recently, information has come out, Mr Speaker, that under the former Prime Minister, Mr Wilson, in his time, he had a doctrine, that has been running for 40 years, whereby Members of Parliament... there was a ban on phone tapping of Members of Parliament for a period of 40 years. There is discussion now as to whether that ban would continue.

In support of the original concerns of the Member for Rushen in this matter, as far as political activities and, of course, the political Members having their telephones bugged, as it were, in respect of their activities, how much – and this is what I am coming to now – of this particular area was considered by this Committee? Was there due consideration given to this element? That is the first question.

Secondly, is there any legislative amendment coming forward, in order to bring the Interception of Communications Act under the auspices of this Bill? If not, would they welcome an amendment to that area, because, as I say, one now tends to interlock with the other, under this Bill.

This Bill, if enacted, being the second Act of Tynwald, as against the first Act being the Interception of Communications Act: would the legislation under that second Act, i.e. this Bill, overtake, in some way, the Interception of Communications Act?

As I understand it, Mr Speaker, when one Act supersedes the other, the second Act is the one that is actually the one being, in law. Would that cause a problem with the first Act, i.e. the Interception of Communications Act, where it, in itself, would be – what is the word, when an Act is withdrawn? (**Mrs Cannell:** Rescinded.) – rescinded, (**Mrs Hannan:** Repealed.) repealed?

It is a concern that... Possibly, I may be putting the Hon. Member under some quite considerable pressure here –

Mrs Hannan: No, you are not.

Mr Houghton: I am very grateful, if she is able to answer

that particular point, because it is very important, there are very important points that really do need answering, and that was the purpose of laying this before the House this morning, Mr Speaker, and I am grateful to you for that.

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

Mr Shimmin: Thank you, Mr Speaker.

I want to start with the background, the Report and the future for Hon. Members, so there can be some clearness in their views.

The background was predominantly in order to satisfy a long awaited aspiration that we can comply on the Island with the Human Rights legislation. At that time, my predecessor and the Department were looking at equivalent legislation in the United Kingdom, known as RIPA, and it was determined, at an early stage, that the Isle of Man needed a level of legislation more appropriate to the Island, rather than to merely inherit or replicate what was going on elsewhere.

So, there was a sincerity behind the Department then, to try and actually get a piece of legislation which would make us Human Rights compliant, but would also reflect the current practices going on within the Island.

To an extent, I think that is where we got ourselves into a little bit of confusion, because the main part of the ROSE Bill was replication of what we already did, but putting it on a statutory footing. That was seen by the Department as being a helpful and expedient way forward to achieve the aspiration of Human Rights.

As the hon. mover has already indicated, the predominance of the legislation was intended to mirror what was already done and, therefore, it was not introducing greater powers for operational practice. The Police, predominantly, I can speak for, were already carrying out good practice from the UK, as if they had the legislation already in place.

We then move to the Committee, and I would replicate the comments of the mover and the seconder that I believe this is an example of extreme good practice within the manoeuvring to bring forward a Report to satisfy the House, but also to reflect comments of those other parties involved.

So, I am very grateful for the way in which the Committee conducted themselves and, indeed, they sent a draft Report to my Department and others involved, in order for us to try and comment on accuracy implications and to consider their recommendations.

It is fair to say that the recommendations that the Committee put in were actually quite stringent on my Department and the Police. This should not be seen by anybody as being a cosy arrangement between the Committee and the Departments, because the Committee did push quite hard for a number of changes which will actually produce some difficulties.

But, on balance, the Department felt that the overwhelming need for Human Rights legislation and the legitimate concerns raised by the Committee were worthy of support.

The Police Service have accepted the importance of moving forward with this legislation and, although they have expressed some concerns and disappointment that they have not achieved everything that they would have liked, from an enforcement point of view, they have acceded to the Department and the Committee's position of being supportive.

So, within the Report, we, as a Department, will be

supporting it, and Council of Ministers will be supporting it. We believe that we can work with these powers, but it is worth putting down a certain couple of markers as to the future. The Hon. Member for North Douglas has just raised one issue which may need to be looked at, but, certainly, when supporting the principle of accountability, there does have to be a balance between the legislation becoming bureaucratic and unworkable.

I believe, at the moment, we can work within the recommendations of this Committee, but I think that the House ought to be aware that, whilst protecting the rights of innocent individuals, so that their private lives are not interfered with, the balance is the growing sophistication of the criminal element on the Island and elsewhere, who actually make every effort to manoeuvre their positions around the process, as much as by the actual cases that they are being charged with.

Preparing cases against serious and organised criminals, which, inevitably, now may involve use of mobile telephones, high-tech crime – we are not immune to any of this. Indeed, persons can come to the Isle of Man, if they believe that there is a weakness over here in our legislation or powers, in order to transact criminal activities. Reputationally, that is extremely dangerous for the Island, and we do have to give the enforcement bodies the tools in order to do their job.

I did mention that the attacks from the legal profession, when defending their clients, are quite often against the process, rather than the actual offence. That needs to be borne in mind, that if we make a system which is too bureaucratic or has too many get-outs for the criminals, although we may be protecting innocent people's rights, we may be disadvantaging the powers to prosecute successfully those who do commit offences.

All of these issues are a concern which we will deal with within the Department, and I am grateful for the way in which the Committee has listened and tried to absorb some of the comments made by ourselves and Customs, to actually put that into amendments which would be acceptable. So, there may well be a time in the future when the Department will be looking towards an improvement in certain aspects, but that would have to come through its normal process. Therefore, I think Tynwald should be reassured that both the Codes and any further legislation would be controlled by the will of Tynwald.

The future now is that I will be seeking permission from the Speaker and the House to take over this Bill from my predecessor, Mr Braidwood, who introduced it into the House. If that is acceptable, it seems to make more sense that the mover should be the person responsible within the Department at the time. So, I will be approaching the Speaker regarding that, and my Department is already now working up amendments which would satisfy the recommendations of the Report.

Indeed, Mr Speaker, you suggested that all of the items would be voted upon separately. I would be quite comfortable were they to be grouped together and would be supportive of them en bloc, because individual Members have seen, in the past, where if we isolate out certain aspects... There is a balance within this Report and the recommendations, and I would just urge the House to consider whether that actually would be beneficial to take them as an en bloc piece of work, rather than, potentially, compromise it, by individually separating out any parts of it.

So, we will be working quickly. We know the timescale

of the legislative year is coming on, and Council of Ministers has agreed to support these, in order that we can make sure that the aspiration of achieving Human Rights legislation is compiled with before the termination of this House.

So with that, I am very supportive and grateful to the Committee, sir.

The Speaker: Hon. Member for Peel, Mrs Hannan to reply.

Mrs Hannan: Thank you, Vainstyr Loayreyder.

I thank Mr Gawne, my fellow member, for his comments and his clarification of economic well-being.

I think I have just got Mr Houghton's comments to deal with, really. The UK Bill is more extensive than the Bill that we have before us now, but the reason for that is that this was felt necessary to bring this in for surveillance, and the phone tapping and everything else of the UK Bill will come in later. It is very detailed legislation, and I would have thought that, when the House gets to that sort of stage, a committee should also look at that.

I really feel, and I hope that Members will agree, that this exercise has been time consuming, not only of the Members of this Hon. House, but also of officers of the House and also officers of Government, but I feel that it has been very worthwhile.

So, I confirm to Mr Houghton that there will be more legislation, and the Police were actually pressing at the time that this was coming forward, something like three years ago, that it should be all in one, but it was felt that this should be dealt with first, and it took an awful long time. Ownership of the legislation was very difficult to actually pin down. It was a bit like jelly. Everybody knew about it, but it was not really fully taken on, I would say, by some of the areas and the Police wanted it to go further.

So, that is the reason why it is in the form it is in now, covering this area, and later on, Vainstyr Loayreyder, there will be communications. So, this does not override any legislation; this puts in place the surveillance and the control of surveillance.

I thank the Minister, Mr Shimmin, for his comments. I agree with him about the balance.

I also agree with him about criminal activities and enforcement, and this is why I think that the Committee has been quite clear in its recommendations, that, yes, there is a need for this legislation. It should be controlled and we should have an independent Surveillance Commissioner. That Surveillance Commissioner should be available, and if that Surveillance Commissioner is not, there should be deputy, or there should be someone else to authorise. So, we absolutely go along with that. We have absolutely no problem with that.

But we feel in Human Rights legislation, section 8, that people's privacy should be protected. This is the balance that is being brought forward, and I urge the Members to support. I have no problem with all of the issues being voted on together, if that is what the House wishes.

The Speaker: Now, Hon. Members, I have heard what is being said by the proposer and by the Member for Douglas West, about putting these collectively, but I do think they are important issues in their own right. As I indicated, I think the principles the House needs to be absolutely clear on, and other Members may have a different view.

Therefore, I still intend to put these recommendations individually, and there are 13.

So, Hon. Members, you have a white sheet of paper and I put, first, recommendation (i). All those in favour, say aye; against, no. The ayes have it. The ayes have it.

I put recommendation (ii). All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Recommendation (iii): all those in favour, say aye; against, no. The ayes have it. The ayes have it.

Recommendation (iv): all those in favour, say aye; against, no. The ayes have it. The ayes have it.

Recommendation (v): all those in favour, say aye; against, no. The ayes have it. The ayes have it.

Recommendation (vi): all those in favour, say aye; against, no. The ayes have it. The ayes have it.

Recommendation (vii): all those in favour, say aye; against, no. The ayes have it. The ayes have it.

Recommendation (viii): all those in favour, say aye; against, no. The ayes have it. The ayes have it.

Recommendation (ix): all those in favour, say aye; against, no. The ayes have it. The ayes have it.

Recommendation (x): all those in favour, say aye; against, no. The ayes have it. The ayes have it.

Recommendation (xi): all those in favour, say aye; against, no. The ayes have it. The ayes have it.

Recommendation (xii): all those in favour, say aye; against, no. The ayes have it. The ayes have it.

And recommendation (xiii): all those in favour, say aye; against, no. The ayes have it. The ayes have it.

I now put motion 3.1 and all its recommendations, collectively, to be approved. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Thank you, Hon. Members.

BILL FOR SECOND READING

Disability Discrimination Bill Second Reading approved

4.1. Mr Rodan to move:

That the Disability Discrimination Bill be read the second time.

The Speaker: We now move on to Item 4.1, which is Bill for Second Reading, Disability Discrimination Bill, and I call on the Hon. Member for Garff, Mr Rodan.

Mr Rodan: Thank you, Mr Speaker.

Mr Speaker, traditionally, the avoidance of discrimination against people with a disability has relied upon a combination of voluntary and self-regulating measures. Research carried out in the Isle of Man into disability discrimination in the late 1990s found there was significant evidence of discrimination against people with a disability in many walks of life.

The research concluded that although the great majority of discrimination found was not felt to be deliberate, recommendation was made that legislation should be introduced to protect people with a disability from discrimination. Indeed, since the early 1990s, many First World economies have taken steps to provide statutory rights to disabled people.

The Bill before Hon. Members today is based upon the principles contained in the Disability Discrimination Act 1995 of England and Wales. It does not, however, address the issue of discrimination in relation to employment, which will be dealt with by separate measures proposed by the Department of Trade and Industry.

The Disability Discrimination Bill 2006 will give people with a disability a coherent legal framework in keeping with the requirements of a modern and dynamic economy. The Bill will provide protection against discrimination for people with a disability, as they live their normal lives, by introducing measures to prohibit discrimination in connection with the provision of goods, facilities, and services to the public. It will also seek to eliminate less favourable treatment in provision and disposal of premises.

The Economic Affairs Division does not consider that the Bill will have any significant adverse impact upon the Island's competitiveness. There has been, Mr Speaker, an extensive period of consultation carried out over a number of years with various Government Departments, voluntary organisations, disabled people and the Chamber of Commerce.

The Bill, as I have mentioned previously, is based upon the Disability Discrimination Act 1995 in England and Wales. It does not, however, contain any specific requirements, as the 1995 Act does, concerning education and transport in the primary Bill. It does give the ability to make regulations in these areas, as well as a number of other areas.

Members will note that, in the explanatory memorandum, it is stated that:

'Protection for disabled people will be less regulated than in other jurisdictions.'

Mr Speaker, this comment refers to the primary legislation only, and I do wish to emphasise that it is the intention that further appropriate measures will be brought forward by regulation, allowing for more further detailed consultation with the relevant Departments of Government, interest groups and others affected.

Part 1 and schedules 1 and 2 provide a definition of a disabled person for the purposes of this Bill. People with past disabilities are also afforded protection by the Bill.

'Disabled person' is described as someone with a physical or mental impairment, which has a substantial and long-term adverse effect on his or her ability to carry out day-to-day activities.

The Department will be permitted to issue guidance about matters to be taken into account in determining whether an impairment has a substantial adverse effect that is long-term. This guidance will be used by the High Court, if it considers it relevant when determining whether a person is or was disabled. It can also be used to describe effects that are to be regarded as substantial and whether they are to be considered long-term.

In developing such guidance, the Department shall consult with appropriate people, and the approval of Tynwald is required before it comes into operation.

The main provisions of the Bill are contained in part 2, which applies to providers of goods, facilities and services, and also to persons with power to dispose of premises. This part makes it unlawful for a service provider to discriminate against the disabled person by refusing, or deliberately not providing, any service it provides, or is prepared to provide, to the public.

In the standard of service that is to be provided to the disabled person, the manner in which it provides it, or in the terms of which it provides a service to the disabled person, it will also be unlawful for a service provider to discriminate by failing to comply with a statutory duty to make reasonable adjustment, if such a failure makes it impossible, or unreasonably difficult, for the disabled person to make use of any service.

This part also makes it unlawful for landlords and other persons to discriminate against a disabled person in the disposal or management of premises in certain circumstances.

Any person seeking a remedy for unlawful discrimination may issue civil proceedings, with the help of the Attorney General, in the High Court. The Department is also required to make arrangements for the provision of advice and assistance to disabled people, service providers or those owning or renting properties.

The Department is also required to make arrangements for providing assistance and conciliating in disputes arising from part 2 of the Bill, by appointing a relevant person or persons to provide such a service.

Mr Speaker, part 3 is supplemental to the Bill. It sets out circumstances in which a person is considered to be discriminating against the person, by way of victimisation. It also shows how people will be considered to be liable for acts committed by others in the course of their employment.

Part 4 of the Bill contains miscellaneous provisions, which include a clause on interpretation. It also permits the Department to prepare codes of practice on any matter, with a view to providing guidance on matters concerning the Bill.

Codes of practice will be used to inform the public, providers and practitioners, etc, on what the Bill requires to ensure that discrimination does not occur.

The Bill also provides for the ability to make Appointed Day Orders on the whole Bill or parts of the Bill. It would be the intention of the Department to phase in the implementation of different parts of the Bill, particularly with the introduction of guidance and regulation.

In the UK, Mr Speaker, similar legislation introduced in 1995 was phased in, over a 10-year period of time. In the judgement of the Department, it is felt that, to bring in all the requirements of the Bill immediately, would not work. Appointed Day Orders would need to look at the requirements of each individual area.

An example would be, say, of a taxi provider who has just bought a new taxi which may not be disabled-friendly. It is felt that it would be unfair and unworkable to make that taxi provider buy a new taxi immediately, but, rather, when they were purchasing a new vehicle, it would be reasonable to require that the vehicle be equipped to be suitable for disabled people.

Many Members will be aware of the lengthy time it has taken to consult on the contents of the Bill. Government Departments, voluntary organisations, professionals, individuals with a disability, and the Chamber of Commerce have been consulted on the contents.

During this process, it became evident that more lengthy earlier drafts would give some difficulty to those who have to implement the Bill as it was. It was felt by the Department that these parts of the Bill should be the definition of disability in section 1, and the principles contained in sections 2 and 3.

To make the legislation all-embracing would be both impractical and interminable. The Department judged that it was best, under the circumstances, to introduce legislation which enshrined those important principles and to enable the detail of what was necessary to avoid discrimination to be contained in the terms of regulations which will, subsequently, come forward to Tynwald for approval.

Members may also be aware that, recently, legislation has been introduced in England and Wales – the Disability Discrimination Act 2005 – which builds on the 1995 Act. It introduces a duty on all public bodies to promote equality of opportunity for disabled people and extends the provision of the Act to private clubs. The Department feels that the introduction of additional powers in the Isle of Man should only be considered after the present Bill has had the chance to be placed on the statute book and its provisions implemented.

It is a case, I would suggest, that we have to do things incrementally, and this will be more effective than attempting to achieve very significant change all in one go.

Mr Speaker, I ask Members to support the Bill before the House.

The Speaker: Hon. Member for Peel, Mrs Hannan.

Mrs Hannan: Vainstyr Loayreyder, I beg to second.

In seconding, could I just confirm that this Bill has been out to extensive consultation, over the last four years. We had someone who, first of all, took it on on a consultancy basis and looked at it. Then, after that, the Director of Social Services followed up with consultation, at the request of the then Minister. After that, this legislation has been drawn up and is now before this Hon. House.

It does not go as far as the United Kingdom legislation goes, at present, because it has had new legislation which has brought things up, after this 10-year period of introduction of the aspects of this legislation. So, we must get things in context, that this related to the 1995 Act in the United Kingdom, but we have been looking at it over the last four years.

Members might criticise us that it has taken a long time, but it threw up all sorts of problems. It threw up problems about buses – well, many of these problems have now been resolved – but, also, trams and trains and airlines, and all of these sorts of issues.

Of course, airlines now have got smaller, not bigger, so it is even more difficult now than it was four years ago to get wheelchairs and any sort of aids onto planes. So, in actual fact, instead of being easier, since we first started to look at, it is now more difficult in these particular areas. This is why we had to go out to further consultation.

We, also, had to go out to further consultation with the Department of Education, knowing all their extensive estate and the age of their extensive estate, and the state of it – at least, I knew most of these. Even the more recent schools being built are very, very difficult to cope with, if they are not developed in a disability-friendly way – and many are not.

So, there is going to be a cost. We heard, only last month, the Minister for Education moving for money to upgrade for disabilities in many of the schools. There are these areas where we have to consider the issues which have been raised.

I just commend the Bill that is before you today.

Thank you, Vainstyr Loayreyder.

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

Mr Gill: Thank you, Mr Speaker.

If I can just pick up on one example that the mover cited, in his introduction, which is the example about a taxi. If a company has bought a taxi which was not compliant with this legislation – or the principles of this legislation – then the reasonableness test would be invoked. They would say, 'Well, when the life of that taxi is over, you would be expected to purchase a vehicle which is disabled access compliant' – and that is fine. So that is so far, so good.

There is always a problem with the reasonableness test, in that one person's reasonableness is another person's unreasonableness. It is never quite as straightforward. I just wonder if that principle would extend to other vehicles and the seconder has just answered some of my questions. I have noted about buses.

What if, for example, a local authority was buying a refuse vehicle? Would it be possible to argue the fact that if that is not disabled access friendly, then you are discriminating against employing people with a disability?

It would be easy to laugh at that and say that is just ridiculous. Well, I do not think that it is ridiculous. I think it is the kind of issue that this Bill has to address. Where do you draw the line? Where do you say, well, that would be unreasonable? Is it going to be expected that the next white van man – the next vehicle that he buys – has to be disabled access friendly, as well?

I am sure there is a spectrum there, and the Minister will be very clear about where reasonableness kicks in and unreasonableness begins.

We do have the potential – and we have seen it in other areas of Government – where over-zealous application can be as much of a problem as it is a solution. I just wonder if the mover could give us some comfort about the checks and the redress measures, for anybody who feels that the application of these provisions is being over-zealous, or unreasonable, or inconsistent – if the Minister could just give us some comfort and some clarity about those matters.

I do raise those as concerns but, otherwise, I would like to conclude, Mr Speaker, by saying that I think this is a very welcome Bill. It is overdue, but that is not a criticism of the Department, because there are perfectly legitimate reasons for that.

I welcome the principles of it, and I just hope the mover can clarify and comfort that the principles will be reflected into practical, working applications.

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

Mr Corkill: Thank you, Mr Speaker.

I rise to give this Bill my full support and I think that, as the Island renews its infrastructure at quite a rapid rate, compared with decades gone by, there is an absolute moral duty for us to take disability into account, when renewing that infrastructure and whether that is buildings, transport, whatever it is. I wish to commend the Department for bringing this Bill forward.

The Minister may be interested to note that a particular architectural practice on the Island is already targeting business on the Island, with a view to its providing services to help businesses comply with the recommendations of the Disability Act.

The question I have of the Minister is on the basis that

this is creating interest and, therefore, there is a cost – and my belief is that the cost is worth bearing, because of the outcome of what it will do – but there is a cost, and that is highlighted on the explanatory memorandum at the front of the Bill, which is why the Bill, if approved, is going to be brought in over a period of time.

But I just want to know from the Minister that Isle of Man Government will inform local businesses of the Manx requirements – because this Bill is a bit different from the United Kingdom, as previous speakers have said – before they get bombarded too much, from other types of business saying, ‘You must have this done and you must have the other done’, and, perhaps, decisions being made a bit prematurely by business.

I think everybody is cognisant of the requirement of this, so it is that phasing of implementation that I would be interested to hear more about.

In reading this Bill, in my mind, Mr Speaker, there was a slight parallel with debates we have had, in years gone by, over Health and Safety. I am a great supporter of Health and Safety legislation. I think it has done a lot of good things for people’s welfare, but, in some ways, there is an element of Health and Safety that has got tarnished, because of the way it has been implemented, or been perceived to be implemented, perhaps over-zealously on easy targets. This Hon. House and another place have taken an interest in that.

So, I think it would be unfortunate if disability discrimination legislation proceeded in that same way, and then, all of a sudden, it became an obstacle. The way this legislation is to be implemented on an encouraging basis, rather than the ‘big stick’ approach, so that providers of services are actually encouraged to do the right thing, I think is very much the right way. But we all know that, without the legislation, there will always be some residual reluctance to actually comply, so we do need the legislation.

So, I would be interested to hear more from the Minister about how he envisages it being implemented, once it becomes law.

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

Mr Cretney: Yes, thank you, Mr Speaker.

I am in support of this legislation. In fact, it has been a long time being generated, and I think that is right in terms of its consultative process, etc.

I think, just for the record, though, when the Minister responds, if he would be so kind... He did use the analogy about a taxi, and that a person who had just purchased a taxi which was not disabled compliant could, in terms of this reasonable test, then make it clear that, when they were going to buy a further vehicle, that would have to be such. I wondered if he could explain, for the benefit of the record, how that will be in regard to, for example, hotel premises.

We have lots of Victorian hotel premises, which this is clearly going to be an issue for, and, perhaps, retail premises. Does he agree with me that there will need to be some support available, through some mechanism, to assist small business proprietors in this regard, in terms of their obligations under the Act?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

I do thank Hon. Members who have spoken, and I sense a mood of support for this long overdue legislation, which I think is one of the measures that marks out an advanced economy and a civilised society, and a Government that makes sure that it has a protection in for all its members.

I thank the seconder, Mrs Hannan. I think she illustrated quite well that the issues covered by the legislation are, in fact, quite complex. As the debate went on, examples of this were given by other Members, and that is one of the reasons for the extensive period of consultation: the fact that, in primary law, it would be impossible to cover every situation and every eventuality.

Early drafts, as I referred to, of this legislation, had provision, like the UK, for transportation, including public transportation, and education. This, in itself, was felt to be discriminatory, by highlighting what are two areas of life – what about the other issues?

I think her example of smaller aeroplanes, and their need to adapt, was a good example, and I think the key to progressing into the areas that the legislation is intended to cover will be ongoing consultation with interested parties, as we draw up guidance and regulations, which will come to Tynwald, ultimately, for final approval.

The Hon. Member for Rushen, Mr Gill, went on to develop this particular theme, giving the example of the taxi that I gave as an example of the reasonable test being invoked. He is asking whether that reasonable test will be extended to buses, and I think he said refuse vehicles, and gave examples of how, if it was not disabled access friendly in these examples, then we would be discriminating against employees.

Of course, the first point I want to make about that is the discrimination in employment legislation is a further measure to come along, and it will cover areas within employment, which will also be of interest to us.

I do very much take his point about over-zealous application of the law, and the Hon. Member for Onchan, Mr Corkill, I think, was referring to this, as well, which is why we do need time to give businesses, and those in the private and the public sectors, time to adjust and adapt. I think it is very clear, from the legislation, that it is the reasonableness test that will be at the forefront in working through this legislation.

The comfort, of course, at the end of the day that one can offer is that Tynwald will have the final say on these matters.

The Hon. Member for Onchan, Mr Corkill, I think was right to highlight that, as we renew our infrastructure, we do have a moral duty to ensure that it is disabled-friendly as we go along, and gave the example of a particular architectural practice which sees a business opportunity for itself, in approaching owners of premises who will be, it is felt, required to adapt those premises and, of course, hopefully to engage that particular architectural practice.

Yes, part of the ongoing consultation and setting out of what exactly is required will seek, I believe, to avoid undue pressure on providers of premises to fall in line, just because it is a perception that they have to do so. It is the reason why we are phasing in.

On the other side of this, talking of business opportunities, there is actually extremely good business reason and business sense for providers of services and premises to capitalise more on the missing business opportunity of the market that is disabled people. The evidence from the UK shows that wise business people tailor-make their activities to specifically cater for disabled people.

One can, therefore, say that, yes, on the one hand, it is not the case of the big stick, we want to encourage – indeed we do, and we also want to encourage the private sector in carrying out these duties, which are duties that will be required of them. They also see that it is very good business sense.

It is with that in mind that I am sure that we will, as the Hon. Member for Douglas South, Mr Cretney, says, wish to approach the matter of those of owners of older properties, Victorian hotels and so on, in the way they develop their businesses. The emphasis, in those cases, will be on reasonable adjustments and what else the operator could do – short of rendering his business unusable because of the expense of the particular adaptations he feels he would have to do – by enhancing the service that will actually meet the requirements of the law.

I think it is quite interesting, just in winding up, Mr Speaker, that the UK Department of Work and Pensions, in reviewing the operation of their Act and the regulatory impact assessment that they have made of access to good services and facilities with regard to the costs, actually, they observe that it has been estimated in the UK that 60 per cent of businesses would have to pay for physical adjustments costing between £100 and £500, and 30 per cent of businesses would have to make adjustments in the £1,000 to £2,000 range. They give interesting illustrations of what ‘reasonable adaptations’ might be, such as serving wheelchair-bound customers at the door of a small premises, or changing working practices that incur no or minimal costs to the businesses. They emphasise that service providers will only have to take reasonable steps to make services accessible, and that there are no – and I am quoting from them – ‘open-ended obligations on service providers, irrespective of the size or nature of their businesses, to make every aspect available, whatever the cost of those individual adjustments’.

So, there is a principle there that I think gives the necessary balance to the way we approach this important issue. We have got the rights of disabled people, that we have a moral duty to put in law, but we want to make it possible for those in the business of providing goods and services to those persons to be able to do so in a way that is reasonable, that they can cope with and, in fact, it is not self-defeating.

So, I beg to move, Mr Speaker.

The Speaker: Hon. Members, the motion before the House is that the Disability Discrimination Bill be now read a second time. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Procedural

The Speaker: Now, Hon. Members, I do not think there is any point in starting with the next Bill before us, ‘Bills for consideration of clauses’. I advise the House that we will start with Registration of Electors Bill, due to the Hon. Member for Douglas West, Mr Shimmin, who will be returning slightly late. I have granted leave for him to return later this afternoon.

So, Hon. Members, Item 5.3, Registration of Electors Bill – Hon. Member for Onchan, Mr Earnshaw, will be first to speak.

*The House adjourned at 12.59 p.m.
and resumed its sitting at 2.30 p.m.*

BILLS FOR CONSIDERATION OF CLAUSES

Registration of Electors Bill

Clauses considered

5.3. Mr Earnshaw to move.

The Speaker: Please be seated, Hon. Members.

Hon. Members, as I indicated before we adjourned for lunch, the next Item for our consideration is Item 5.3 on the Order Paper, Registration of Electors Bill, in the name of the Hon. Member for Onchan, Mr Earnshaw, and I invite him to move clause 1.

Mr Earnshaw: Thank you, Mr Speaker.

Hon. Members will, hopefully, recall my comments when this Bill was read for the second time two weeks ago. At that time, I indicated that the thrust behind the Bill was to help and improve the process of registering electors, managing the register and should also assist electors, Hon. Members, local authorities and other interested parties. I am grateful to Hon. Members for their support at that time.

We now, Mr Speaker, move to the examination of clauses of the Bill. By way of introducing this, it is divided into four parts, and they are as follows:

Part 1 deals with the franchise, the maintenance of the register of electors, the function of the registration officer and requires certain public officials to assist the registration officer.

Part 2, which is the heart of the Bill, deals with the revision of the register of electors. This provides for the preparation and revision of the register. The register will be revised on such dates as are prescribed in regulations made by the Treasury.

Part 3, Mr Speaker, deals with claims, objections and correction of the register and appeals, which will be put to the High Bailiff.

The final part, part 4, Mr Speaker, is a general part which provides for the use of the information in the registers, the expenses incurred under the Bill and interpretation.

Moving to part 1, clause 1 of this deals with the franchise. This clause, Mr Speaker, provides that a person who is registered in the register of electors for an electoral area shall be entitled to vote in an election in the area. A person must not vote more than once in the same election.

Mr Speaker, I beg to move that clause 1 do stand part of the Bill.

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

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

The Speaker: Hon. Members, the motion before the House is that clause 1 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 2, sir.

Mr Earnshaw: Thank you, Mr Speaker.

Clause 2 deals with the register of electors.

Subclause (1) requires that registers of electors shall be made of all people entitled to vote at elections of universal

suffrage, that is to say, the right to vote, regardless of sex, race, religion or social status.

Subclause (2) provides that, upon the coming into force of the Bill, the register of electors under the Registration of Electors Act 1984 shall have effect as the register of electors under the Bill until it has been revised in accordance with the Bill.

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

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

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

The Speaker: Hon. Members, the motion before the House is that clause 2 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 3, Hon. Member.

Mr Earnshaw: Thank you, Mr Speaker.

Clause 3 deals with the entitlement to registration.

Subclauses (1) and (2) state the qualifications for inclusion in the register.

Subclause (3) provides that a person may not be registered in more than one polling district.

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

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

Mr Bell: I beg to second, Mr Speaker, and reserve my remarks.

The Speaker: Hon. Member for Garff, Mr Rodan.

Mr Rodan: Thank you, Mr Speaker.

I wish to move an amendment to clause 3 which would have the effect, in terms of this legislation, of reducing from age 18 to age 16 the acceptance of a person onto the electoral register:

Clause 3

Page 2, line 14: for '18 years' substitute '16 years'.

Of course, in doing this, one is also expressing a very important opinion, which would, no doubt, feed through into other legislation, on the legal age to vote. I believe, Mr Speaker, this is an important principle in this connection, and it is to do with the logic by which we give persons of age 16 and 17 rights in relation to the responsibilities that we give them.

We know that at age 16 people are able to leave home, they are able to marry legally, have children, they can join the armed forces; and yet they cannot vote.

I think it is also interesting, Mr Speaker, that, at the present time, we are engaged in this very place in debate in relation to equalising the age of consent at age 16 as to which sex an individual can choose to have sexual relations with; that is being equalised. These matters, I suggest, Mr Speaker, are those which the individuals concerned at age 16 and 17 might well wish to have a view upon.

In relation to the paying of tax and NI, one can, of course, make an argument on their behalf about taxation without representation.

I know, Mr Speaker, that arguments will be raised as to whether, at that particular age, people are responsible enough or mature enough to exercise such a heavy responsibility to civic society as to vote, but my response to that is there are individuals of age 16 and 17 more than mature enough to make that decision for themselves, and they are no less able to than certain individuals at age 18, certain individuals at age 28, certain individuals at age 38, and we could go on, who could be considered not fully equipped to exercise the responsibility of voting, even individuals our age, Mr Speaker.

So I think simply to say that persons at age 16 and 17 somehow are not equipped to exercise sufficient judgement to carry out that responsibility is a flawed argument.

Mr Speaker, this is an opportunity for Members to express an opinion. There is a principle at stake here. I saw this legislation as an opportunity for Members of this Hon. House to express their views.

Whatever consensus or decision the House comes to, I will be perfectly happy with, but I think it is a good opportunity, and a timely occasion, particularly in our general election year, that we give this issue a full airing, and this is the opportunity to do so, Mr Speaker.

I have pleasure in moving the amendment to clause 3 standing in my name.

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

Mr Gill: Thank you, Mr Speaker. I would be very pleased to second.

I have to say, Mr Speaker, I do not normally trouble myself with lying awake, worrying about decisions too much. At the end of the day, you have to make a decision, come down on the information that you have at that time, and that is pretty much the end of it; but, on this occasion, I find that my head and my heart are telling me different things.

I certainly start and finish with the principle that the mover of the amendment touched on, that if people are paying tax, then they should be entitled to representation, and I think that is a fundamental principle. I also start from the very sorry position of an almost complete lack of engagement in 16, 17, 18-year-olds, and even people in their early 20s, and that is just an unfortunate fact of life. It is a reality, and it reflects poorly on us, as well, as the body politic. Maybe that is a wake-up call that we have to actually apply ourselves to remedy.

Mr Speaker, yesterday, in the light of this amendment, I asked my friends who teach in secondary schools for their views and to get a vox pop from their students. If I could just read from one of the e-mails I got in response to that, and this is from a very well respected teacher in the south of the Island, who has the confidence and the affection of all of his students, as far as I am aware. He tells me:

'Hi Quintin

I spoke to approximately 40 Year 11 and Year 12 students this morning. Most were not interested in voting.

1. They know nothing about politics –'

Mr Cretney: Whose fault is that?

'2. They find politics is boring.

3. They are involved in other things.

4. They feel they are too young to decide.'

And I heard the aside from my colleague from Douglas

South, 'Whose fault is that?' Our fault. Our fault is who it is, nobody else, our fault. Nonetheless, that is the response that we are getting from these young students from the south.

It does go on to say,

'These are the expected responses, but there were a couple who said "Yes, I would like to vote," and "If we all had the vote, only those who were interested would vote, anyway."'

and that is true in the electorate as we stand at the moment.

There was also the interesting, and true, aside that I then asked a couple of adults, who said adults did not know enough to vote in some cases. So there is no test to qualify to vote, other than by age.

I tested that in person at Ballakermeen yesterday in their sixth form common room, and the young people that I spoke with, we will all know, are an absolute credit to the school, to society. They are intelligent, they are engaged, personable, motivated in what they do, interested in what is around them, with, sadly, almost consistently, the exception of politics. It has no relevance to them in their lives, and that, again, is our fault.

I asked the question, looking around, notwithstanding whatever age people were, if they could all vote today, what percentage of those in the room would they guess. And each of the six groups that I asked said about 20 per cent. So you could either say 80 per cent are not voting, or you could say one in five people of that young age is interested. You take your choice.

The overwhelming advice I have had from teachers and from young people, including my own daughters, is leave the age as it is; they do not feel ready, they do not feel able. So why should I go in the face of that?

I think the reason, Vainstyr Loayreyder, we should go in the face of that is because if we do not make the effort to engage it, we are not going to break the cycle that we have found ourselves in, and increasingly find ourselves in.

Not only on the Isle of Man but in other Western jurisdictions, politics is becoming alien and distant and irrelevant to young people, and we need to break that. If we can only do that with one out of five in one election, two out of five in the following election, surely they are steps in the right direction? (A Member: Hear, hear.)

Therefore, I really do take to heart the concerns, the observations and the reservations that professionals and the young people themselves have made. I accept them wholeheartedly and I think that they actually reflect a great deal of maturity to be big enough to say we do not feel competent and able. But that is our challenge, and at the moment we are failing in it.

There has to be – if this amendment is successful, and I hope it will be – an undertaking that we will commit much more wholeheartedly than we have done. We need to succeed where we have been failing in engaging young people.

So, I really do have a mixed feeling about it, but at the end of the day, we have to decide what is right, we have to decide what kind of society we want to engage in. If we are serious about having a society which involves young people and values them, if we value them as taxpayers, we should value them as voters.

If people say, 'Well, they are not mature enough. They will make votes on what is popular, what is idealistic, rather than what is pragmatic,' what is so very wrong with that? That is, again, our challenge to actually convey our message, both as individuals and as a parliament.

I would finish by saying, Mr Speaker, that I really do think, on balance, there is a lot of reservation about this, but the principle overrides the here-and-now concern, and I hope that Members will support this amendment.

I think we should be mindful of the phrase 'no taxation without representation'. That is what we are asking young people to engage in. That is how we lost America, and that is how we will lose the next generation if we do not apply ourselves, not only in lowering the age, but in actually engaging with those people who we will enfranchise.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I must admit I was going to attempt to second this, because I certainly support wholeheartedly the principle that the Hon. Member for Garff is trying to achieve here. There is no question of that.

In saying that, I do have to point out, Vainstyr Loayreyder, in the vein that the Hon. Member for Rushen has just done, not being repetitive but building on what he said, to engage young people in politics, certain efforts have to be undertaken, and one of those is to examine the systems that young people are involved in during their upbringing and schooling.

There is one thing that the education system, and activities outside the education system, such as youth clubs and other activities, fail miserably in and that is to make politics interesting and to get the young people interested in what is going on about them.

There was an absolutely excellent article in *The Sunday Times* yesterday – funnily enough by Jeremy Clarkson – talking about the education system and the fact that a lot of stuff is not made interesting for the young people. If it is not interesting, it will be boring and they will not be bothered with it. That is half the problem we have here.

We have, hopefully, opened the gate for them by the amendment that is before us, which is excellent, but the trouble is they need the motivation to go through that gate. That falls fairly and squarely in two places. One is on the education system, so that they have an awareness of our political system here; not to a depth that makes them bored solid, or us bored solid sometimes, but promotes the interesting side of it, why it is important to vote, and the fact that politics affects everything. If you do not do politics, you should not have a point of view on anything, which is how the advert goes on TV, which gets the point over fairly well.

I think a lot, lot more could be done through the education system, without levelling any criticisms at any particular person, but that is a sad fact of reality. It certainly was in my schooling as I went through the Douglas schools, anyway. Nobody had heard of Tynwald or the House of Keys hardly, and if somebody had bothered to explain it, I am sure we probably would not want to, either, because of the way some of the lessons were put over.

The other point, of course, is that we ourselves and Government, the Council of Ministers, have to find ways of engaging with the young people, too, so they can see that there are people out there interested in them, there are people who do care, and not have the divide that the Hon. Member for Rushen, Mr Gill, talked about.

So, there are two very key elements to this, Vainstyr Loayreyder, that would assist.

Having listened to young people and their opinions,

they are interested in things out there. Not the same issues that, perhaps, we cover here sometimes, the restructuring of Tynwald and Legislative Council and all that, which I am sure they would find thoroughly boring and a waste of time. And the change of the Governor's name, it has caught the imaginations out there about what the heck we do here.

What they are interested in is things like drugs, alcohol, the effects they are having on their social lives and their friends. They are interested in community facilities and, in the broader spectrum, they are interested in green issues and they are interested in not becoming involved in armed conflict.

It is a slightly different range of issues, but they are issues that we all should be concerned with, and these are things I think we could engage with young folk in. I think we have missed the plot totally when it comes to that. I heard an interview with young people the other day on the radio and their opinions. Between the schools and us, we have missed the target, by miles in some cases, although plenty Members in here obviously do their best for young people. I am not levelling a criticism in that way, but there is a lot more to be done.

I hope this is the start of better things to come, Vainstyr Loayreyder.

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

Mr Cretney: Thank you, Mr Speaker.

I will be in support of this particular amendment which has been put before the House. I welcome it and thank the Hon. Member for Garff for giving us the opportunity to again have our input into this.

The last time this was spoken of in a formal sense was when we had the Representation of the People Bill before the House of Keys, and I was floating the idea about extending voting to persons of 16.

I have said it before, but I believe, from time to time, it would be nice if the House of Keys led, rather than just copying what they do across the water. (**Three Members:** Hear, hear.) It has been well discussed across the water and the Electoral Commission has said that this is something, albeit it might be in relatively small numbers to start with, by extending the facility for young people...

That goes along with a history of extension. If you go back long enough on this Island, females did not have the vote, non-property owners did not have a vote. We have made progress, 21-year-olds and then it is down to 18. I see the next logical step as to 16-year-olds.

Sometimes, some of us in here can become a little bit out of touch with young people. The Hon. Member for North Douglas just spoke about a youth club. I have been – or I was up until about a year ago – chairman of a youth club in my constituency, had been for about 18 years or so, and –

Mr Henderson: Education scrapped them.

Mr Cretney: Well, it is a good thing, because now the young people are running the youth clubs. (**A Member:** Hear, hear.) The young people are running it and I have been sacked, and that is fine because they are actually having their input, which I think is a good thing. (**Mr Earnshaw:** Hear, hear.)

At the time, I was a bit disenchanted because here I was, I had put my time in; but it is excellent that young people are prepared to not only go and enjoy the facilities of the youth

club but also get involved in the administration of those things. So, I think it is good.

The other thing he spoke about was they are interested in single issues predominantly I find. That has always been the case. I was a young person once. (*Laughter*) I sat in meetings in the Sefton when we were talking about Windscale and I was... you know, Greenpeace were over here and stuff, so we were interested in the environment then. (**Mrs Hannan:** Yes?) We still are; that is an on-going issue, I guess, for many of us.

War, student protests, if you look back long enough, young people had, and continue to have, very strong opinions on those issues. Good for them, as far as I am concerned. They want to see a better future. Sometimes those kinds of things are dictated to by people on high and are not always relevant.

I see this as a natural extension to the citizenship work which has gone on in the schools in the last period of time. The GCSEs, young people learning in a kind of gentle, easy manner the principles of democracy, the reasons why it is important to be engaged, how they can influence. Politics is about life; anybody who is not interested in politics is not interested in life.

It can be boring – oh, do we know how boring it can be sometimes! (*Laughter*) But, if you are not involved and having your say then things will just remain the same, and that is not a healthy situation, is it?

There are a number of things that young people can always do. There are a number of things being considered shortly before this House about 16-year-olds. So, I think it is entirely relevant that this debate is taking place today, and I do hope that we can take a mature attitude.

Yes, it will not transform things overnight. As it has been said by other Hon. Members, there are some people who may not be mature enough to take account of everything at 30, 40, 50, 60, or whatever, (**A Member:** Hear, hear.) but if they are interested, let us give them that opportunity. They are old enough to pay tax, they are old enough to enter into sexual relationships, they are old enough to join the armed forces, and so they should be old enough to vote, and we should lead and we should show it today by voting this in.

The Speaker: Hon. Member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Vainstyr Loayreyder.

I support the age to 16. I think it is a major step forward. I do not know about not leading, but I think it is something we should be very much aware of, that young people do have opinions and that they should be able to express them at the ballot box.

We know that from the debates that we have in this Chamber with Junior Tynwald. They are wanting to ask questions. These are 17-year-olds, granted, but they are wanting to ask questions, they are wanting to find out about what is going on, they are prepared to debate things, they are prepared to ask questions, and they are prepared to look forward to their future, their future in their country.

I think that is what we should be looking at. We should be looking at it is their country and it is their future.

They do look at us as being oldies. When you look at them and they are 15 and they are 16, yes, we are. I think almost everybody in this Hon. House would be looked on as oldies to a 15 and 16-year-old. They do have opinions, and not all of them might be the same opinion as us, but I do not believe that is any reason why they should not have the vote.

I think we should not necessarily engage just with 16-year-olds. I think we should be prepared to engage with the whole of the community. Whether they agree with us or not, it is one way of being able to discuss issues. It is being able to, in some instances... I think, in a way, it is sort of the impression that is given by such things as Mannin Line, or that little bits that appear in the paper do not really go into things in any great detail.

Therefore, it is a responsibility on politicians, I believe, whenever the opportunity is there to discuss the issues, to develop the subject, so that people actually know more about it.

I do not know how we can get the information out. The information that we have in here and in another place is so phenomenal these days compared with what it was, say, 30 or 40 years ago, the information that we have to our fingertips. I do not know how we are going to get that over to the general public; not just 16-year-olds but right the way throughout the whole of the population. In the past, life was a little bit more simple. It is even more complex now; we are looking at all sorts of things worldwide, and how we get that out to the electorate I really do not know.

When you do try to discuss issues such as this, sometimes this glazed look comes over and they do not want to know any more. 'No thank you, I do not want to know that.'

These arguments were used about 100 years ago when it came to giving women the vote, more than 100 years ago. The debates in here were many of the comments that have been made this morning. I know the Member for Rushen is supporting this, but he was saying about some of the comments he had had, and it was those sorts of issues that women could not cope with it, (**A Member:** Hear, hear.) women did not know. (*Laughter and interjection*)

They still had to deal with everything, and in many instances they ran businesses, but yet they could not have the vote. If they owned property they could, but say they rented a boarding house and they ran a business, they would not have a vote, unless it was a property with rates of a particular amount.

I think this is a step forward. I am not saying that every 16-year-old will come out and vote, but then every 30-year-old does not come out to vote, or every 70-year-old does not come out to vote. We sometimes say that it is the old people that... but what if we get in there first and suggest this is not just reserved for what you might call 'oldies', it is reserved for young people to express their opinion about their future.

I hope Members will support it.

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

Mrs Cannell: Thank you, Mr Speaker.

It has been a very interesting and very comforting debate so far, and I also rise to my feet to support the amendment to reduce the voting age from 18 to 16 years of age.

I can remember when we last had a brief debate on this issue. The arguments at that time were that, in fact, it could distract a young person away from studies in school and exams and that sort of thing. That was the view at that time and that prevailed. As a consequence, the age was not lowered at that time.

I was interested in what the Hon. Member for Rushen had to say, the Hon. Member, Mr Gill. He had quickly run out and wanted to test the water, as it were, with both teachers and

also students. I have to say, had he visited St Ninian's, or got in touch with St Ninian's High School, he would have got a totally different reaction from the 15, 16 and 17-year-olds there, who, in a large group, came and visited this Chamber earlier on this summer, hosted by myself and by our Senior Messenger.

I have to say, what was earmarked to be a half-hour to 45-minute visit lasted well over two hours. The reason for that was this Member did not give them a lesson in history, in politics, because that is boring for young people. This Member explained the practicalities, the membership, the idiosyncrasies of political life in here, the arguments, the votes, and all of those sorts of things, which they found really very, very interesting.

They came and they sat in various Members' seats, and what I thought we would have, maybe half a dozen questions at best, was a whole multitude of questions and a great interest afterwards, which continued by way of conversation with them outside of the Chamber on their way back to school.

There is a great interest in there. They are human beings, like all of us. If you are human with young people, they will understand. There is an interest.

Most importantly, of course, is that by reducing the age to 16, I think, the best thing that could happen is that it will encourage those who stand for election to the House of Keys, including those of us who may be defending our seats later this year, to, perhaps for the first time, focus on young people's issues, policies for young people. We will engage their interest if we focus on policies for young people.

I think, therefore, it is a positive move, and I am pleased to support.

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

Mr Delaney: Thank you, Mr Speaker.

Briefly, because it seems to me that very few people, if any, are against the amendment moved by the Hon. Member, Mr Rodan, a very worthwhile amendment, I have this observation, as the last one to face the electorate.

Me and my colleague here, we have a number of schools, senior and junior, in our constituency. When knocking on doors around those schools, I found it interesting, particularly when young people asked me what I was... I am sure they must have thought to themselves, what is a little, fat, bald man doing carrying loads of papers and going from door to door, what is he selling? (*Interjections*) That is the interest of young people. I felt, well, I will do a bit of double glazing while I am here.

A group of them stopped me outside the senior school and asked me... and, of course, you get the usual cheek, which you expect in young people, but they were genuinely interested in what I was doing. When I pointed out I was in politics, I was a representative of the people and I was going out asking people to support me to put their views forward, it became an interesting conversation.

One young man, Michael, I can remember him well, he went up in my estimation because he told me he would not vote for any us. He went straight on that. His view was that why should we take an interest if we are not allowed to take part. Michael is quite right, because I also met so many people in the area who were mature people, running families, who had never voted because they were under 18 when the last election turned around, and four years after that, they were

into their 22nd year, in a relationship and married with young kids, some of them. They had never had a vote, yet they were taxpayers, ratepayers, everything.

That brought me round to the Hon. Member for Garff's idea. I was not convinced until, Mr Speaker, it became obvious that, when you look at what we are doing here and some of the other issues this Chamber has to face, you cannot turn round and say to people, given some of the decisions we are asking them to take in law, and given their rights in law... and, as the Member for South Douglas pointed out, there are so many of them where they have to take responsibility at 16, yet the one thing which is worthwhile, to say who is running their lives, they cannot take part in.

They cannot decide the person who is going to speak on their behalf, if they can have a say in who that person should be. That is what it comes down to. They have that basic human right, if we are asking them to take all the other responsibilities, as pointed out by the Member for South Douglas.

I also must take up a point by the mover, and I do feel offended, sometimes, by this. I have said this before in this Chamber, 25 years ago. Where we have a situation where we ask people to go and put their lives on the line to defend a thing that we are supposed to be taking part in, but they are denied the right to take part in it in a practising way by voting for the person who is going to be looking after their interest, and possibly their family, when they are away off this Island putting their lives on the line, I find that quite horrible.

I really do find that the pits of the representation of the people. You cannot expect people to defend something that they are not allowed to take part in. I find that really hurtful.

Mr Speaker, I hope – and the message that seems to be coming from Members is – that the House does do this. The Member for South Douglas is right. Let us do something different for a change. I am not saying, like some Members are saying, that all these young people will come back and change the world when they do get the vote. That is not the point.

There is one reason I think it should be started off at 16: the interest in representation. I am saying this as one of the oldest Members in here, surely get them interested? If only a small percentage, half a per cent, get interested at 16, 17 or 18, they will become interested enough to stand and represent their generations at an earlier stage.

I am saying this quite clearly: the representation, sometimes – and it was when I came here – is completely out of sync with the population. You had to be 60, virtually, or retired before you had the time, because it was not paid at the time, to come in here.

The Member for Onchan, who, unfortunately, is not here today with us, he came in as a young Member. I had queries about that in my mind when he was successful in Onchan. But, in actual fact, I think now that could be expanded to give people the interest earlier so they potentially became candidates, look after the welfare of their fellow citizens earlier.

There is nothing wrong with that because, let us be honest about it – and I will put myself up – our ideas become old hat, and they become very quickly old hat. Life changes, and it changes, as the Member for Peel said, much quicker now. Things are happening. Information is happening much quicker, and younger people can grasp this quicker than my generation can.

I believe, Mr Speaker, that the House will send the

message out: we are interested in people. They may not want to take part, but a lot of them may take part. I am sure, with the right guidance, they will become better citizens of our community if they are given the right to take part in that community to the ballot box.

The Speaker: Hon. Member for Ramsey, Mrs Craine.

Mrs Craine: Thank you, Mr Speaker.

I think this is a very interesting debate. As someone who was engaged in politics before I could walk out the door, I think, (*Laughter*) as a child, it certainly did not encourage me to want to come in here any earlier than I did.

I think we have got two lines of thought here this afternoon. One is the principle of allowing children – sorry, young people – of 16 to vote (**Mr Delaney:** Young people.) and the practicalities of allowing them or encouraging them to vote.

We have heard some interesting arguments about maturity. I would agree we do not have the wholesale right on maturity just because we may be 30, 40 or 50 plus. There are a good many young people who are quite capable of putting together mature thought. (**Mr Henderson:** Hear, hear.) They are out there. I have to question, are we afraid of how they might use that vote if we give it to them? (**A Member:** No.)

Yes, as the Hon. Member for Peel said, they do regard us as old fogies in here. I was quite interested to hear, on the radio, the comments of some of the young people who were interviewed. They said, 'Oh, they are all 40 or 50 in there.' (*Laughter*) I thought, gosh, yes, that is it, we have really made it now, but when you are 16 or 17, 40 or 50 is (**A Member:** Ancient!) time to put us in a home, I think. (*Laughter*) That is their view of us.

I also think that it was quite interesting on that radio programme that there should be more young people in here, but I would have to say there is nothing to stop them coming in here. As was said before, the Hon. Member for Onchan, Mr Karran, came in, I think, at 25, the youngest Member ever. He has made a career of it. He engages with young people today, and I think that we all do to a certain extent; but we have, perhaps, to make a greater effort in engaging with young people.

Mr Henderson: And the Education Department.

Mrs Craine: Then we come to the practical side of things. I would have to say that I was interested in the vox pop that the Hon. Member, Mr Gill, produced for us because that illustrated my actual thoughts. On talking to young people, they would, by and large... and I think it has to be said that the ones that we have in here for Junior Tynwald are those who are possibly studying politics in the sixth form, and not the run-of-the-mill young people who are in schools who are doing other subjects. They would need assistance to be able to understand, other than they might like who they meet on the doorstep.

I do not mean to do them a disservice in saying that. I certainly would not wish to imply that. If we were to promote voting at 16, then we also have to promote an understanding for them.

Mr Henderson: Absolutely. Hear, hear.

Mrs Craine: That cannot just come alone through

education. I think that we hear, very often in here, education, education, education is the answer to everything. Yes, it possibly is; but, by gum, the curriculum is groaning with the amount of things that we are placing on it.

Again, I think that a great deal of education still needs to come from the home, (**Mr Anderson:** Hear, hear.) and it does not. I do think that it is regrettable that we feel that everything – life skills, politics, how to fill your Income Tax form in – all have to come from within school and that no reliance is placed on the family to actually assist and bring up their young children.

I would think about my own children, who are now all of an age to vote and are looking forward to using their vote in November. I would reflect that they have actually said to me that they would not have wanted it before. They have shown an interest in politics but...

I accept all the arguments about tax paying, going into the services, marriage and so on. I do wonder how many young people do get married at 16, though the option is open to them. How many actually take that choice? Fair enough, the choice is there.

I have a concern that we are, all the time, trying to put adult values and aspirations onto young people, and we are not giving them any opportunity just to chill out and be young people. We are trying to make them into something that we in our 40s and 50s now appreciate and understand, and we think that they should... The very next thing, if we go with this today, is we will be criticising them for not using their vote.

I have a certain resistance to this. In some ways, I am fairly easy about it, but I do wonder, is this the time now that we should be doing this? If we are going to lower the vote to 16, then I think it should be a matter of consultation with the young people who are around today, to see is that something that they would want. We are talking about engaging with them, but we have not even engaged with them as to whether this is something that they would actually want.

I do think that, not only should we consult with them, we should be prepared to prepare them as to what that vote is about and what it means, and how it is earned and how it has been earned in the past.

I support the principle, but I cannot support it in terms of practicality here and now today. In some instances, I know I have argued against myself, but my gut feeling is that this is not something that the younger people themselves would want or welcome being imposed on them at this present time.

Accepting that they would not have to use it, I do think that it is not necessarily an indication as to their maturity or otherwise whether we give it to them or not. I just think that 18 is ample time enough to become an adult.

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

Mr Anderson: Thank you, Mr Speaker.

I would like to thank the last Hon. Member for her contribution. That really has put a lot of balance into this debate. It is easy to support something like, this where we think we are doing a lot of good for our young people.

I would like to respond to one or two things that Mr Henderson said. I was, I suppose, inoculated against politics very early in life. I think I was involved with my first House of Keys general election when I was 12. As I grew up with somebody who was involved in politics, it put me off for several years.

I realise that a lot of our young people are very mature and have a good understanding about the world they are living in and their aspirations for that world. However, I do think we need to stop and think, and not rush into this.

I have a burning desire that our young people should know a lot more about our political system. I am very pleased that, within our new Manx curriculum that we are developing and, hopefully, launching very soon, it will give our young people a greater understanding about the world in which they live, and the Isle of Man in particular.

I heard the comments about the curriculum being packed with all sorts of things, and not enough time for citizenship, and that sort of thing. I think we are trying to redress that balance.

In relation to one or two comments that Mr Henderson made, laying much of the blame at the door of education for our young people's lack of interest, the Department has, for some years now, initiated the Junior Tynwald, which is presided over by the President. A large number of our young people in their AS and A2 stages come into this Hon. Court and learn something about the Tynwald ceremony and everything.

In fact, we actually have five secondary schools now that take part at St John's on 5th July. They are part of the ceremony before our ceremony gets under way, and they sit and witness it. I think that is a great step forward, from previous Ministers that have introduced that.

I think our task is to continue to engage our young people in the world round about them. But I am not convinced that all of our young people are ready for it by the time they are 16. My children, for example, have only become interested in their very late teens.

We have heard today that if you do not give them the opportunity, people will not vote. I think we need to put our energy into making sure those young people are ready to vote and willing to vote when they get to 18. That is the problem we have now.

In conclusion, Mr Speaker, I would just caution on this amendment coming before us today. I think Mrs Craine has a very good point that we need to put it out to consultation to listen to what other views from young people themselves are.

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

Mr Shimmin: Thank you, Mr Speaker.

I am really brought to my feet by the last two speakers. The Member for Ramsey, I could agree with a number of her issues, particularly on the element of squeezing so many things into the curriculum for young people and how, at times, we make it very difficult for them to be children because there is so much going on with the number of examinations and curriculum matters.

I must speak strongly against the Minister for Education and the Member for Ramsey on the grounds that if we wait and consult with the people who are there at this stage, I can tell you what the answer will be: they have no interest at this stage.

I think it was the Member for South Douglas who made the point that it is not going to create a large increase in the number of people who will vote at the next election; but it will become an expectation that those young people who have reached that age have an ability to do it.

What it will do is reduce the percentage of people eligible to vote who turn out, but there are so many people in all of our areas, who are of a range of ages, who show no interest in politics, who do not know who we are, who do not consider what we do, and they live their lives. Good luck to them for getting on and enjoying a life without having to spend time wondering or worrying about politics.

If we are, in the future, going to be, as has been suggested, moving towards a change in the date of the general election, possibly towards September or that time, what we are looking at are those people, every five years, who have reached the school leaving age and have then already had to make some important life decisions: to stay on in education, or to go to a place of work, or some form of training. They are already thinking about their futures.

Even if it is only a small percentage of them, this election or the next election, I believe it just becomes part of our constitution that young people, once they have reached that age, then have the opportunity, if they choose, to vote like everybody else. If they do not, if either parents or the schools or society are not prepared to invest time and energy to motivate them to vote, then that is no different from a large percentage of our population who, sadly, have disengaged with us for a variety of reasons.

The issue, then, does not become engaging just with those between 16 and 18, it is across the board, because there are many, many people, who we are all aware of when we canvass, they have no interest now, in the past, or the future, to vote. I do not think that once people have reached the age of 16 we should differentiate upon them.

As much as I can understand the comments, I do believe that this is for the future. If we wait until we have consulted and got people to agree to it, then we will probably never take that decision. I think today is a useful opportunity to say, right... and if it only creates 20 or 200 young people who vote that had not previously, then we have got them at an age when, maybe, they will do that as a lifelong choice.

I welcome the opportunity and will be supportive.

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

Mr Cannan: Mr Speaker, all of us realise that Government is a serious issue, a very serious issue. Our decisions have implications for the lives of everybody. It is a responsibility and it is a civic duty, voting. It is not a gimmick. It is not something to be treated light-heartedly. The vote was won over a long period of time while people gave deep consideration to the matter.

We have now got to a stage, and rightly so, where there are 18-year-olds who have the right to vote. At that point, they have left their secondary education. They are either in employment or in tertiary education. At that point, they start to take an interest, if they are going to take an interest, in the world about them, how the world is governed and how it has implications for all of them.

They really start to take those interests when they go to university or, as I say, tertiary education, because it becomes part, not so much of the courses that they are on, but of the environment which they have become used to.

If, on the other hand, they are in a workplace, they also, listening to the others in their workplace, the older people, gather from, to use a famous phrase, the hedgerows of experience and education into the ways of the world.

To think of 16-year-olds, now there may be, and there

are, some very sophisticated, highly intellectual students of 16 years of age. I have no doubt at all that they are well able to make decisions for voting. But the vast majority at that stage of 16 do not understand the serious implications of what Government is about.

Government is a serious matter. It is about health, education, it is about law and order, it is about economic success; it is about so many different things. You, if you support this, are asking 16-year-olds to give a judgement and an opinion.

You say, well, of course, they will pay tax. Well, they will only pay tax if they are in employment. Of course, they will pay tax if they have some unearned income, and many children do these days have unearned income of money left to them by grandparents in trust. (*Interjections*)

Well, it is unfortunate, but it is a fact of life today, with house prices as they are. Lawyers will tell you that many grandparents when they die leave part of their home and the value of their home or portions of their estate for the benefit of their grandchildren. The world is moving on, long on. These things are happening. These are facts of the world in which we live.

I truly think that this idea that 16-year-olds, apart from that top echelon who are intellectually sophisticated and talented, the vast majority will not be able to appreciate or understand the issues of an election. It could become a gimmick. In my view, Government and elections and representation of the people are issues far too serious to be treated in some casual way.

We have the electoral roll at the moment, those who will be 18 in the year that the electoral roll is valid will get the vote, because it is marked on the side when they become eligible. Are we going to say that, in future, those who are 15, but becoming 16 in the year that the roll is made up, should suddenly have their name on the roll to become valid for election?

It is an issue Members will decide. It is an issue which the people we represent will take notice of. I am not sure that they have been consulted. I am not sure that all those who this will have implications for have been consulted.

Like the Minister for Education and the Member for Ramsey, Mrs Craine, I urge caution, and I will be unable to support this move by a previous Minister for Education.

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

Mr Quayle: Thank you, Mr Speaker.

I am very supportive of the move by the Hon. Member for Garff, Mr Rodan.

I have to ask myself, why are we so dismissive of the potential voters at 16, when it has already been pointed out that they are able to do all of the things that are legally able to be done, and yet the one thing they are not able to be doing is to have the principle of voting at a general election, to cast their opinion on the people who potentially will affect their lives in so many ways.

I know everybody has genuine feelings on this but I am rather surprised that we are so dismissive of a section of our people when their vote is very important. Their views are of vital importance for us to be aware of and to take note of.

I think that if we are wondering why there is a disengagement of people with the political process, then we are not going to do anything to engender that, or to rectify the problem, by effectively disenfranchising the very people that we ought

to be encouraging, at an earlier stage in their lives than has hitherto been the case.

The other thing I would say, Mr Speaker, in closing, is that I believe that young people now are more savvy, they are more clued up about world events. I acknowledge the different things that have been said during the debate, nevertheless, I do think it is an appropriate time to be able to lower the age at which they can vote from 18 to 16.

I hope people will put to one side the latter contributions and concentrate on the contributions we had earlier on in the debate which were very positive and supportive of the amendment from the Hon. Member for Garff.

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

Mr Rimington: Thank you, Mr Speaker.

Just briefly, I would like to defend the views that have been put forward by the current Education Minister, Mrs Craine and Mr Cannan, but I will not be supporting them in the vote. (*Interjections*) I think they have actually put forward –

Mr Delaney: Now we wonder why the young people are disenfranchised!

Mr Rimington: – some very good words of caution in this matter. It is not an easy matter, and it is a question of balance.

For myself, I think the balance comes down in favour of voting for those people, in bringing it down to 16, in the recognition that there will be very few of that age group who will wish to take part, and it will probably be those that do take an active interest in the world around them.

There are young people of that age, and even lower, who take that active interest; but then, as has rightly been pointed out, there are people of greater ages, all the way through, who take little or no interest, who do not vote, and people who take little or no interest but do vote, which is also potentially a problem, in that you are not necessarily getting a balanced way forward.

I do not think those contributions by all three of those speakers should be dismissed or in any way denigrated, because they did make genuine points. It is a matter of balance; it is not an easy one to resolve.

I do, Mr Speaker, declare an interest. If this amendment (*Laughter*) goes through, I have got the possibility of one extra vote –

Two Members: How do you know? (*Laughter*)

Mr Rimington: – if I can put out a three-line whip. (*Laughter*) It is just a possibility.

I would imagine the majority of young people of that age will not, in reality, be that interested. Indeed, even as we get beyond 18, there is still very much a disengagement with the political process at the moment. We all know, probably, from our own knocking on doors and general research that, in fact, it is the more elderly population, or as you get older, the more likely people are to turn out and take an active interest in their Members.

The one point I would like to pick up on, which I think is worth saying, is what Mr Cannan said, it might become a gimmick. There is that danger. There is that danger, where things are put forward in a very simplistic and popular way,

and you are not getting, maybe, the depth and range of arguments around an issue, and people are voting without giving that balance and consideration.

There is that danger, but I think it is something we have to recognise and take on board. On balance, I think we should lower the age.

Two Members: Vote.

The Speaker: Hon. Member for Garff, Mr Rodan, to reply to the amendment.

Mr Rodan: Mr Speaker, I would certainly like to thank Hon. Members for making this a very worthwhile debate. I think it is a debate that does great credit to this House, to have looked at this issue in such a thoughtful manner, with various opinions expressed. The debate, as it moved along, was very effective, I think, in bringing out argument and counterargument from both sides.

Essentially, picking up from the last speaker, it is a question of balance. Yes, there may be very few who will want to take part at age 16, 17, as Mr Rimington says, and the majority may not be interested, which was the very first point Mr Gill, my seconder, made. But that is not, then, a reason for not extending the franchise to 16 and 17-year-olds.

It is all the more reason, because if we engage, as a number of speakers have pointed out, people sufficiently early, we have at least a fighting chance.

If we can engage half a per cent of them, as Mr Delaney says, or 20 or 200, I think, were the figures Mr Shimmin made, but basically making the point, if we can get even a small number engaged sufficiently early, there is a prospect of, then, a lifetime of interest, and possibly a lifetime of activism, a lifetime of activism to the extent of presenting themselves as candidates.

And, yes, I will be quite upfront on the question raised by those urging caution like Mr Anderson, Mrs Craine and Mr Cannan, that there has not been a specific consultation exercise. The matters before us have been of fairly short duration. I, personally, felt that it would be wrong to let the opportunity slip. Nonetheless, the issues have been in the public domain before.

I think one could say that the Hon. Member for Douglas South, Mr Cretney, is a long-standing advocate of this issue, and he is absolutely correct to say that here is an opportunity for the House of Keys to give a lead in this subject. It has been the subject of an electoral commission in the United Kingdom, as he says, whose recommendation is that the matter be reviewed in another five years, once citizenship compulsory education has had time to feed through the school system; that was the reason. A particular political party there at the moment is all for it, but that seems to be the consensus, certainly amongst the main parties.

I would say that this is, in fact, the matter that gives us the opportunity. We are on the brink of citizenship education and civic responsibility in the schools. It is only at Key Stage 3 at the moment, but it is coming into the older groups, to the extent that the 16 and 17-year-olds of today, and in the immediate years to come, will be better placed than any 16 and 17-year-olds of the past to actually be able to evaluate the issues.

It is for that reason that I disagree with Mr Cannan when he says only at 18, when you go into tertiary education, do you really start to seriously think about these issues. I do

agree with him that the vast majority at 16 do not necessarily understand the implications, but in acknowledging that, to say that, therefore, do not give them the opportunity to engage, I think that undervalues young people.

Just as the Isle of Man pioneered in giving women the vote in the 1880s and did away, as has been said, with the property vote, and in the 1970s, reducing the age from 21 to 18, here is an opportunity for the Isle of Man again to be doing pioneering work.

I thank Hon. Members for their contributions. It would be very difficult, I think, to make comment on each one, and I think at this stage, after such an interesting and mature debate, you would not wish me to go through every contribution –

Mr Rimington: Oh, go on!

Several Members: No!

Other Members: Yes!

Mr Rodan: Well, if you insist.

Mr Henderson: We will vote for you, Steve. There is no need to.

Mr Rodan: I feel the matters of principle and practicality have been well aired. As the debate has moved along, Members have put counterargument to the various points, and I think have done it very effectively. Hon. Members will make up their own mind today.

Whichever way it goes, the important thing is the matter has been given a thorough airing and an exploration this afternoon, and I think we have done the issue justice. I think we can, by our debate this afternoon, demonstrate to young people that their interests and their values have been very much at the forefront, perhaps all too rarely, (**A Member:** Hear, hear.) of our thinking as legislators.

I think the way we have approached this debate at least demonstrates that issues of concern to young people, taking the form this afternoon of giving them the right to vote, nonetheless ought at least to be at the forefront of our thinking. I would hope that, however the vote goes, that will continue to be the case, and I beg to move, sir.

The Speaker: Hon. Member for Onchan, Mr Earnshaw, to reply to the clause.

Mr Earnshaw: Yes, thank you Mr Speaker.

I think we can fairly describe that as a clause and a half today, or an amendment and a half. It is not often that we have a debate that lasts around about an hour over one clause. It has been a very interesting debate, and I would like to thank the mover of the amendment for tabling it today and Hon. Members for their various contributions.

It was a question that I have been looking forward to hearing the views of other Members on. We have had a host of views from both sides. I did wonder, Mr Speaker, at one point, whether we should not stand up and say we will compromise at 17. But the views have been positive.

In common with my friend, the Hon. Member for Garff, Mr Rodan, I am not going to go through them all. I would like to pick on one or two comments, though.

Firstly, the Hon. Member for South Douglas, Mr Cretney, who said politics is boring. Surely not! (*Laughter*)

I would also like to pick up on the comment of Mrs Craine, the Hon. Member for Ramsey, regarding consultation. I valued the comments that came from Mrs Craine; they were well considered, but regarding consultation, she is seeking that we consult with young people. I think that is valid, and consultation is a worthwhile process, but I do wonder, on some occasions, whether it is a process that we use a little bit too much, and whether we are not in danger of running into consensus government. We are here, we are elected ourselves, to make decisions, and sometimes we have to, of course, do that, and I think this may be a case in point.

Various members raised the issue of reducing the age to line it up with the age of 16 for other issues such as marriage, sexual activity, etc. Yes, I think that is a fair comment, but it does make me wonder sometimes whether we should not, perhaps, be going in the other direction with other issues. I do think that there has got to be some alignment, but whether it should be up or down is, perhaps, something that is a question.

Nevertheless, we have got to be progressive. I have heard the Hon. Member for South Douglas use this expression before about engaging with the public, and I agree with him entirely on that. We are in a situation here where we can engage with youth. We have these Tynwald visits for schools, and it sprung to my mind – I think it was the Hon. Member for Rushen, Mr Gill, who was talking about the school visits, that it was keeping these people in touch with the process they had been introduced to at that point – I think the phrase ‘oaks grow out of small acorns’ comes to mind with that.

If we can build on their interest when they come for these Tynwald visits, I think it will spread. I agree with him, I think it will spread for the future.

Prior to this debate, I was sympathetic to the amendment in Mr Rodan’s name. Now, I am fairly relaxed about it. I was inclined to support it. I think that inclination has increased as the afternoon has progressed. I do wonder what real harm can it do if we adopt this, so I am prepared to support it, Mr Speaker.

The Speaker: Hon. Members, the motion before the House is that clause 3 do stand part of the Bill. To that, we have an amendment in the name of the Hon. Member, Mr Rodan. All those in favour of the amendment, say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

FOR	AGAINST
Mr Anderson	Mr Cannan
Mr Rodan	Mr Teare
Mr Quayle	Mrs Craine
Mr Rimington	Capt. Douglas
Mr Gill	
Mr Gawne	
Mr Houghton	
Mr Henderson	
Mr Cretney	
Mr Duggan	
Mr Braidwood	
Mrs Cannell	
Mr Shimmin	
Mr Delaney	
Mrs Hannan	
Mr Bell	
Mr Corkill	
Mr Earnshaw	
The Speaker	

The Speaker: Hon. Members, the amendment carries, with 19 votes for and 4 votes against.

I now put clause 3, as amended. All those in favour, say aye; against no. The ayes have it.

A division was called for and voting resulted as follows:

FOR	AGAINST
Mr Anderson	Mr Cannan
Mr Teare	
Mr Rodan	
Mr Quayle	
Mr Rimington	
Mr Gill	
Mr Gawne	
Mr Houghton	
Mr Henderson	
Mr Cretney	
Mr Duggan	
Mr Braidwood	
Mrs Cannell	
Mr Shimmin	
Mr Delaney	
Mrs Hannan	
Mr Bell	
Mrs Craine	
Mr Corkill	
Mr Earnshaw	
Capt. Douglas	
The Speaker	

The Speaker: Hon. Members, clause 3, as amended, carries, with 22 votes for and 1 vote against.

Now, Hon. Members, we move on to clause 4. Hon. Member for Onchan, Mr Earnshaw.

Mr Earnshaw: Thank you, Mr Speaker.

Clause 4 deals with the registration officer.

Subclause (1) provides for the appointment of a person as registration officer.

Subclause (2) specifies the functions of the registration officer.

Subclause (3) specifies the penalties which may be imposed on summary conviction for neglect of duty by either the registration officer or the clerk of a local authority.

Subclause (4) specifies that an offence under this clause may only be brought by the Attorney General, or with the consent of the Attorney General.

Mr Speaker, I beg to move that clause 4 do stand part of the Bill.

The Speaker: Hon. Member for Malew and Santon, Capt. Douglas.

Capt. Douglas: I beg to second, sir, and reserve my remarks.

The Speaker: Hon. Members, the motion before the House is that clause 4 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 5, Hon. Member.

Mr Earnshaw: Thank you, Mr Speaker.

Clause 5 deals with the revision of registers.

Subclause (1) results in regular returns of deaths from the registrars of each registration district.

Subclause (2) recognises that clerks of the local authorities will have local knowledge not necessarily available to the registration officer and will be invited to inspect and comment on the registers for the districts when produced.

Subclause (3) enables the registration officer to require information.

Subclause (4) makes it an offence not to comply with the requirements or to give false information.

Subclauses (3) and (4) are necessary if the registration officer is required to prepare the registers of all eligible electors. Compulsory registration as an elector does not interfere with the individual's choice to vote or not to vote.

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

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

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

The Speaker: Hon. Members, the motion before the House is that clause 5 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 6, Hon. Member.

Mr Earnshaw: Thank you, Mr Speaker.

We now move to part 2, which is the revision of registers of electors. Clause 6 deals with this revision.

Subclauses (1) and (2) provide for the revision of the register of electors on dates in each year to be specified in regulations.

Subclause (3) enables regulations to be made in respect of the revised register of electors.

Subclause (4) provides that the registration officer will place the letter 'J' against the name entered in a register of electors of any person qualified to serve as a juror.

Subclause (5) requires the registration officer to send to the coroner of each sheading, and to the Chief Registrar, a list of jurors for the sheading, in alphabetical order, and a copy of every objection to inclusion for jury service.

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

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

Mr Bell: I beg to second, Mr Speaker.

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

Mr Cannan: Just a question I would like to ask the hon. mover.

He has spelled out the revision of registers of electors. He will be aware that forms were sent out two or three weeks ago to every household in the Isle of Man to declare who was eligible for voting, and so on and so forth, and eligible for jury service. The public have returned their forms, and here we have this legislation coming through.

Will the wise and honourable Member for Onchan, Mr Earnshaw, be able to tell us whether, with this Bill going through, the whole process of electoral registration for the election in November will have to start all over again?

The Speaker: Hon. Member for Onchan, Mr Earnshaw, to reply.

Mr Earnshaw: Thank you, Mr Speaker.

I thank the Hon. Member for Michael, Mr Cannan, for his flattering remarks. (*Laughter*) My understanding is that the situation will have to commence again if it is to be adopted for this November's forthcoming election.

The Speaker: Hon. Members, the motion before the House is that clause 6 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 7, Hon. Member.

Mr Earnshaw: Thank you, Mr Speaker.

Clause 7 deals with the preparation of the registers.

Subclause (1) provides that the registration officer shall, in accordance with the regulations, place the registers of electors for all of the polling districts in each constituency in order and allocate a unique register number to each entry on the registers.

Similarly, subclause (2) indicates that, on the completion of each revision, the registration officer shall, in accordance with the regulations, allocate a unique register number to each entry on the register.

Subclause (3) requires the registration officer to sign the registers of electors and to deposit them in the General Registry. Subject to notification of a decision on appeal under paragraph 14 of schedule 1, the register of electors deposited shall constitute the register of electors for that constituency until the next revision.

Subclauses (4) and (5) require the registration officer to place certified copies of the revised registers of electors for all of the polling districts in each district or each ward of the district in order and numbered in series by polling districts or by wards.

Subclause (6) provides that the certified copy of the register of electors is to constitute the register of electors to vote at any local election in the district in question, or respective wards of the district, until the register is revised. This is subject to notification of a decision on appeal under paragraph 14 of schedule 1.

Subclause (7), Mr Speaker, provides that the registers of electors for the respective wards of the Borough of Douglas shall constitute the ward rolls. The ward rolls together shall constitute the Burgess roll of the Borough.

Subclause (8) indicates that no register of electors shall be invalidated if it has not been available for inspection for the full time required or by reason of default by the registration officer.

Subclause (9) provides that if a register of electors has not been prepared for a polling district, has not been available for inspection, or has not been revised, the applicable register that was previously in force shall be taken to be the relevant part of the register of electors for that polling district.

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

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

Mr Bell: I beg to second, Mr Speaker.

The Speaker: Hon. Member for Peel, Mrs Hannan.

Mrs Hannan: Again, Vainstyr Loayreyder, this is a piece of legislation which says that the registrar does not really

have to do anything because there is a previous register of electors and, therefore, well, it is just hard luck.

It really concerns me that there should be in place some form of censure if this does not happen. There should be some form of censure if the register has not been available for inspection for the full time. How are people expected to be able to ensure that they are on the list if it is not available, or if it has not been updated so that people moving to an area can be included on that area list?

It just seems to me quite slap-happy. We are putting in legislation where we are supporting the drawing up, the preparation of registers; but then we are saying, 'Well, if it does not happen, it is alright. It means that you can use something else instead.' It seems to me to actually cheapen the registration of electors in the first place.

I do not think we do enough, in actual fact, Vainstyr Loayreyder, to allow people to register. We send out forms; some people are frightened by forms so they do not deal with them, so they do not get them back. I would have thought just a reminder, or somebody going round and making sure. There must be people in the registration area who could actually go round for anybody who has not made a return. Everything is electronic these days. Go round and make sure.

One of the other things that we should be making sure of is that whole districts are not split up, one in one area and one in another area, so that people get confused and they think they have not got a vote. There needs to be more local dialogue about putting together the actual register and making sure the register works.

There also needs to be, I think, at every polling station, an electronic copy, where the returning officer can actually put the name of the person in and find out exactly where their vote is, if they do not happen to have their card with them.

I do think we should be doing more to ensure that democracy is served. I do not think this legislation, with this... by letting people off, it is just really the same as the last legislation that we looked at, the ROSE Report, where it said it does not matter if it does not happen and the officer is not at fault.

Well, sorry, but there needs to be some comeback on the electorate if they have been disenfranchised because of a lack of action by the registrar. We are paying registrars enough, and I believe that the full area of this legislation should be available for the public.

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

Mr Cannan: Mr Speaker, returning to my previous theme and the comments of the previous speaker about this section in the Bill, I would repeat again, if for any reason no register of electors has been prepared for a polling district, or a register of electors has not been made available for inspection at all, or a register of electors has not been revised, then the old register occurs.

We have made a major change, or this House has, in the registration of electors by saying so far – we have not had a Third Reading yet, but saying so far – that we wish to have 16-year-olds on the register. For administrative purposes – and it would not matter if this was not an election year – the election office or the registration officers can hardly start work on a new register of electors until this Bill has received Royal Assent.

It may come back from the Legislative Council for amendment; so nothing can be official, I presume – unless

you, in the Treasury, take cognisance of what has happened and make an early start, which would be possibly illegal – until the Bill receives Royal Assent in April at the earliest.

Then it says on the front of this Bill:

‘Implementation of the Bill will be undertaken without an increase in staff levels’.

Well, my word, they are going to have to restart again from what they already did in January to get everything completed by September when the existing rolls run out of date. The existing rolls run out of date on the first week in September.

What guarantee can the mover of this Bill give – and I know he is on the Treasury and is responsible for all these matters – that the fresh rolls will be available for September? It is no use making legislation and being unable to fulfil it.

It also says on the front of the Bill:

‘and is not expected to cause an increase in expenditure’.

Well, if people are going to have to work overtime and start all over again registering electors, of course there is going to be an increase in expenditure.

I look forward to the comments of the Hon. Member for Onchan in ensuring, as the Member for Peel has said, that if you are going to compile a register of electors, well then, let us make sure it is accurate, and give people time – and this is more important than ever – to examine the register to make sure that they have been included.

The Speaker: Member for Onchan, Mr Earnshaw, to reply.

Mr Earnshaw: Thank you, Mr Speaker.

Regarding Mrs Hannan’s concerns, which I think I understand, my understanding of the situation is that the whole thrust of this is to improve the situation that we have got at the moment. We have had, and we have been well aware of, deficiencies, which have been highlighted by members of the public and Hon. Members of this House in the past.

Regarding getting everybody into the caseload, I think in the Isle of Man... It is compulsory to register, but, in the Isle of Man, my understanding is we have got a far better caseload than they have in the UK. I think it is probably twice as good. I think in the UK they are about 10 per cent deficient in their perfection of their register. In the Isle of Man, the estimate is that it is only 4 or 5 per cent.

I think Mrs Hannan raised concerns about the location of the registers. My own experience is that, in this part of the Island, the location of the registers works quite well. I have never had any problem getting access to the register that I tend to use, which is at Onchan Commissioners. It is there and it is the up-to-date copy and it is available.

I am sorry she has difficulties in her own area. I am taking notes of what has been said, and the Treasury officer who is here will be taking note as well, and, hopefully, we can get the situation to improve. So I hope that answers her query regarding that.

I am advised, regarding the question raised by the Hon. Member for Michael, Mr Cannan, the rolling register would give more time to complete the register, and it will be available on time. Additional costs will be required to capture new electors – and we have just voted in favour of

that – but the rolling register will allow errors to be corrected this year, and it should be a more up-to-date situation that we have on an on-going process for the future.

So thank you for that, Mr Speaker. I beg to move.

Mr Cannan: Most unsatisfactory.

The Speaker: Hon. Members, the motion before the House is that clause 7 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

FOR

Mr Anderson
Mr Teare
Mr Rodan
Mr Quayle
Mr Henderson
Mr Cretney
Mr Duggan
Mr Braidwood
Mrs Cannell
Mr Shimmin
Mr Bell
Mrs Craine
Mr Corkill
Mr Earnshaw
Capt. Douglas
The Speaker

AGAINST

Mr Cannan
Mrs Hannan

The Speaker: Hon. Members, the motion carries, with 16 votes for and 2 votes against.

We now move on to clause 8, Hon. Member.

Mr Earnshaw: Thank you, Mr Speaker.

Clause 8 deals with the publication of registers and revisions.

Subclause (1) requires the registration officer to cause a copy of the register of electors maintained under clause 2 to be available for free public inspection at certain places in each district and at the office of the Treasury.

Subclause (2) provides for a public notice detailing the location of places where the registers of electors and the lists of claims and objections relating thereto may be inspected.

Subclause (3) specifies the contents of the public notice.

Subclause (4) requires the registration officer to send a copy of the relevant register of electors to the respective local authorities. The authorities are to notify the registration officer of errors and omissions or indicate that the register is correct.

I beg to move, Mr Speaker, that clause 8 do form part of the Bill.

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

Mr Bell: I beg to second, Mr Speaker.

The Speaker: Hon. Member for Ramsey, Mrs Craine.

Mrs Craine: Thank you, Mr Speaker.

Unfortunately, owing to some misleading information, I understood that clauses were not to be moved this week on this Bill and, as a result, I was not ready with an amendment that I had wished to have.

Notwithstanding that, I believe that it can be addressed under regulations in this clause, and that is, that in the publication of registers and revisions, there should be an introduction of the means of using the internet, or other electronic means, to enable people to look at the register, and I would ask Treasury to take that on board in producing the regulations.

The Speaker: Hon. Member for Onchan, Mr Earnshaw, to reply.

Mr Earnshaw: Yes, thank you, Mr Speaker.

I think Treasury will be happy to take that into account.

The difficulty we have at the moment is there are two registers. We have the finite register, we would describe it as, I would think, whereby all names should be on that particular register. The difficulty is that register cannot be copied; only in certain circumstances can that register be copied.

The abbreviated register, where people can actually opt out of putting their names on, there may be a possibility of producing that electronically. It could, in those circumstances, be downloaded and copied, but the proviso would be that it is an imperfect record.

I hope those comments are helpful to the Hon. Member for Ramsey. I beg to move.

The Speaker: Hon. Members, the motion before the House is that clause 8 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 9, Hon. Member.

Mr Earnshaw: We now move on to part 3, Mr Speaker, which deals with claims, objections and correction of the registers and clause 9 relates to claims and objections.

Subclauses (1) and (2) are concerned with the procedure for persons claiming to be entitled to be entered in a register of electors, or objecting to an entry on the register, or the claim of another person to be entitled to be entered in a register of electors, or objecting to being marked on the register as being qualified to serve as a juror.

Subclauses (3) and (4) provide that the registration officer shall maintain a record of a claim or objection under clause 9 and cause copies of lists of claims and objections to be available for free public inspection.

Mr Speaker, I beg to move that clause 9 do stand part of the Bill.

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

Mr Bell: I beg to second, Mr Speaker.

The Speaker: Hon. Members, the motion before the House is that clause 9 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 10 and schedule 1, Hon. Member.

Mr Earnshaw: Yes, thank you, Mr Speaker.

Clause 10 and schedule 1, termination of claims and objections.

Subclause (1) allows the registration officer to request further information when he or she considers the particulars

supplied in support of a claim or objection are insufficient. If the further information is not provided within seven days, the registration officer need take no further action in respect of that claim or objection.

Subclause (2) allows the registration officer to accept a claim when the circumstances are straightforward and there is no objection.

Subclause (3) entitles the registration officer to disallow an objection on the basis that the objector is not entitled to object. This is most likely to arise if an objector is not entered in the list of electors or has a claim to be entered disallowed.

Subclause (4) requires the registration officer in specific cases to notify claimants or objectors of his or her intention to disallow a claim or objection, unless the person concerned, within seven days from the date of service of the notice, requires the registration officer, in writing, to refer the matter to the revision court or hearing.

Subclause (5), Mr Speaker, requires the registration officer to give every claimant or objector not disposed of by subclauses (2), (3) and (4) written notice of the time and place at which the matter will be dealt with by the High Bailiff, following the provisions of schedule 1.

Mr Speaker, I beg to move that clause 10 do stand part of the Bill.

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

Mr Bell: I beg to second, Mr Speaker.

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

Mr Cannan: Just one point on the administration of this Registration of Electors Bill.

Will the mover give an indication that, on completion of the Royal Assent of this Bill, if it does get Royal Assent... will he indicate to Members and the public the timescale for completion of new registration forms, the publication of the new electoral rolls, and the time the public have to inspect the electoral rolls and make objections before the rolls are confirmed, which will have to be no later than the first week in September?

The Speaker: Hon. Member for Onchan, Mr Earnshaw, to reply.

Mr Earnshaw: I have not got that in my briefing notes, I am afraid, Mr Speaker.

Mr Cannan: You are not here to live on briefing notes.

Mr Earnshaw: If the Member would just bear with me a moment, I should have the answer to that, or we could leave it until Third Reading.

Mr Corkill: He has got time to wait.

Mr Cannan: Is this a meeting between the Treasury, Mr Speaker?

The Speaker: Thank you, Mr Cannan. I do not think we need you to contribute any more, thank you.

Mrs Hannan: Oh, don't say that! He will say yes!

Mr Cannan: I will take over.

The Speaker: I think it is important that if the Hon. Member wishes to clarify the situation for the House, and he has the opportunity to do it now, he can; and if not, it will wait until Third Reading.

A Member: Hear, hear.

Mr Earnshaw: I thank you, Mr Speaker and Members, for your forbearance. The information I have is that the registers will be available for inspection shortly after Royal Assent. They will be available for inspection on time.

I beg to move.

The Speaker: Hon. Members, the motion before the House is that clause 10 and schedule 1 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 11, Hon. Member.

Mr Earnshaw: Thank you, Mr Speaker.

Clause 11 relates to alterations to registers of electors.

Subclause (1) deals with the alteration of a register of electors. It requires the registration officer to alter the list of electors to give effect to any decision made by the registration officer, a decision of the High Bailiff made under schedule 1 to correct a clerical error or inaccurate description, or to delete the name of a person whom the registration officer is satisfied has died.

Subclause (2) requires the registration officer to give notice to any person who appears to be incorrectly registered, or registered when not entitled, of a proposed alteration, and allows that person to notify the registration officer if he or she wishes to have the matter referred to a hearing.

The most likely circumstances under which such revision would be used would be where a person is claiming to be entitled to be entered on an electoral list for a property which he or she owns within the Island, but occupies for only a limited period, for example, the summer months, spending the rest of the year off the Island.

Subclause (3) is concerned with action to be taken subsequent to the notice contained in subclause (2).

Mr Speaker, I beg to move that clause 11 do stand part of the Bill.

The Speaker: Hon. Member for Malew and Santon, Capt. Douglas.

Capt. Douglas: I beg to second, sir, and reserve my remarks.

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

Mr Karran: Vainstyr Loayreyder, one of the queries I have with this is it says that you can have a hearing by the High Bailiff. Do I take it this will be on a judicial basis, or a non-judicial basis, so there is no cost for the individual?

I am also a little bit concerned with the lines of this Bill from the mover when he talks about people who only live here in the summertime not being entitled to vote. I think I am concerned about that issue because, in my own constituency, I have banged on the doors for what will be coming up to 30 years. The point is that there are houses that I have never seen

occupied in November/October-time, and I am concerned that I do not want a situation where this gives a powerful elite the opportunity to mess around with the voters' lists so that, 'Oh, well, you are not deemed to be here full-time, we will take you off the list.'

I have to be honest with you, one of the concerns, Vainstyr Loayreyder, I had with all this proxy voting was the way that it could be abused. It did concern me greatly about the possibility of that. I am concerned that this idea that people will be deemed whether they can be on the voters' list or not... it is about accountable power.

This is an important thing. I just think the hon. mover needs to reassure us that we are not going to have a situation where people end up not being on the voters' list because they are deemed not to be here long enough one minute, and then, in another minute, other people will not be in that situation.

I am concerned that there seems to be a very fluid situation as far as the registration of voters. We have had a few bizarre things at the last election. I certainly do not want to find people not being on the list.

Vainstyr Loayreyder, my concern to my hon. colleague is we have a number of people in our constituency who are only here three or four months of the year in the summertime. Is he saying now it will be left up to some faceless bureaucrat, who is accountable to no-one – which is a growing factor within this patronage system of Government – who will be able to decide who goes on the voters' list, because he has deemed, 'Oh, well, you are only here three months a year' or not? What safeguards has that individual got?

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

Mr Delaney: It seems appropriate to raise it here. I, with several other Members here, have been conscious, in past elections, where the same person appears in, in one case, three constituencies. Of course, the information on computers is only as good as the person who puts it in.

What has concerned me, when it came about in my own patch against another patch, was when the returning officer, Mr Speaker, was informed of it, I took it for granted that if that person had voted in one constituency, he was not entitled to vote in another, knowingly. Unfortunately, there was nowhere that it had been pointed out to people that they could not vote in two constituencies. Of course, that became a matter of some difficulty.

Bearing in mind we are in the IT age, could the Member tell me which of these is correct? Is it the person can only vote in one constituency and, once voted, is then committing an offence of voting a second time, even if he was not in the knowledge that he was committing it?

Is the modern IT system that we have able to correct its own faults of the information put in where persons do appear twice in two different constituencies? I would like to know if that is the situation.

The Speaker: Hon. Member for Onchan, Mr Earnshaw, to reply.

Mr Earnshaw: Thank you, Mr Speaker.

I am pleased that the Hon. Member for West Douglas, Mr Delaney, has highlighted this because it has been a shortcoming of the system that we have at the moment. I have

got to say I have never heard of it arising in three different constituencies, but certainly, two has been a possibility, and it has been a shortcoming. The rolling register that we are proposing to introduce now should overcome that.

I think a question he asked was is it illegal? Yes, as far as I am aware, existing legislation would cover that. It would be illegal for that person to vote more than once. It should be the latest one that they are registered on. The other is an administrative shortcoming, due to the fact that the registers have not been updated as regularly as we would like them to be under the new process.

Dealing with my colleague, the Hon. Member for Onchan, Mr Karran's question, I understand it has always been the case that a person must have been resident for 12 months before they get onto the voters' register. The Attorney General's Office has determined that this can be accepted to mean the majority of the previous 12 months, and that is a ruling that has been made by them.

The Hon. Member refers to 'faceless bureaucrats' here. I am not quite sure who he has got in mind there, but there is a robust process that has been put in here to be the deciding factor. I hope that answers his question on this, Mr Speaker.

I beg to move clause 11.

The Speaker: Hon. Members, the motion before the House is that clause 11 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 12, Hon. Member.

Mr Earnshaw: Thank you, Mr Speaker.

Clause 12 is the first of part 4, the general aspects of this Bill.

Subclause (1) enables the Council of Ministers to make regulations which restrict the extent to which a person inspecting the registers of electors in accordance with clause 8 may use such registers.

Subclause (2) provides that the regulations made under subclause (1) may provide that contravention of those regulations is an offence punishable by a fine not exceeding £5,000.

I beg to move that clause 12 do stand part of the Bill.

The Speaker: Hon. Member for Ayre, Mr Teare.

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

The Speaker: Hon. Member for Peel, Mrs Hannan.

Mrs Hannan: Thank you.

Can I just ask the mover, Vainstyr Loayreyder, regarding the restrictions on the use of the register, could he give us a little bit more detail?

The Member for Ramsey suggested that it should be available on a website. I have great concerns about having this information available. This information will be available worldwide.

We all know that people's identity can be taken so readily, so easily. I know in the next clause... there are restrictions in this clause and, I think, the next clause, but surely, people are giving this information to Government to register for an election. They are not giving it for any other reason, to go on

the website, for somebody else to use it, for other reasons.

There have been in the past times, Vainstyr Loayreyder, I am aware of that people have used it for all sorts of things, bought it very cheaply and been able to contact people, know exactly who they are, quite a lot of things about them, just from the register. Your neighbour is such and such and you are... this sort of thing.

I just think it is something that we should really guard, is our privacy and our private information, be it that it is only a name next to a house number. If that is available worldwide, what is going to happen to identities?

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

Mr Delaney: Yes, Mr Speaker.

This will affect everybody, what the Hon. Member has brought up, because what concerned me was, under the new regulations, I think I paid £56 for a tape of the electoral role in West Douglas. I also got access to a hard copy. The tape then, because I had purchased it... I do not see any regulation to say what I can do with it after it is my property.

I have paid for it. That tape is there. It is there for me to print out the manifestos and to send them to the people; but what I was not clear of was, is that tape mine? Is that my property once I have paid for it? Can I pass on that information to a third party, or is it covered by the Act which is in being which denies some persons the use of some of this information?

It was never made quite clear to any candidate I am aware of what exactly, and whose exactly, that tape was, even after it had been bought by a candidate.

The Speaker: Hon. Member for Ramsey, Mrs Craine.

Mrs Craine: I would like to refute any qualms about having information on the internet with regard to these registers. I think that, in the future, Mr Speaker, we will be able to firewall these registers. At the present time, there is nothing to stop anybody going in and looking at registers and copying down information, as it is.

I do think that it is necessary for us to move forward in the 21st century towards the day when people will be able to actually use those registers, not only to check their electoral status on the register, but also to vote.

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

Mr Duggan: Thank you, Mr Speaker.

I would just like to point out, you have got to be on the voters' list, Mr Speaker, to vote, but you can actually stand for the House of Keys and you do not need to be on the voters' list.

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

Mr Earnshaw: Thank you, Mr Speaker.

I am pleased to have the opportunity to respond to this because there is a common theme here and a common concern about the internet.

I agree with the comments made by the Hon. Member for Peel, Mrs Hannan, and the Hon. Member for West Douglas,

Mr Delaney. I share their concerns about having this on a website at the moment. The firewalls that the Hon. Member for Ramsey, Mrs Craine, talks about are not in place at the moment.

This is precisely the reason why we have a split list already. I am one, personally, and others in this Hon. House may be the same... I have opted to have my name removed from one of the registers. The reason this was brought in was due to misuses in the past. Information was being obtained by, let us say, mail order companies.

You wonder how you get things through your letter box. Did you ever ask for that to be sent to you? Well, you may well not have done. Somebody has got a hold of the electoral register and used it for that particular purpose, so you have got on their mailing list, possibly by use by that individual of the electoral register.

Members of the public now have a choice about whether they stay on that list that is available to all and sundry to download. The main list, there are restrictions as to how that can be used. There are protections in place to cover the circumstances that I have just outlined, and I think, myself, Mr Speaker, that they are working quite well at the moment.

I hope that brings some comfort to the questioners regarding this. I am getting a shaking of heads, but I am sorry, that is the best answer I can give, Mr Speaker, regarding that.

The situation was changed, and we felt improved, some time ago by introducing these dual lists. I think it is a shame we have to have dual lists, it makes the whole thing rather messy, but that is the route we have gone down. That is where we are at the moment. It seems to be working reasonably satisfactorily.

I beg to move clause 12. Thank you.

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

Mr Delaney: Just a point of clarification. As you rightly say, maybe you can give me an answer at the next sitting, at the next stage. Mr Speaker, my question is specific.

Candidates are issued with an unabridged piece of software which has the total electors' list and all the information on. Is that covered? What legislation covers the use of that particular one, because I could find none?

It must be there somewhere – I hope it is – but I can find none that would stop me actually passing on that disk to somebody else.

The Speaker: I am sure the Hon. Member –

Mr Delaney: It is not that I would do it, but...

The Speaker: Unless the Hon. Member can answer it now...

Mr Earnshaw: Thank you, Mr Speaker.

I do have some information here for Mr Delaney. I appreciate there are technicalities in this Bill. I will not pretend to be a technical expert on it, but the regulations specify that the information cannot be copied. Presumably that means that the information you have got is not yours to pass on.

Handwritten copies only are permitted from information

that is available at, for instance, the local authority offices. Schedule 1 of the Registration of Electors Regulations 2003 specifies the uses of the register in all formats.

I hope that helps the situation, Mr Speaker.

The Speaker: Hon. Members the motion before the House is that clause 12 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Clause 13, Hon. Member.

Mr Earnshaw: Thank you, Mr Speaker.

Clause 13 deals with the supply of information contained in the register.

Subclause (1) of this clause provides that regulations must be made.

Paragraph (a) provides for the regulations to require the registration officer to prepare edited versions of the registers of electors, omitting the names and addresses in certain circumstances.

Paragraph (b) indicates that the regulations shall specify a form of words to be used by the registration officer in explaining the purposes for which a register may be used, and ascertaining whether details are to be omitted from the edited register.

Paragraph (c) provides for regulations to require copies of the register and other documents to be available for public inspection.

Paragraph (d) deals with regulations about the role of the Chief Registrar in supplying copies of the full register and the edited register of electors upon payment of any prescribed fee.

Paragraph (e) provides for regulations to specify the purposes for which certain copies may be used.

Paragraphs (f), (g) and (h) deal with prohibitions and restrictions which may also limit the extent to which persons inspecting the full register can make copies, supply or disclose information contained in them to other persons, and the use of the information obtained.

Paragraph (i) provides that regulations may prohibit persons involved in preparing the register from supplying copies of the full register and disclosing information contained in it.

Subclause (2) provides that if the regulations made under clause 13 are breached, a fine of up to £5,000 may be imposed.

Mr Speaker, I beg to move that clause 13 do stand part of the Bill.

The Speaker: Member for Ramsey, Mr Bell.

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

The Speaker: Member for Ramsey, Mrs Craine.

Mrs Craine: Thank you, Mr Speaker.

Once again, we are looking at the supply of information contained in the register. Notwithstanding the remarks that have just been made in relation to the previous clause about restrictions on the use of registers, this is an appropriate area where consideration should be given to the publishing of the electoral roll on the internet, or by other electronic means, as and when Treasury may see fit to do so.

I do think it is quite interesting this afternoon that the

voting age has been reduced to that of 16 and, undoubtedly, the means of technology that young people would wish to use would be electronic means. Not allowing us to move forward into using the internet for the roll and for the means of voting would, in fact, already disenfranchise them before they have begun.

I do think that we need not to be looking now at what today's situation is, but that we should be putting in place enabling legislation for the future.

The Speaker: Hon. Member for Peel, Mrs Hannan.

Mrs Hannan: Thank you.

I do not agree with the Member who has just spoken regarding information. I think the website and being able to put information on there is extremely good and it is progress, but I am sorry, it is something we mentioned this morning about criminal activity.

Criminal activity is everywhere and, at the moment, people's identity is being stolen from them. With this sort of information on the web that people... it is not just for young people, it is for anyone out there who can take somebody's information and can use it. I think we have a responsibility to guard against allowing this information...

It is all very well to say, 'Oh well, we'll allow people to decide', but do we point out to people the ramifications of putting all their information on an electoral register? That somebody else can come along and take all of their details and can get all sorts of other information because they have got those details of them? Not just that register, but other ways of getting information about people as well.

I just think that we, in this place, passing legislation, should be responsible and recognise that people's identities are being stolen, their privacy is being invaded. If we are going to do this, we should do an awful lot more before we get to the stage where it is going to be on the website. I feel that we have a responsibility; we know about these things.

A lot of other people think, 'Oh, I'll tick this box, I'll tick that box, I'll tick some other box, it won't matter.' Well, I am sorry, it does matter, and people's privacy is invaded. Not only that, their identity is used by someone else.

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

Mr Karran: Vainstyr Loayreyder, my concern is the... I understand what the Hon. Member for Peel is saying, but at the end of the day, a voters' list is the backbone of democracy. You cannot have it all ways. If you have a private list, how do you then make sure that the list is fair and representative of the individuals?

This is something that we have been arguing about and I just wonder, when I think back to the first time I stood for the House of Keys, the information that was on the voters' list to what was on now... and I would imagine it was even more detailed in the days of the Hon. Member for West Douglas, Mr Delaney. The information on now is not a fraction of what used to be on; joint owner/occupier, who was the owner of the property, whether they were married or single, if I remember rightly was on the list.

I just am concerned that, unfortunately, this list is the thing that all of us in here have to work towards when looking at elections. My concern is that if we do not have transparency with the list, then people can argue there is a danger of gerrymandering, something that they complained about...

I had ex-Labour MHKs' complaints about the way the lists used to be manipulated, and if you did not watch yourself, you got thrown off the list if you were a Labour supporter. I am only talking about a former Member of this House, who complained bitterly about that used to happen regularly in my constituency 30, 40 years ago.

If we go down the line of the Hon. Member for Peel, then the danger is you have got to be so careful that you end up with everything so secret. I understand the dangers, Vainstyr Loayreyder.

I have a lot of sentiment with the Hon. Member for Ramsey that this is the way the kids operate nowadays. We have lowered the age to 16 and we have to recognise that.

But what I do think is that we must not allow it to become too secret, because if it becomes too secret, then it will go back to being abused. Maybe the things that former Members of this Hon. House complained about will happen once again in this small nation.

The Speaker: Hon. Member for Onchan, Mr Earnshaw, to reply to the debate.

Mr Earnshaw: Thank you, Mr Speaker.

Regarding the points made by the Hon. Member for Ramsey, Mrs Craine, and the Hon. Member for Peel, Mrs Hannan, I think I have already covered these.

Mrs Craine is obviously enthusiastic about getting internet provision of this. Whilst we have not got that at the moment, we have not got the facility for doing it, there is no undertaking to do it, I did give an undertaking that Treasury would examine it, and we shall.

I think that is the best we can do in the circumstances at the moment. Yes, the internet is all around us now, and it will become more and more refined and more used, this global tool, as time goes on, so it may be something that we have to consider in due course, and we will consider it.

Regarding Mrs Hannan, I am very much in tune with Mrs Hannan's concerns regarding this. I like my private information to remain private in that respect as far as possible. You cannot protect it in every way, in every circumstance, but I am content for my name to be on an electoral list.

As I have already indicated, I personally have had my own name removed from one of the lists. It is just on the strictly electoral list that my name is attached at the moment. That is the way I would prefer it. I would not like my personal information to be misused if I can possibly prevent it, and I think most people would share that view.

Regarding Mr Karran's comments, I am not really sure,; I think he was really just making a statement. I do not know whether he had a question for me or not there, Mr Speaker, but I respect his view.

I beg to move.

The Speaker: Hon. Members, the motion before the House is that clause 13 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Clause 14, Hon. Member.

Mr Earnshaw: Thank you, Mr Speaker.

Clause 14 contains the financial provisions. The expenses incurred by the Treasury, the Clerks of the Rolls, the High Bailiff and the registration officer will be paid out of monies provided by Tynwald.

Mr Speaker, I beg to move that clause 14 be part of the Bill.

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

Mr Bell: I beg to second, Mr Speaker.

The Speaker: Hon. Members, the motion before the House is that clause 14 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Clause 15, Hon. Member.

Mr Earnshaw: Very simply, Mr Speaker, clause 15 defines expressions used in the Bill.

I beg to move that clause 15 forms part of the Bill.

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

Mr Bell: I beg to second, Mr Speaker.

The Speaker: Hon. Members, the motion before the House is that clause 15 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Clause 16, Hon. Member.

Mr Earnshaw: Thank you, Mr Speaker.

Clause 16 covers public documents. Regulations under the Bill are made by the Council of Ministers and, of course, are approved by Tynwald.

I beg to move clause 16 do form part of the Bill.

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

Mr Bell: I beg to second, Mr Speaker.

The Speaker: Hon. Members, the motion before the House is that clause 16 stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 17 and schedules 2 and 3, Hon. Member.

Mr Earnshaw: Thank you, Mr Speaker.

Clause 17 and schedules 2 and 3 cover consequential amendments and repeals.

Clause 17 introduces schedules 2 and 3, which contain consequential amendments and repeals.

I beg to move that clause 17 do form part of the Bill.

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

Mr Bell: I beg to second, Mr Speaker.

The Speaker: Hon. Member for Garff, Mr Rodan.

Mr Rodan: Yes, Mr Speaker.

I beg to move the consequential amendment to schedule 3 which adds in that section of the Representation of the People (Amendment) Act 2006, which takes account of the earlier decision made by the amendment to clause 3:

Clause 17 and schedule 3 (repeals)

Page 18: at the end add –

'2006c.[] Representation of the People (Amendment) Act 2006 Section [voting age](2).'

I beg to move, sir.

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

Mr Corkill: I beg to second, sir.

The Speaker: Hon. Member for Onchan, Mr Earnshaw, do you wish to reply to the debate?

Mr Earnshaw: I have nothing further to add, sir.

The Speaker: Hon. Members, the motion before the House is that clause 17 and schedules 2 and 3 stand part of the Bill. To that, we have an amendment in the name of the Hon. Member for Garff, Mr Rodan. All those in favour of the amendment, say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

FOR

Mr Anderson
Mr Teare
Mr Rodan
Mr Rimington
Mr Gill
Mr Gawne
Mr Henderson
Mr Duggan
Mr Braidwood
Mrs Cannell
Mr Shimmin
Mr Delaney
Mr Bell
Mrs Craine
Mr Corkill
Mr Earnshaw
Capt. Douglas
The Speaker

AGAINST

Mr Cannan
Mrs Hannan
Mr Karran

The Speaker: Hon. Members, the amendment carries, with 18 votes for and 3 votes against.

I now put clause 17 and schedules 2 and 3, as amended. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Now, Hon. Member, clause 18.

Mr Earnshaw: Thank you, Mr Speaker.

This clause deals with the short title and commencement of the Bill.

The Bill comes into operation by an Appointed Day Order. The Order may contain transitional provisions for savings as the Treasury consider necessary.

I beg to move that clause 18 forms part of the Bill.

Whilst I am on my feet, if I may, sir, I would like to thank my various seconders this afternoon, and also Hon. Members for their support so far with this Bill.

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

Mr Bell: I beg to second, Mr Speaker.

The Speaker: Hon. Members, the motion before the House is that clause 18 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Sexual Offences (Amendment) Bill

Consideration of clauses adjourned

5.1. Mr Shimmin to move.

The Speaker: Hon. Members, we move on to our next Item. We revert back to Item 5.1, Bills for consideration of clauses, which is the Sexual Offences (Amendment) Bill, and I first call upon the Hon. Member for Glenfaba, Mr Anderson.

Mr Anderson: Thank you, Mr Speaker.

I rise to seek the adjournment of the clauses stage today:

That the clauses stage of the Bill be adjourned to the sitting of the House on 28th February 2006.

My reasons for this are two-fold. Firstly, an amendment in the name of Mrs Hannan is a radical move that has only been in the public arena since the publication of the Order Paper at the end of last week. The publication of the Green Bill made no reference to it.

Mr Shimmin, in his letter of 4th November to Hon. Members, said that he would shortly be introducing the Sexual Offences (Amendment) Bill into the Keys for First Reading, and indicated that it would go forward as originally proposed, and that is what has happened.

He did go on to say that any Member would be free to bring an amendment to repeal section 38 if he or she desired to do so, and also stated that Ministers would have a free vote on the issue, but until less than a week ago, the general public had not been informed that that would happen.

Changing this legislation has major implications. If it had been a draft Bill which had gone out to consultation and come back with no comments, it would be different. Comment has only been made in the papers and over the radio over the past few days that this was coming forward today.

Adjourning it for three weeks would give everyone time to reflect on what the change would mean, not just in this House, but the parents and guardians of all our schoolchildren. Secondly, it would also give, Mr Speaker, me the chance to put an amendment on the Order Paper in a timely manner so I would not need to seek suspension of Standing Orders to get it on the floor of this House today.

I know some Members are disappointed with the amount of legislation we have had today and that we have already pencilled in for the afternoon tomorrow in our diaries. It is unfortunate that the passage of Bills cannot fit neatly into that arrangement, but that is often the way.

Is it not better to make sure legislation is fully scrutinised here, rather than having it amended in another place? (A Member: Hear, hear.) I believe we need to adjourn for three weeks to give this radical proposal due scrutiny, Mr Speaker.

I beg to move the adjournment of the clauses stage until 28th February.

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

Mr Houghton: Thank you, Mr Speaker. I beg to second, sir.

The Speaker: Hon. Member for Peel, Mrs Hannan. This is an adjournment debate, which limits Members to five minutes.

Mrs Hannan: If I can just make it clear that this particular issue has been out to consultation. Not through any doing of mine, I did not put it out to consultation; it was the Council of Ministers that put it out to consultation. It sort of takes my breath away that there has not been consultation on this particular issue...

We have got before us a Bill where my amendment would be included, if it was supported by the House, and I have no problem with it being discussed today.

That Bill reduces the age of consent to 16. My suggestion is a very minor suggestion. I have circulated the amendment for Members. If Members would care to read it, in actual fact, it means nothing. And do you know why it means nothing, section 38? It is because section 38 is a very clever piece of legislation.

I circulated it so that Members can see it once again, this piece of legislation. It was amended some time in the late 1980s, and it was amended from the UK section 28. It was amended in a very clever way because, if you look at section 5, section 5 says that you can virtually cancel everything out. It virtually cancels everything out.

This is a redundant, nasty, mean, spiteful piece of legislation. (A Member: Hear, hear.) It should be amended, and I hope Members will amend it.

If Members would like to give more thought to it today, that is up to you. All I am suggesting is that it is taken off the statute books, because that is exactly what it is: a mean, spiteful, nasty piece of legislation which frightens people. But it does nothing, because you try to take something, you try to take anybody to court on this piece of legislation, and it would be ruled against, because section 5 sort of scrubs the rest of it. But it is enough, it is just enough, to frighten people. Just that little bit to frighten us all –

The Speaker: Can I, Hon. Member, please, just slightly interrupt. We are talking about whether this Bill should be adjourned for three weeks. We are not debating an individual piece, either an amendment or a clause. (Several Members: Hear, hear.) If I can just remind you of that.

Mrs Hannan: It is my understanding that the adjournment has been sought because of this piece of... because my suggested –

The Speaker: No, I think, Hon. Member, the Hon. Member for Glenfaba is seeking an adjournment because he wishes to put forward another amendment. Your amendment is already scheduled and will be heard when the Bill comes before the House to deal with clauses.

It is a matter for the House today whether or not it wishes to proceed, but we are not debating the amendment.

Mrs Hannan: I thought it was because of my amendment that the adjournment was being asked, Vainstyr Loayreyder, to have consultation.

The Speaker: That is not my understanding, but I am sure that the mover will reply to that at the time.

Mrs Hannan: What I am concerned about is the

innuendo that there has not been consultation. I am on record, and I have letters in front of me that I have written to the Council of Ministers in regard to this particular issue, where I quite clearly stated that if the Council of Ministers were not moving an amendment, I would be moving an amendment.

There is nothing secret about what I am doing, and I think it has been suggested by the mover of the adjournment that I am trying to do something which is secretive. I am not trying to do something that is secretive at all. I have been open and I have been...

There was discussion a fortnight ago on the various issues to do with this piece of legislation. I am concerned that this one little piece has caused that problem, when, in actual fact, what the Bill is doing, I support absolutely, totally and wholeheartedly. It is a wonderful piece of legislation. I commend the Council of Ministers for that and I will be supporting it.

The Speaker: Can I just make it absolutely clear that the amendment put down in the name of the Hon. Member for Peel, Mrs Hannan, has appeared on the Order Paper, in full compliance with Standing Orders, as any other amendment would. Therefore, unless Members are concerned our Standing Orders are not correct, there is nothing secretive about it.

Hon. Member for Douglas West, Mr Shimmin.

Mr Shimmin: Thank you, Mr Speaker.

I merely would draw to the attention of the House that this matter was drawn to my attention by the Hon. Member for Peel back in the consultation phase, and I deliberately made it known to the public during the consultation phase in September 2005.

I would advise the House that, with TV, radio and newspaper coverage specifically inviting comments on this matter, there were 11 comments opposed to repealing which we received in our consultation exercise, sir.

The Speaker: Hon. Member for Ramsey, Mr Bell, and can I again remind Hon. Members, just as a reminder, we are talking about whether or not to adjourn the clauses at this stage. Hon. Member.

Mr Bell: Thank you, Mr Speaker. I will stick to the point.

I am absolutely astonished, frankly, at this move today and the arguments that have been put forward for a deferral of the consideration of this Bill.

The Hon. Member who is proposing this, Mr Speaker, is a Member of the Council of Ministers. He was fully au fait with the development of this legislation in its early stages and the various proposals which were suggested for the Bill and, in fact, one area in particular which was, ultimately, omitted from the Bill. So the Hon. Member has had at least the same amount of time and, in fact, a longer period of time, than the Member for Peel or, indeed, any other Member to bring forward amendments.

The argument now that he has not had time to put an amendment together to include in this Bill and needs another three weeks for it is a totally fatuous argument, Mr Speaker, which is designed solely to delay still further the implementation of the whole Bill and, I believe, will be very detrimental to the Isle of Man.

The argument which has been put forward that the amendment represents a radical change in legislation and needs further consultation on it is, again, a totally fatuous argument, Mr Speaker. This is not a radical change in legislation. The change which this refers to took place in the United Kingdom several years ago because it was deemed to be, as the Member for Peel has said, a mean and spiteful response from Mrs Thatcher some years ago to actions which were taking place in the education system at the time.

Mr Speaker, we have already today at Question Time had comments about an article which appeared in *The Sunday Times* a couple of weeks ago in which this very issue was referred to in a very derogatory manner, which goes to show, Mr Speaker, that the huge damage – the huge damage – which took place against the Isle of Man's reputation at the end of the 1980s and early 1990s still lingers on, certainly in journalistic minds, and many other minds.

Therefore, it is very important, Mr Speaker, that we move on with this Bill, that we do show we have now matured way beyond those appalling years where the Island suffered so badly, and that we move on with this legislation today.

Mr Speaker, there is absolutely no reason for an amendment or a deferral. The Hon. Member has had exactly the same time as the Member for Peel to bring forward an amendment, indeed, the same time as any other Member of this Chamber. That he has failed to do so is not the fault of this Hon. Chamber, it is his own timing.

Therefore, I would urge Hon. Members, please, to reject this and let us get on with the Bill.

The Speaker: Hon. Member for Garff, Mr Rodan.

Mr Rodan: The case that has been made for a deferral, Mr Speaker, is two-fold. First of all, that the issue of repeal of clause 38, apparently, has only been in the public domain since last week, on the publication of this Order Paper, the implication being that there has been insufficient time to allow for an informed public debate. That is not the case.

As the Hon. Member for Douglas West has reminded us, the issue was highly publicised back in September of last year as a potential inclusion of this particular Bill, and that was quite deliberate. So, it has been in the public domain since then.

The second reason given is that it would permit the Hon. Member time to formulate an amendment without the requirement to suspend Standing Orders. Well, I, for one, am quite happy to listen to the case for the suspension of Standing Orders, and if there is merit in that case, to so vote to allow the Hon. Member to make that particular amendment.

I do not believe a case has been made for the adjournment, and I think it is appropriate that we carry on with the debate today, sir.

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

Mr Karran: Vainstyr Loayreyder, I do not want to be in the sort of area of this Hon. House, as far as this proposal is concerned, being any way homophobic, or anything. I am concerned that the Hon. Member has made a case as far as the issue is concerned that he feels he needs more time to think about it and develop a reason why.

Vainstyr Loayreyder, I can see the concerns that we do not want to end up with a situation where we have the public

drummed up into some frenzy, but I believe that we could never have a situation like we had in the 1990s, where some of us lived under siege, virtually, for our stance.

We have seen that, Vainstyr Loayreyder, in the fact that when we lowered the age of consent to 18, there was not the sort of horrendous situation for people in this House – that need my osteoporosis tablets more than I need them – to have the backbone to do stuff, to not have to put up with the pressures and the nightmare scenario that some of us had in the 1990s.

I believe, Vainstyr Loayreyder, that if the Hon. Member says that he needs time to look at this proposal, then I think we should let the Hon. Member have his opportunity. I do not want to be associated with any views of not supporting Human Rights. I hope that by supporting the suspension of Standing Orders I am not reflecting that.

I totally agree with the Hon. Member for Ramsey. The damage that has been done, the likes of the remarks that were made in the newspaper article were right 15, 20 years ago, as far as the Isle of Man was concerned, over the protection of our gay citizens; but they are not right today.

Vainstyr Loayreyder, I hope that this House will support the Hon. Member. I believe that we want good law. I will not be supporting the Hon. Member. I believe in an inclusive society, not an exclusive society. I do not want a situation where we see sections of our community devalued. But I, personally, feel that the Hon. Member should be given the opportunity in order to formulate his amendments that he feels he needs because, at the end of the day, the most important job as a Member of the House of Keys is our parliamentary duties.

Vainstyr Loayreyder, I just hope that the Hon. Member, when he is in the mass hysteria of the Council of Ministers, and the press, when they are trying to kick the likes of myself and other Members who stand up for point of principle, will at least respect some of us instead of just piling on the boot of Members who stand up.

I think this House would be wrong not to let the Hon. Member, even though, if I had had my way, we would have had same-sex partnerships years ago. It would have done an awful lot to get rid of the damage that the Hon. Member for Ramsey dealt with. I understand the bigotry of certain people, in all of our areas, who will never vote for you again for supporting this section of the community. You have to rise above it.

This Hon. House would be wrong not to support the Hon. Member in his position, because I do believe that it is being done on a legitimate basis by the Hon. Member for Glenfaba. I do believe that we should give him the opportunity, if he feels that the law is defective, to have the time in order to come back with a suitable amendment, as far as this is concerned. I think three weeks is quite reasonable.

I understand the problems. I understand the people in this Hon. House who want to hide and want to kick a small section of the community to win votes, but at the end of the day, this House has got to be above that and has to defend the right of the Hon. Member for Glenfaba.

We must not allow ourselves, who do not condone the horrendous things that were done in the name of law and order and human decency to this section of the community in the past, to be party to this. So, I think we should support the Hon. Member.

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

Mr Cannan: Mr Speaker, what I find extraordinary in all this is, yet again, the Members of the Council of Ministers do not seem to know what is going on in the Council of Ministers.

I hold in my hand ‘Chief Minister’s Office, Information to Members’ dated 2nd September 2005. This went out all over the Island.

‘Update on consultation on the Sexual Offences (Amendment) Bill
The public is reminded that consultation closes at the end of this month, Friday 30th September 2005, on a draft Bill to update and strengthen the Island’s sexual offences laws.’

It goes on to state:

‘Although there has been a limited response to the consultation so far, one change to the Bill that has been suggested is that repeal of Section 38 of the Sexual Offences Act 1992 be included.’

Then it goes on to say that:

‘John Shimmin MHK, the member of the Council of Ministers in charge of the Bill, said:

“Repeal of Section 38 is not part of the draft [...] Bill...”

I am cutting it a bit short,

“and the Council of Ministers has yet to make a policy decision on the issue. Before that happens it seems reasonable to sound out public opinion on the matter as part of the consultation of the Bill.”

The press release goes on quite a bit – this is from the Chief Minister’s Office – and a member of the Council of Ministers, Mr Shimmin, has made all his comments.

People did respond. I, myself, responded. I stated the present legislation under section 38 must not be repealed, and I gave the reasons why. I went on the radio and it was in the newspapers, and other people have responded.

What I find is strange in all of this is if the Member was not a member of the Council of Ministers, and had newly arrived in the House, I could understand him not understanding the rules and consultation and everything else. But today, he suddenly says, ‘As a Member of the Council of Ministers, I did not know all this was happening’, and yet in the name of the Council of Ministers, Mr Shimmin is issuing press releases.

The Speaker: Hon. Member, Mr Anderson, to reply.

Mr Anderson: Thank you, Mr Speaker.

Can I just start by saying several Members said that it had been mentioned, the repeal of section 38, when it went out to the public. The point I have been making all along is that the general public have not been aware that section 38 was going to be included within this Green Bill until the amendment was coming forward in the name of Mrs Hannan last week. The general public did not know that was in the Bill. That is a fact.

That is the primary reason why I am asking for adjournment to this debate today. I could stand up here and go for a Standing Order to have my amendment put forward. I am quite happy to do that if Members want me to do that.

A Member: Have you got it ready?

Mr Anderson: It is ready. My principal aim of going

for an adjournment today is that the general public did not know that section 38 was going to be included within the Green Bill.

Mr Speaker, those were basically the points that Hon. Members were trying to make. The points they were making, that it had been out for consultation, yes, it has been out for consultation; but members of the general public were not aware that this was coming forward in the Green Bill today. That is why I seek the adjournment in my name.

The Speaker: Now then, Hon. Members, just before I put the vote, I would like to clarify, first of all, there is nothing in the Green Bill which repeals section 38. What we have is an amendment which a Member has put down in their own name on the Order Paper, in full compliance with Standing Orders, to promote that idea, which then is a matter for the House. I just think that is important to clarify.

Hon. Members, the motion before us is that the clauses of the Sexual Offences (Amendment) Bill be adjourned until the sitting on 28th February 2006. All those in favour, say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

FOR

Mr Anderson
Mr Cannan
Mr Teare
Mr Quayle
Mr Gawne
Mr Houghton
Mr Henderson
Mr Cretny
Mr Duggan
Mr Delaney
Mrs Craine
Mr Karran
Mr Corkill
Capt. Douglas

AGAINST

Mr Rodan
Mr Rimington
Mr Gill
Mr Braidwood
Mrs Cannell
Mr Shimmin
Mrs Hannan
Mr Bell
Mr Earnshaw
The Speaker

The Speaker: Hon. Members, it required just a majority vote of the House for that. The voting in favour of the adjournment is 14 votes for, 10 votes against. Therefore, Hon. Members, the clauses stage of the Bill will now be taken at the sitting on 28th February 2006.

Hon. Members, that concludes the business before the House. The House will now stand adjourned until Tuesday 14th February 2006 at 10.00 a.m. Hon. Members, thank you.

The House adjourned at 5.12 p.m.