



TYNWALD COURT OFFICIAL REPORT

RECORTYS OIKOIL
QUAIYL TINVAAL

PROCEEDINGS

DAALTYN

WOMEN'S INSTITUTE TYNWALD
HANSARD

Douglas, Thursday, 24th November 2016

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Volume No. WIT2016

Present:

The President of Tynwald (Mr S C Rodan)

In the Council:

Mr T M Crookall MLC, Mrs P Nutter, Mrs M Corfield, Mrs D H P Caine,
Rev. J Dudley, Mrs L Berry and Ms J M Edge
with Mr J D C King, Clerk of the Council.

In the Keys:

The Speaker (Hon. J P Watterson) (Rushen);
Mrs A Cottier and Mr J R Moorhouse (Arbory, Castletown and Malew);
Mr T S Baker and Mrs M Chrystal (Ayre and Michael);
Mrs K Wilson and Ms C Cowley (Douglas Central);
Mrs D Helliwell and Mrs T Roper (Douglas East);
Miss C L Bettison and Mr D J Ashford (Douglas North);
Mrs P Beedan and Mrs P Mitchell (Douglas South);
Mrs J Sharples and Mrs B Gaylor (Garff);
Mrs C A Corlett and Mr G R Peake (Glenfaba and Peel);
Mrs D Ormond and Mrs A Dixon (Middle);
Mrs R Steele (Rushen)
Miss G Kelly and Mr R E Callister (Onchan);
Mrs S Phillips and Mr L L Hooper (Ramsey);
with Mrs J Corkish, Acting Secretary of the House of Keys

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WI Tynwald

The Court met at 10.30 a.m.

[MR PRESIDENT *in the Chair*]

The Deputy Clerk: Hon. Members, please rise for the President of Tynwald.

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

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

The President: The Member of Council, Rev. Jo Dudley, will lead us in prayer.

PRAYERS

Rev. Jo Dudley

Procedural

10 **The President:** Hon. Members, I welcome you this morning to this special sitting of Tynwald, which has been summonsed at the behest of the Isle of Man Federation of Women's Institutes. You are all most welcome.

Questions for Oral Answer

CHIEF MINISTER

1. European Union exit – Protecting Isle of Man interests

The Hon. Member for Arbory, Castletown and Malew (Mrs Ann Cottier) to ask the Chief Minister:

Following the UK referendum vote to leave the European Union, what is being done to safeguard the Isle of Man's trade relationship under Protocol 3 with the European Union? How will he ensure that in its exit negotiations the United Kingdom Government will look after the Isle of Man's interests?

The President: We turn to our Order Paper. Item 1, Questions for Oral Answer. Question 1, I call on the Hon. Member for Arbory, Castletown and Malew, Mrs Cottier.

Mrs Cottier: Thank you, Mr President.

15 I ask the Chief Minister: following the UK referendum vote to leave the European Union, what is being done to safeguard the Isle of Man's trade relationship under Protocol 3 with the European Union? How he will ensure that in its exit negotiations the UK government will look after the Isle of Man's interests?

Thank you, Mr President.

20

The President: I call on the Chief Minister to reply, Mr Ashford.

The Acting Chief Minister (Mr Ashford): Thank you, Mr President.

25 There is still a great deal of uncertainty as to how the UK will exit the EU and also what trade relationship it will negotiate in place of its full membership.

The Island's relationship with the EU is set out in Protocol 3 to the UK's Treaty of Accession and is dependent upon the UK being an EU Member State. It is likely that will fall once the UK leaves the EU.

30 It is also likely that the existing Protocol 3 relationship cannot be safeguarded in its current form. This is because the effect of Protocol 3 is not simply to allow for free trade in goods, but also to place the Island effectively within the EU's customs union.

If the UK does not sign up to a customs union with the EU going forward – and it looks more and more likely that it will not – then we will not see a future relationship which exactly replicates Protocol 3.

35 We will continue to be able to trade freely with the UK without tariffs or customs, of course, because of our Customs and Excise agreement with the UK. But the exact nature of our trade relationship with the EU will depend in large part on what the UK secures for itself.

40 We are in dialogue at officer level and political level with the UK Department for Exiting the European Union, and they are well aware of our concerns. They are actively seeking to understand the Island's position, which will be incorporated into the UK's overall negotiating stance.

The President: Supplementary question, Mrs Cottier.

45 **Mrs Cottier:** Thank you, Mr President.

The Isle of Man does not contribute or receive any funding from the European Union and, as stated in Protocol 3, Article 2:

The rights enjoyed by Channel Islanders or Manxmen in the United Kingdom shall not be affected by the Act of Accession.

Mr President, I ask the Chief Minister, why should we wait to see what the UK government will do? Why can we not carry on as we have done to safeguard our economy?

50 Thank you, Mr President.

The President: The Chief Minister to reply.

Mr Ashford: Thank you, Mr President.

55 The main reason is the Customs and Excise Agreement with the UK. As part of the Customs and Excise Agreement with the UK we must have the same terms and conditions as the UK to remain part of it. Should we decide, for instance, that we wish to negotiate separately with the EU that would be in breach of our Customs and Excise Agreement with the UK.

60 Obviously the EU is a marketplace for the Isle of Man as it is with the UK itself, but our biggest marketplace is the UK. The Isle of Man Government has got to make certain that we do not do anything that would jeopardise our Customs Agreement in that regard.

65 In relation to Brexit overall, obviously at the moment we do not know what stance the UK government is going to take – and, being perfectly blunt, I am not sure if the UK government knows what stance it is going to take at the moment – so it is a watching brief; but the encouraging sign is that the May government has made absolutely clear that they want to have the Crown Dependencies on board. Let’s not forget that one of the reasons that Protocol 3 came about in the first place was the Heath government forgot about the Crown Dependencies; so at least we actually *have* a government that seems to be willing to work with us.

**2. Brexit –
Freedom of movement and safeguarding borders**

The Hon. Member of Council (Mrs Marianne Corfield) to ask the Chief Minister:

How Brexit will affect the free movement of persons from the United Kingdom and the Republic of Ireland into the Isle of Man and what is being done to safeguard our borders in the light of the threats from terrorism in Europe?

70 **The President:** If there are no other supplementary questions, we turn to Question 2.
Hon. Member of Council, Mrs Corfield.

Mrs Corfield: Thank you, Mr President.

75 How will Brexit affect the free movement of persons from the United Kingdom and the Republic of Ireland into the Isle of Man, and what is being done to safeguard our borders in the light of the threats of terrorism in Europe?
Thank you.

The President: Question to the Chief Minister. Mr Ashford to reply.

80 **The Acting Chief Minister (Mr Ashford):** Mr President, to what extent the United Kingdom might remain bound by the European Union ‘free movement of people’ laws post-Brexit, is a key question for the UK when considering the impact of leaving the EU.

85 In the aftermath of the vote to leave, Council of Ministers established a high-level European Union Advisory Working Group to assess the implications of Brexit and to provide policy advice on future options and opportunities for the Island. The first priority was to set out how EU law impacts on the Island in order to prepare for the withdrawal from our Protocol 3 relationship with the EU. The second priority was to consider what new relationship the Isle of Man might have with the EU. This will obviously depend on the UK’s new relationship with the EU. The third priority was to identify and understand opportunities and risks which flow from the UK’s
90 withdrawal from the EU.

95 Collectively the Isle of Man, United Kingdom, Channel Islands and the Republic of Ireland form the Common Travel Area. British and Irish citizens may travel freely within the Common Travel Area and are not subject to controls on such journeys. There are exceptions to this free movement to safeguard our borders and relate to foreign nationals who travel from or via Ireland into the rest of the Common Travel Area. Such persons coming into the Island from the Republic of Ireland are subject to the Immigration (Control of Entry through Republic of Ireland) Order 2016 which means that immigration conditions and restrictions may be placed upon such persons.

100 **The President:** Do you have a supplementary question?

Mrs Corfield: No, thank you.

The President: Hon. Member, Ms Cowley.

105 **Ms Cowley:** Thank you, Mr President.

I would just like to ask, what relation does the Terror Watchlist in the UK have to the air controls that we have?

Obviously we do not have any control on the Steam Packet, we do not keep any lists and we are not required to ask for any identification. So is there any control there from the UK terror list as well?

110 **The President:** I call on the Chief Minister to reply.

Mr Ashford: Thank you, Mr President.

115 As far as I am aware we use the same Terror Watchlist as the UK and everything is exactly the same. Obviously in terms of ID in relation to aircraft, most of the airlines do insist upon photographic ID.

In terms of the boat, that is something that is a very hot political topic at the moment, certainly amongst Members within this Chamber. I have got my own views on that but I think that a conclusion will be reached on that shortly.

TREASURY

3. Reciprocal National Insurance agreement – Claiming benefit after moving

The Hon. Member of Council (Mrs Liz Berry) to ask the Treasury Minister:

Following the Government's decision to discontinue the reciprocal National Insurance arrangement with England, how a person may claim a National Insurance benefit such as for sickness or retirement, if he or she moves from where they have paid their contributions to live in England or vice versa?

The President: Question 3. Hon. Member of Council, Mrs Berry.

Mrs Berry: Thank you, Mr President.

125 I beg to ask the Treasury Minister: following the Government's decision to discontinue the reciprocal National Insurance agreement with England, how may a person claim a National Insurance benefit such as sickness or retirement, if he or she moves from where they have paid their contributions to live in England, or *vice versa*?

Thank you.

130 **The President:** I call on the Treasury Minister to reply. Mr Peake.

The Acting Minister for the Treasury (Mr Peake): Thank you, Mr President; and I thank my colleague from Douglas North for the Question.

135 The change to the reciprocal arrangement with the UK that was announced in April 2016 only affected claims to the state pension; claims for sickness benefit and jobseeker's benefit were not affected.

140 If a person reaches state pension age after 5th April 2016 and has worked in both the UK and the Isle of Man they will have to make a claim for their state pension in both countries, as their National Insurance record will no longer be merged into one as it was for claims prior to the new agreement. The UK Department of Work and Pensions will be responsible for paying the UK element of the pension and the Isle of Man Treasury will be responsible for paying the Manx element of the pension.

145 The pension that the UK pays to Manx residents will be increased each year by the same amount as is applied to UK residents, and any Isle of Man pension that is paid to a UK resident will be increased by the same amount that is applied to Manx residents. If individuals have worked in both the UK and the Isle of Man they should contact the Treasury's pension team in the Social Security Division who will be able to advise them on how they can get a statement of their entitlement from both the Isle of Man and the UK.

150 The change to the agreement with the UK does not affect anyone who has reached state pension age before 6th April 2016.

In relation to the other benefits covered under the reciprocal agreement with the UK, such as sickness and jobseeker's benefit, the claim procedure remains unchanged. An individual will claim the benefit in the country they are resident in and that country will pay the benefit, regardless of where any National Insurance contributions were paid.

155 Thank you, Mr President.

HEALTH AND SOCIAL CARE

4. Domestic abuse victims – Assistance on leaving the family home

The Hon. Member of Council (Rev. Jo Dudley) to ask the Minister for Health and Social Care:

What she has done to assist victims of domestic abuse particularly women who have to leave the family home?

The President: We turn then to Question 4. Hon. Member of Council, Rev. Jo Dudley.

Rev. Jo Dudley: Thank you, Mr President.

160 I would like to ask the Minister for Health and Social Care what she has done to assist victims of domestic abuse, particularly women who have had to leave the family home?

The President: I call on the Minister for Health and Social Care.

165 **The Acting Minister for Health and Social Care (Mr Callister):** Mr President, I thank the Hon. Member for her Question.

Domestic abuse is all too often a hidden problem in our communities. My Department, in partnership with other agencies, has worked on a detailed process to give the optimal support to sufferers of domestic abuse. As a Department, we work with our partners to identify abuse where it occurs and will help people experiencing abuse to find the best Government service or other organisation to help them.

170 The Department of Health and Social Care does not provide specific assistance to women who are suffering from domestic abuse, but we do give grants to a range of charitable

175 organisations which offer such support. There is a leaflet available on our website which sets out
how we can help. I would always recommend that any person who feels that they are suffering
from abuse should seek guidance from the Police and their anti-abuse co-ordinator. Less
formally, there a number of charities on the Island which are available to provide specific and
specialised support and assistance in this matter.

180 **The President:** Supplementary question, Rev. Jo Dudley.

Rev. Jo Dudley: Thank you, Minister, for that full response.

185 Would the Minister agree that with the Police having attended 400 times this year for
domestic incidents they have indeed got a positive intervention policy; and it would help if there
was a fund to assist with housing where tenancy in the matrimonial home is not in the name of
the woman?

The President: Minister to reply.

190 **Mr Callister:** Thank you, Mr President.

I absolutely agree with that statement and I will take it into the Department and we will look
at it closely.

Thank you.

195 **The President:** Hon. Member for Douglas Central, Ms Cowley.

Ms Cowley: Thank you, Mr President.

200 I would like to ask the Minister what he feels about the fact that there is no legislation in
place to protect these ... it is all done by charities. If those charities were not to receive sufficient
funding then they may close, and therefore there would be no safeguard in place for these
women, and indeed gentlemen, who are affected by domestic violence.

Thank you.

The President: Minister to reply, Mr Callister.

205 **Mr Callister:** Thank you, Mr President.

I also take on those comments. I think you have made some very valid points and I would just
like to highlight the fantastic work that the third sector does in this regard. I will certainly take
those points on board and take them back to the Department and ensure they are looked at as
well.

210 Thank you.

5. Noble's Optical Coherence Tomography Imaging Systems – Cost and usage

The Hon. Member for Douglas East (Mrs Diane Helliwell) to ask the Minister for Health and
Social Care:

*How much the Optical Coherence Tomography Imaging Systems which were installed at
Noble's Hospital cost; to what extent are they being used?*

The President: Question 5. Hon. Member for Douglas East, Mrs Helliwell.

Mrs Helliwell: Thank you, Mr President.

215 How much do the Optical Coherence Tomography Imaging Systems which were installed at Noble's Hospital cost; and to what extent are they being used?

The President: I call on the Minister for Health and Social Care to reply.

220 **The Acting Minister for Health and Social Care (Mr Callister):** Thank you, Mr President; and I again thank the Member for her Question.

Optical Coherence Tomography (OCT) is technology which allows the light sensitive tissue at the back of the eye, called the retina, to be imaged in order to detect any problems, for example, macular degeneration and problems associated with diabetes.

225 Our OCT machine was purchased in January 2015 at a cost of £137,700, and was paid for through a very kind, generous charitable donation.

The ophthalmologists use the OCT machine many times every day, as it is a key piece of diagnostic equipment for patients who are experiencing all manner of sight problems.

6. Organ donation – Air ambulance patient transfer

The Hon. Member for Ramsey (Mrs Sarah Phillips) to ask the Minister for Health and Social Care:

Why an organ donation to an Isle of Man patient is not considered a medical emergency and therefore justifying patient transfer by air ambulance?

230 **The President:** If there are no supplementary questions, we turn to Question 6. Hon. Member for Ramsey, Mrs Phillips.

Mrs Phillips: Thank you, Mr President.

I would like to ask the Minister for Health and Social Care, why an organ donation to an Isle of Man patient is not considered a medical emergency and therefore justifying patient transfer by air ambulance?

235

The President: I call on the Minister for Health and Social Care to reply – Mrs Corlett, on this occasion.

240 **The Acting Minister for Health and Social Care (Mrs Corlett):** Thank you, Mr President, and I thank the Hon. Member for her Question.

The method of transporting patients from the Isle of Man to UK hospitals to receive a transplanted organ depends on how urgently the patient needs to get there. The urgency is driven by a number of clinical factors, for example whether the organ has been harvested from the donor and which organ the recipient is due to receive, as different organs have differing lengths of time they can be out of the body before needing to be re-implanted into the recipient.

245 If a patient required urgent transfer to a UK hospital they would be transferred by air ambulance. However, if there was less urgency for transfer to the UK, for example if the organs were not due to be harvested until the following day, then we would look to transport the patient on a charter flight and arrange taxi transfer to the relevant hospital from the UK airport.

250

The President: Hon. Member, a supplementary.

Mrs Phillips: Thank you, Mr President.

255 I understand that the helicopter is an expensive resource but can the Minister give an indication of the average cost?

Also, what financial consideration has been made to the savings to the Department of Health of successful organ transplant compared to the cost of long-term treatment, bearing in mind that time is of the essence to the ultimate outcome of these procedures?

260

The President: Minister to reply, Mrs Corlett.

Mrs Corlett: Thanking the Hon. Member for her question, I do not have that information presently but I would like to pass that on to her when I receive it.

265 Thank you.

The President: So that information will be provided to the Court in writing and entered into the record.

POLICY AND REFORM

7. Government Pension Scheme deficit – Rectification decision

The Hon. Member of Council (Mrs Liz Berry) to ask the Minister for Policy and Reform:

Why, when the deficit in the Government Pension Fund is so large and posing such a threat to the economy, is it taking so long to reach a decision as to how to rectify the situation?

The President: Question 7. Hon. Member of Council, Mrs Berry.

270

Mrs Berry: Thank you, Mr President.

I beg to ask the Minister for Policy and Reform: why, when the deficit in the Government Pension Fund is so large and posing such a threat to the economy, is it taking so long to reach a decision as to how to rectify the situation?

275

The President: I call on the Minister for Policy and Reform, Mr Ashford.

The Minister for Policy and Reform (Mr Ashford): Mr President, developing a sustainable solution for the future of public sector pensions is a priority for this Government and the process of change that was started by previous administrations is already well underway.

The Government Unified Scheme (GUS) started this process in 2012 by introducing significant changes to our biggest public sector pension scheme, including local control for the majority of our public service pensions, increasing contributions for most members, reducing benefits for new members and introducing a basis for sustainable cost-sharing in the future.

285 Given that economic and staffing issues have changed in the seven years since GUS was designed and implemented, a Pensions Joint Working Group recommended in its December 2014 report to Tynwald that further sustainability changes were considered. Following consultation and negotiation with staff representatives and an independent review of the figures on which that report was based, Tynwald approved a motion at its June 2016 sitting that
290 introduced further sustainable changes to GUS, and to other schemes for police, teachers, the judiciary and Tynwald Members – such that a ‘cost envelope’ would be established for

monitoring and adjusting future pension costs and, in the long term, expenditure on pensions would be matched by future income.

295 The Public Sector Pensions Authority which manages and administers the majority of public sector pension schemes in the Island is due to report back to February 2017 Tynwald, with amending schemes which formally introduce these sustainability changes. However, there remains a legacy issue of pensions expenditure which has built up over the last 50 years under our schemes which still needs to be addressed.

300 Pensions legislation prevents us from retrospectively reducing any pensions already in payment, nor can we reduce the benefits that our staff have earned to date and which will become payable in the future, without major changes in legislation and the likelihood of significant legal challenges. Therefore we need to find a way of managing this legacy issue.

305 A working group comprising the Public Sector Pensions Authority, Cabinet Office and Treasury is looking at ways of managing the legacy issue and is due to report back to Tynwald in the course of the next year. However, as the solution cannot involve cutting benefits that have already been paid or promised to public servants, there are no easy answers to the problem.

310 It is also worth mentioning that, although we do have a Pensions Reserve Fund available to support public sector pension expenditure, we do not have a fund of investments from which to pay benefits in the same way that a private sector scheme does. Therefore our schemes rely on continued employer and employee contributions being paid in order to meet future benefit payments. This is called a 'pay-as-you-go' system and is the same method by which public sector pension schemes are established in the UK.

315 As I am sure you will appreciate, Mr President, finding workable and sustainable solutions to our overall pensions problem, both state and public sector pensions, is not a simple matter but Hon. Members should be assured that steps have been, and will continue to be, taken across all schemes to find those further sustainable solutions.

The President: Supplementary question, Mrs Berry.

320 **Mrs Berry:** Mr President, has the Minister considered closing the scheme to new applicants, as has been done with most final salary schemes as they have been found to be unsustainable in the private sector, particularly because of investment rates falling so low? And, as he says, we do not even have the luxury of having investments because it is a pay-as-you-go scheme.

Thank you.

325

The President: Minister to reply, Mr Ashford.

Mr Ashford: Thank you, Mr President.

330 I can say to the Hon. Member that most certainly that has been one of the options discussed, but one of the issues with it is that we are a pay-as-you-go scheme and there is no fund actually behind it. In the private sector if you close a final salary pension scheme there is normally a fund there, but obviously with us it is not. So what would happen is you would close the scheme and if you, say, moved it to a money-purchase scheme, as an example, all members would then be paying into that money-purchase scheme, so you would actually increase the deficit to the taxpayer because they would still be having to pay the existing benefits out of tax receipts.

335 So as I have said, there is no easy solution but I think by working together with our partners in the trade unions, and with the changes to GUS that will be coming forward to February's Tynwald, I think it is going to be a more sustainable solution than that which is currently in place. But most certainly the Cabinet Office, the Treasury and obviously the Council of Ministers, do take it very seriously that changes do still have to come.

340

The President: Mr Speaker, supplementary question.

345 **The Speaker:** Would the Minister agree that the estimate of the shortfall, if we closed the scheme and moved on to a scheme whereby the contributions were put aside, would mean that Government would have to find an additional £44 million per year on top of the money that is already being paid out, to replace the contributions that are currently coming in from present workers?

350 **The President:** Reply, Mr Ashford.

355 **Mr Ashford:** Mr President, I most certainly would agree with Mr Speaker's comments; and in fact one of the things we must also remember is that what reserve we do have in the public sector pension reserve on current figures, actually runs out during the life of this Tynwald. So we have to be very careful that any decision we make does not actually exacerbate the problem rather than helping it.

ECONOMIC DEVELOPMENT

8. Dark Skies status – Enhancement and promotion

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

Following the award of Dark Skies Discovery Sites status (DSDS) to 26 sites in the Isle of Man in January 2013, what is being done to enhance and promote the achievement of having in Island the greatest number of DSDS sites in the whole of the British Isles?

The President: We move on to Question 8. Hon. Member for Douglas South, Mrs Beedan.

360 **Mrs Beedan:** Mr President, I would like to ask the Minister for Economic Development, following the award of the Dark Skies Discovery Site status to 26 sites in the Isle of Man in January 2013, what is being done to enhance and promote the achievement of having an Island with the greatest number of Discovery Sites in the whole of the British Isles?

365 **The President:** I call on the Minister for Economic Development, Hon. Member of Council, Mrs Caine.

The Acting Minister for Economic Development (Mrs Caine): Thank you, Mr President.

370 In 2013, the Department applied to the Dark Skies Discovery Organisation for the registration of 26 Dark Skies Sites. The status was awarded for all 26 sites and each now is identified by a Dark Skies Discovery Plaque – the official logo of the Dark Skies Discovery Organisation.

The award of 26 sites means that the Isle of Man has the largest concentration of Dark Skies sites per square mile within the British Isles and, quite possibly, the world. This attracted the interest of UK media at the time of the award and generated the equivalent of nearly £200,000 worth of press coverage in January 2014 alone.

375 Several sites now feature a Dark Skies 'Interpretation Board' to enhance visitors' experience of these sites. The visitisleofman.com website features details of all the sites and also provides guidance in terms of what can be seen when stargazing, in the form of a downloadable pdf.

The Department has also introduced a 'Stargazer Friendly' accreditation offer to the accommodation sector, so that properties in the vicinity of the various sites can offer an

380 enhanced package to their guests, including binoculars, a torch, portable folding chairs or
waterproof picnic blankets, etc.

The Isle of Man's Dark Skies have featured in previous Visitor Guides and will feature
prominently in the 2017 Visitor Guide which is being formally launched shortly. In terms of
385 promotion, they have regularly appeared in numerous publications and several press visits have
included Dark Skies as part of their itineraries. A further press visit is planned for December,
when a journalist from a well-known lifestyle publication is planning to visit the Isle of Man to
write a feature on our Dark Skies.

Thank you, Mr President.

390 **The President:** Supplementary question, Mrs Beedan.

Mrs Beedan: Mr President, thank you very much for your detailed response.

Has the Minister also considered applying for International Dark Sky Status through the
International Dark Sky Association and Starlight initiative by UNESCO, which would ensure not
395 just international recognition but would also protect these unique sites from any planning or
development issues, such as tower blocks being built nearby?

Thank you.

The President: I call on the Minister to reply.

400

Mrs Caine: Thank you, Mr President.

I can assure the hon. questioner that the Department looks at every opportunity to promote
our Dark Skies. I am not aware if they have looked into a UNESCO standard for the Dark Sky
status but I would be very happy to take that back to the Department and see what could be
405 achieved further in this area.

Mrs Beedan: Thank you.

The President: Hon. Member for Douglas East, Mrs Helliwell.

410

Mrs Helliwell: Thank you to the Hon. Minister.

I would like to ask, has the Minister considered extending practical support in funding the
extension of the proposed development of the additional all-access improved Observatory at
Foxdale, which will supplement and promote the Dark Skies policies?

415

The President: Minister to reply, Mrs Caine.

Mrs Caine: Thank you, Mr President.

The Department works closely with the Observatory in terms of enabling press visitors to
420 experience the Dark Skies from that facility; but it is not actually in the Department's use. While
we are happy to co-operate with them, it is a charity, or an organisation, outside of
Government.

ENVIRONMENT, FOOD AND AGRICULTURE

**9. Combating climate change –
Isle of Man policy**

The Hon. Member for Ayre and Michael (Mrs Moira Chrystal) to ask the Minister for Environment, Food and Agriculture:

How is the Isle of Man playing its part in the global efforts to combat climate change?

The President: We turn to Question 9. Hon. Member for Ayre and Michael, Mrs Chrystal.

425

Mrs Chrystal: Thank you, Mr President.

I beg to ask the Minister for Environment, Food and Agriculture, how is the Isle of Man playing its part in the global efforts to combat climate change?

Thank you.

430

The President: I call on the Minister for Environment, Food and Agriculture; Hon. Member, Mr Baker.

435

The Acting Minister for Environment, Food and Agriculture (Mr Baker): Mr President, this Hon. Court has approved a number of climate change policies in recent years, the most significant of which is that Government adopts a greenhouse gas emissions target for the Isle of Man of an 80% reduction of 1990 levels by 2050. As part of achieving that aim Tynwald approved a climate challenge mitigation strategy in July of this year that is the basis for a series of five-year action plans, the first of which has already commenced. The strategy is based on the principles of reducing demand for energy where possible, increasing the efficiency of homes, buildings and vehicles, and substituting fossil fuels with renewable energy to service residual demand.

440

The action plan committed the previous administration to commence work to: introduce means-tested property energy efficiency support for domestic properties in order to encourage emissions reductions measures, such as cavity or loft insulation and double- or triple-glazed windows, plus energy efficiency assessments; establish a working group within Government to identify enhancements to planning, building control and other relevant legislation which will be required to deliver the 2050 targets; and increase the number and distribution of 'fast', i.e. charge within two hours, electric vehicle charging points.

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The action plan also commits Government under this administration to: explore the opportunities to install low-emission heating systems; make appropriate changes to building control standards to achieve near-zero emission homes; explore the introduction of incentives to encourage and enable the private rented sector to improve the energy efficiency performance of their properties, and minimum energy efficiency standards for rented properties. Together with the introduction of Energy Performance Certificates; the introduction of a policy to encourage shared heating systems for new housing schemes; and robustly testing the potential on-Island market for green tariff electricity. Plus, finally, the exploration and proposal of a plan for the provision of renewable energy options.

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460

The President: Supplementary, Mrs Chrystal.

Mrs Chrystal: Thank you, Mr President. I thank the Minister for the detailed response.

May I ask the Department, could they consider making the public more aware of what progress is being made towards these five-year aims?

465 Would they also consider making the public more aware of what is available to them to help
the Island, and the Government, achieve its targets in omissions?
Thank you, Mr President.

The President: I call on the Minister to reply, Mr Baker.

470 **Mr Baker:** Thank you, Mr President; and thank you for those very constructive comments.
I think the challenge of engaging with our community and our electorate is one which is front
of mind for many parts of Government and particularly in this area where a lot of the actions are
things that individual householders, individual drivers and individual property owners can
475 actually influence.

It is really important that we communicate what we doing and how people's individual
actions can help with that. We can always do better than we are doing and it is really important
that we take that on in this particular context.

I will take the points back to the Department and asked them to re-emphasise
480 communication and progress updating, as you have suggested.

10. Bradda Head cable reef trials – Results

The Hon. Member for Garff (Mrs Brenda Gaylor) to ask the Minister for Environment, Food and
Agriculture:

What the results were of the cable reef trials off Bradda Head which commenced in 2009?

The President: We move to Question 10. Hon. Member for Garff, Mrs Gaylor.

Mrs Brenda Gaylor: Mr President, I wish to ask the Minister for Environment, Food and
Agriculture: what were the results of the cable reef trials off Bradda Head which commenced in
485 2009?

The President: I call on the Minister to reply. Mr Baker.

The Acting Minister for Environment, Food and Agriculture (Mr Baker): Mr President, the
490 potential for an artificial reef within the Port Erin Closed Area was first considered in 2005 when
the then Department of Agriculture, Fisheries and Forestry proposed a joint initiative with British
Telecom to lay 'balls' of cable of varying sizes on the seabed in such a manner as to create a
variety of habitat types. A number of benefits were expected to accrue from an artificial reef of
this nature including enhanced biodiversity, increased scallop spat fall, enhancement of fin fish
495 and lobster stocks in the area and increased tourism from charter angling and dive vessels.

The intention was that ownership of the cable would remain the property of BT for the
duration of the initial three-year pilot study with ownership passing to DAFF on conclusion,
unless the cable was found to be polluting the environment or causing coastal erosion through
altered tidal flows. A seabed lease agreement was signed between DEFA and DOI in May 2010
500 and preliminary plans were arranged for delivery of the cable to the Isle of Man in June of that
year. However, ultimately it was not possible to resolve concerns associated with liability in
relation to the removal of the cable as, in the event of a problem, the cable would have been
extremely expensive to remove and BT would not accept full liability for this. Therefore a
decision was taken to halt the project.

505

**11. Derelict buildings –
Enforcement of legislation**

The Hon. Member for Douglas Central (Mrs Kathleen Wilson) to ask the Minister for Environment, Food and Agriculture:

In view of the negative impression of the state of the Island's economy of derelict and poorly maintained buildings particularly in the Island's centres of business, what steps are being taken to enforce the legislation requiring private landlords to maintain unoccupied premises and prevent such properties from falling into dilapidation; and does the legislation place a responsibility on owners of empty properties to refurbish them within a specific timescale?

The President: We move on to Question 11. Hon. Member for Douglas Central, Mrs Wilson.

Mrs Wilson: Thank you, Mr President.

510 I would like to ask the Minister for Environment, Food and Agriculture: in view of the negative impression of the state of the Island's economy of derelict and poorly maintained buildings particularly in the Island's centres of business, what steps are being taken to enforce the legislation requiring private landlords to maintain unoccupied premises and prevent such properties from falling into dilapidation; and, does the legislation place a responsibility on owners of empty properties to refurbish them within a specific timescale?

515

The President: I call on the Minister to reply, Mr Baker.

The Acting Minister for Environment, Food and Agriculture (Mr Baker): Mr President, the Building Control Act 1991 confers rights on to a local authority to take action in respect of buildings that are in a ruinous, dilapidated or neglected condition, or unfinished state, and are detrimental to the amenities of the neighbourhood. It is therefore for each of the local authorities to determine what their policy is on such matters.

520

The Local Government and Building Control (Amendment) Act 2016 received Royal Assent in October. I understand that the Appointed Day Order is being drafted by the Legislation Unit of the Department of Infrastructure. The Act will provide the facility for authorised officers of local authorities to take prompt enforcement action regarding dilapidated buildings, including the means to issue fixed penalty notices.

525

The President: Mrs Wilson, supplementary question.

530

Mrs Wilson: Thank you, Mr President.

I would just like to ask the Minister if any consideration has been given or if it is even possible, for either the local authority or central Government to compulsorily purchase such properties, refurbish them and then sell them on?

535

Thank you.

The President: Minister to reply.

Mr Baker: I would like to thank the Hon. Member for a very insightful point there, and one that personally I think has got great merit.

540

There is no doubt that dilapidated buildings do detract from our environment and they create a very negative impression for the business community and for tourists coming to our Island, and we need to use all measures to actually address this issue.

Your suggestion of compulsory purchase is one which is common in other jurisdictions and does work well and it is something that whilst we do not have that particular approach at the

545

moment is one which is well worthy of serious consideration. Clearly there would be a lot of implications to consider in order to move forward with that approach, but I think that could certainly complement the approach that we have got in place at the moment.

550 The new Act does strengthen our position in this regard and hopefully that will give us a better outcome than we currently have. But compulsory purchase is something we should seriously consider and look, in my view, to implement.

Thank you.

INFRASTRUCTURE

12. Government contribution to Liverpool docks ferry berth— Usage guarantees

The Hon. Member for Garff (Mrs Julia Sharples) to ask the Minister for Infrastructure:

As the Government has agreed to contribute £3 million to the preparation of the proposed new ferry berth in Liverpool docks, what guarantees will we have of unrestricted rights of usage of the ferry terminus for ferry services to and from the Isle of Man particularly as the proposed site for the new ferry berth will be subject to continuing rights of access over land not owned by the owners of the berth?

The President: Question 12. Hon. Member for Garff, Mrs Sharples.

555 **Mrs Sharples:** Thank you, Mr President.

I would like to ask a Question of the Minister for Infrastructure: as the Government has agreed to contribute £3 million to the preparation of the proposed new ferry berth in Liverpool docks, what guarantees will we have of unrestricted right of usage of the ferry terminus for ferry services to and from the Isle of Man particularly as the proposed site for the new ferry berth will
560 be subject to continuing rights of access over land not owned by the owners of the berth?

Thank you.

The President: I call on the Minister for Infrastructure, Hon. Member of Council, Ms Edge.

565 **The Acting Minister for Infrastructure (Ms Edge):** Thank you, Mr President.

Tynwald has approved the purchase of the balance of a 250-year lease of a site in Liverpool currently being 236 years for a price not exceeding £3.5 million. This is not a contribution but leasehold ownership of the site for the duration of the term.

The development proposal is that the roadway to the terminal will be constructed by the
570 local authority and will be adopted by it as a highway. The Department will receive assurances to this effect from the local authority before proceeding to complete on the lease. In the event that the local authority decides not to construct the road, the proposed lease to the Department will include a right for the Department and those using the terminal to access the site over a road to be constructed by the owners of the land.

575

The President: Supplementary question, Mrs Cottier.

Mrs Cottier: Mr President, I would like to ask the Minister for Infrastructure, if development in Liverpool docks is blocked due to it being a World Heritage site and access will be denied to
580 us, will Government look at developing alternative sites such as Fleetwood or Holyhead, where there is a suitable ferry berth in place already?

Thank you.

The President: Minister to reply, Ms Edge.

585 **Ms Edge:** Thank you, Hon. Member.

When the Department was looking at the proposal to lease this land in Liverpool, they did do numerous negotiations and also surveyed the public. The public on the Isle of Man would like to retain a berth at Liverpool so the Department will look into this and ensure that this happens and we have access rights for Liverpool, as it was the most popular destination for the people of the Island to go into Liverpool.

590 Thank you.

The President: I think the supplementary question specifically referred to Holyhead, Ms Edge.

595 **Ms Edge:** Thank you, Mr President.

Sorry for not answering. The Department has not considered Holyhead but I am quite happy to take that back and ask the Department what their views are on that.

Thank you.

13. Cross Four Ways, Ballasalla – Traffic management

The Hon. Member of Council (Mrs Pat Nutter) to ask the Minister for Infrastructure:

If the Minister will limit risk of a serious road traffic accident by installing a traffic island or traffic lights at the Cross Four Ways, Ballasalla road junction?

600 **The President:** Question 13. Hon. Member of Council, Mrs Nutter.

Mrs Nutter: Thank you, Mr President.

I would like to ask the Minister for Infrastructure if the Minister will limit risk of a serious road traffic accident by installing a traffic island or traffic lights at the Cross Four Ways, Ballasalla road junction?

605 **The President:** I call on the Minister for Infrastructure, Hon. Member for Arbory, Malew and Castletown, Mr Moorhouse.

The Acting Minister for Infrastructure (Mr Moorhouse): Thank you, Mr President.

610 The safety of all road users in the Isle of Man is of paramount importance to the Department of Infrastructure. Officers take a structured, risk-based approach to identifying and addressing any road safety issues, taking into account a wide range of factors.

The Department will shortly be carrying out a review of the A3 between Cross Four Ways and Castletown. The Ballasalla road junction will be included in this study.

615 Hon. Members should also be aware that the Department introduced safety measures to the junction in 2010. These have significantly reduced the number of road traffic collisions. The scheme involved the reconstruction of the junction and the roads approaching it, as the roads were in a state of disrepair. At the same time the sight lines around the junction were improved, principally by setting back the roadside walls.

620 Only three collisions have been reported in the past three years, with no injuries being sustained by those involved.

Thank you.

**14. Driving licence organ donation –
Information transfer and access to UK register**

The Hon. Member for Douglas Central (Ms Christine Cowley) to ask the Minister for Infrastructure:

Whether the information on a driving licence application form relating to a person's wish to donate organs for transplant is transferred automatically to the United Kingdom's NHS Blood and Transplant Register, and whether the medical authorities in the Isle of Man are able to access the UK register directly?

The President: We move on to Question 14. Hon. Member for Douglas Central, Ms Cowley.

Ms Cowley: Thank you, Mr President.

625 I would like to ask the Minister for Infrastructure, whether the information on a driving licence application form relating to a person's wish to donate organs for transplant is automatically transferred to the United Kingdom's NHS Blood and Transplant Register; and whether the medical authorities in the Isle of Man are able to access the UK register directly?

630 **The President:** I call on the Minister for Infrastructure, Mr Moorhouse.

The Acting Minister for Infrastructure (Mr Moorhouse): Thank you, Mr President.

In answer to the Hon Member's Question, I advise that after the introduction of the new driving licence system in February, the Department is working with the UK NHS Blood and Transplant Register and health officials at Noble's to enable our records to be updated into the UK Register.

635 Department officers are in communication with the WI on this and will provide an update when information becomes available. Health officials at Noble's have advised that in the meantime people will still have to register, either via the telephone or online, and they are able to access information on the UK donor register through the Senior Nurse for Organ Donation who is on call 24 hours a day.

640 Thank you, Mr President.

The President: Supplementary question, Ms Cowley.

645

Ms Cowley: Obviously you say that this has only recently been discovered, so are we to believe that no applications made prior to the new system have been included on that register? If so, why was this not made public so that people are aware that they need to register with the UK donation instead of on the Island, as I assume most people will assume that by filling it on their driving licence that information was correctly passed to the relevant people?

650

The President: Minister to reply.

Mr Moorhouse: Thank you, Mr President.

655

Thank you for the constructive comments. There does seem to be a slight issue there and I will be happy to take back those comments to the Department.

Thank you.

The President: Mr Speaker.

660

The Speaker: Would the Minister support a move from making the organ donation system an opt-out system rather than an opt-in system in order to improve rates of take-up of organ donation on the Island?

665 **The President:** Reply, sir.

Mr Moorhouse: Thank you, Mr President.

From a personal perspective I would have no issues with that, but I will take it back to the Department to discuss.

670 Thank you.

The President: Hon. Member for Douglas North, Miss Bettison.

675 **Miss Bettison:** Would the Minister agree with me that it is vital that people are made aware that it is essential to let your relatives know, because in fact membership of the organ donation register does not automatically mean you are able to donate your organs without consent from your family? And, equally, not being a member does not automatically preclude you from donating your organs.

680 **The President:** Minister to reply.

Mr Moorhouse: Thank you; that is splendid advice. *(Laughter)*

The President: Hon. Member for Ayre and Michael, Mrs Chrystal.

685

Mrs Chrystal: Thank you, Mr President.

Just as a point of information, I think some of the charities have been referred to as a third agency. May I draw the Court's attention to a scheme promoted by a third agency represented strongly here this morning, called 'A Time to Talk about Organ Donations'? I leave that thought with the Hon. Court.

690

Thank you, Mr President.

The President: Thank you, Hon. Member. It is not a question – *(Laughter)*

695 **Mrs Chrystal:** I beg your pardon!

The President: – it is just a comment and no reply is necessary.
We move on. Thank you, Hon. Members.

HEALTH AND SOCIAL CARE

15. Chair-based exercises – Cost to Public Health

The Hon. Member for Douglas Central (Mrs Kathleen Wilson) to ask the Minister for Health and Social Care:

What was the annual cost to Public Health in the last five years of providing chair-based exercise classes throughout the Island?

700 **The President:** Question 15. Hon. Member for Douglas Central, Mrs Wilson.

Mrs Wilson: Thank you, Mr President.

I would like to ask the Minister for Health and Social Care, what was the annual cost to Public Health in the last five years of providing chair-based exercise classes throughout the Island?

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The President: I call on the Minister for Health and Social Care, Miss Bettison.

The Acting Minister for Health and Social Care (Miss Bettison): Thank you, Mr President.

710

The cost to the Public Health Department of providing chair-based exercise classes throughout the Island for the last five years has been £80,404, giving an average annual cost of £16,081 per year.

The President: Supplementary, Mrs Wilson.

715

Mrs Wilson: Thank you, Mr President.

I understand that these classes have now gone out to the private sector and are being charged for. There are certain people on the Island who cannot afford to go now.

720

Would the Minister agree that perhaps it was a little shortsighted as the cost of a broken hip, if anyone falls, is approximately £11,300 per annum? If you have two or three people who fall within a year the cost to our Health Service is going to be considerably more than the £16,000 per annum.

The President: Minister to reply.

725

Miss Bettison: Thank you, and I take the Hon. Member's comments on board.

In fact when the chair-based exercise programmes were initially established, there was limited research done prior to establishing that programme. The Department has found that, in some cases, people have ended up on the schemes for a long time where perhaps there was an opportunity to provide a short chair-based exercise programme in a very strict surrounding with the necessary support, and then people could have continued that in their own home.

730

That has not happened and that has led us to the situation we find ourselves in now, where people are having to pay between £3 and £5 per session for that service. This is certainly something that the Department is very keen to support but it has to be done in the appropriate way. They are waiting for the lifestyle survey results to come back next year and then they will review that as part of that project.

735

Thank you.

16. Physiotherapy in south of Island – Improvements to service

The Hon. Member for Douglas East (Mrs Diane Helliwell) to ask the Minister for Health and Social Care:

What is being done to improve the physiotherapy service in the south of the Island?

The President: We move to Question 16. Hon. Member for Douglas East, Mrs Helliwell.

Mrs Helliwell: Thank you, Mr President.

740 I would like to ask the Minister for Health and Social Care what is being done to improve the physiotherapy service in the south of the Island?

The President: I call on the Minister for Health and Social Care, Miss Bettison.

745 **The Acting Minister for Health and Social Care (Miss Bettison):** Thank you, Mr President.
There are two distinct elements in the physiotherapy service provided in the south of the Island. These are the self-referral musculoskeletal service and the community physiotherapy service, which requires referral from a health professional.

750 With respect to the musculoskeletal service, the unit is currently open three days a week and this level of service was based on the original number of referrals being made in the south of the Island. Four years ago, when this service started, the number of referrals was 280 per year; however, referrals rose to 450 in 2015. In the last year there have been two occasions when we have had to shut the Southern Unit due to staffing shortages; however, it is expected that these difficulties will be resolved by the end of 2016.

755 Within the community physiotherapy service, there has been a stable workforce over the last year, but it covers the whole of the Island and needs to ensure that high priority patients are seen first, no matter where their location is. The service currently has two full-time staff and a part-time member of staff.

760 One of the strategic aims of the Department is to increase the level of physiotherapy services. To this end, the Department is in the process of establishing a community partnership board within the south of the Island, in order to develop and shape the future provision of all local services.

The President: Supplementary question, Mrs Helliwell.

765 **Mrs Helliwell:** I thank the Minister for her reply, but I would like to ask: as the Minister will appreciate, quick immediate access to physiotherapy treatment for acute conditions gives best value both to the patient and to the Government.

770 Will the Minister please consider a review of the process of appointment-making, so that those who cannot get an appointment that day are immediately given one for the next slot on further days, instead of having to constantly phone within a two-hour slot – and again, not getting through to the Department as the phone is constantly overused and constantly engaged?

The President: Miss Bettison to reply.

775 **Miss Bettison:** Thank you for that valuable point.

I think we recognise that across the Department of Health and Social Care there have been difficulties with regard to people getting appointments in a timely fashion and in the most efficient fashion, and that is certainly something that is being looked into by the Department.

17. Pensioners' burden – Benefits and free services withdrawn

The Hon. Member for Rushen (Mrs Rita Steele) to ask the Minister for Health and Social Care:

What is being done to correct the burden falling on pensioners as benefits and free services formerly available to this age group have been withdrawn?

780 **The President:** Question 17. Hon. Member for Rushen, Mrs Steele.

Mrs Steele: Thank you, Mr President.

I would like to ask the Minister for Health and Social Care, what is being done to correct the burden falling on pensioners as benefits and free services formerly available to this age group have been withdrawn?

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The President: I call on the Minister for Health and Social Care, Mrs Corlett.

The Acting Minister for Health and Social Care (Mrs Corlett): Thank you, Mr President; and I thank the Hon. Member for her Question.

790

I am pleased to inform this Court that *my* Department has not withdrawn any free services, as Hon. Members will be aware that changes to benefits are dealt with as part of the budgetary process and fall within the remit of the Treasury Department.

795

In this economic climate, my Department is exploring changes to the way certain items are charged for, for example prescriptions, but nothing has been agreed yet and any proposed changes have to be approved by Tynwald, and will be linked to changes in the benefits system.

The President: Supplementary, Mrs Steele.

Mrs Steele: Thank you, Mr President.

800

Perhaps it is the wrong Department to ask this question from, but have the savings and additional income, namely from extra income tax that pensioners pay, been allocated to help pensioners – or is it just added to the pot?

The President: Minister to reply.

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Mrs Corlett: I thank the Hon. Member for her question; and, as far as I am aware, it is added to the pot.

Thank you.

ENVIRONMENT, FOOD AND AGRICULTURE

18. Planning Committee – Qualifications and professionalism

The Hon. Member for Douglas South (Mrs Pam Beedan) to ask the Minister for Environment, Food and Agriculture:

What criteria are used to select members of the Planning Committee and what steps are taken to ensure that there are suitably qualified persons to ensure that the Planning Committee fulfils its role in a professional manner?

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The President: Question 18. Hon. Member for Douglas South, Mrs Beedan.

Mrs Beedan: Mr President, I would like to ask the Minister for Environment, Food and Agriculture, what criteria are used to select members of the Planning Committee and what steps are taken to ensure that they are suitably qualified persons, to ensure that the Planning Committee fulfils its role in a professional manner?

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The President: I call on the Minister for Environment, Food and Agriculture, Mr Baker.

The Acting Minister for Environment, Food and Agriculture (Mr Baker): Mr President, all Planning Committee members are appointed by the Department and are subsequently afforded delegated powers by the Minister to perform the functions of the Committee.

820 Committee members' duties are as set down in the Town and Country Planning Act 1999 and its subordinate Regulations and Orders. Members are also obligated to meet a code of conduct in how they conduct themselves in their role.

The term for the duration of a Planning Committee member's appointment is five years. When the term of a current member of the Committee is coming to an end, the Department will 825 advertise via its website, a media notice and the local press, that interested persons may apply for the role. The most recent publicity to fill a vacancy in the spring of this year included a drive for encouraging applicants via a promotion and also the appearance of staff and an existing Committee member, on Manx Radio's *Women Today* programme.

830 The advertisement of vacant roles seeks candidates with knowledge of the Island and a willingness to serve in public life. The information pack also states that whilst no formal qualifications are required, the Department will be seeking to appoint candidates who can demonstrate a good standard of education, together with relevant experience gained either in the private, public or third sector, along with the ability to analyse and review complex and highly emotional issues.

835 Applications are assessed against these criteria and a shortlist prepared. The selection of candidates is then taken to interview by a panel where further assessment is made through questioning, and an applicant's ability to be able to conduct themselves in the public forum of the Committee is determined.

840 **The President:** Supplementary question, Mrs Beedan.

Mrs Beedan: Mr President, thank you very much for that comprehensive response. I can accept in some respects what you have said regarding no qualifications but, in such an important area, should there not be a requirement for qualifications in this regard?

845

The President: Minister to reply.

Mr Baker: Thank you very much.

850 The key point is to make sure that the people on the Planning Committee are able to make the right decisions in the interests of the Island. They are supported by professionally qualified planners from within the Planning Department, many of whom have qualified and are members of the professional institute of town planners, which takes several years to qualify. They support the members of the committee in making their decision.

855 It is important that the members of the committee are suitably able to make the right decisions and there is training that is offered to them; and indeed there was a training session only last week which all the members of the committee and the Department attended.

So I think the complement of the professional qualifications of the officers and the way the committee structure works means that we get the right outcomes for the Island.

Thank you.

860

The President: Supplementary, Hon. Member of Council, Mrs Berry.

Mrs Berry: Thank you, Mr President.

865 May I just ask the Minister if he could give us some idea of how many applicants they have per vacancy? Are there a number of people coming forward or is it very limited?

The President: Minister to reply.

Mr Baker: Thank you.

870 I do not have precise figures available with me at the moment but I am quite happy to provide those subsequent to today. However, what I can say is the selection process in spring produced a number of candidates, and two new members were elected to the Planning Committee, both of whom have very relevant experience, and so far have played a very valuable role in their time on the committee.

875 The quality of people coming forward was of high quality, and we were not short of applicants, but I can give you precise figures separately.

INFRASTRUCTURE

19. Summerland site – Development plans

The Hon. Member for Onchan (Mrs Gwen Kelly) to ask the Minister for Infrastructure:

What plans there are to develop the Summerland site?

The President: We turn to our final Question. Hon. Member for Onchan, Mrs Kelly.

Mrs Kelly: Thank you, Mr President.

880 I beg to ask the Minister for Infrastructure what plans there are to develop the Summerland site?

The President: I call on the Minister for Infrastructure, Ms Edge, to reply.

885 **The Acting Minister for Infrastructure (Ms Edge):** Thank you, Mr President.

The Department is considering temporary use of this site associated with its railway operations. In the longer term this site remains on the market for disposal to obtain a capital income receipt. The possible temporary use of the site is not expected to adversely impact its long-term commercial value, but is primarily to make use of the site at a time of low commercial demand for such development sites.

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The President: Supplementary question, Mrs Kelly.

895 **Mrs Kelly:** I beg to ask, has the Department considered plans to maybe landscape the area and turn it into a lawned area? This could be maintained by the Douglas Corporation and it would remove the eyesore and then provide a much-needed recreation place. It could be used for concerts, or for the Christmas markets; it could be used for any number of things rather than just lying derelict.

Thank you.

900

The President: Minister to reply.

Ms Edge: Thank you, Mr President; and thank you for the question.

905 The site is currently going to be used on a temporary basis for the railways, due to Douglas Corporation selling the horse tram area.

I was in a meeting yesterday and it was discussed as to whether this could be used for the people and for the community. So I will take that back to the Department.

The President: Hon. Member for Council, Mrs Berry.

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Mrs Berry: May I ask the Minister if there is a problem with the cliff face? Is that what has been putting developers off?

The President: Minister to reply.

915

Ms Edge: Thank you, Mr President.

I have not been made aware of any problems with the cliff face, but I will take that back to the Department.

The President: Any further supplementary questions?

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In that case, Hon. Members, that brings us to the end of Questions for Oral Answer. May I commend the Court for completing the Question Paper exactly in the time allotted.

For information, had there been any Questions left over they would be answered in writing by the following day. Alternatively, it would be open to Members to move the suspension of Standing Orders for the remaining Questions to be put at the same sitting instead of the next item of business.

925

Order of the Day

2. Public consultations – Review and restriction – Motion lost

The Hon. Member for Ayre and Michael (Mrs Moira Chrystal) to move:

That in order to avoid lengthy delays and unnecessary expense, the open consultation policy be reviewed; that the current practice of public consultation be restricted to inviting public consultation only where the issue is of such public concern that the elected representatives are unable to make a decision without specific direction; and that consultations be restricted to groups with particular knowledge or expertise deemed potentially useful in the decision making process.

The President: We move on to the next Item of business which is Item 2 and these are the motions for debate. The first of those at Item 2 is Public Consultations.

930 I call on the Hon. Member for Ayre and Michael, Mrs Chrystal, to move.

Mrs Chrystal: Thank you, Mr President.

The number of times matters are referred for consultation is drawn to attention of this Hon. Court. There are, at 22nd November, seven current consultations being progressed by different
935 bodies, with the varied précised titles: Beneficial Ownership Bill; Merchant Shipping (Fees) Regulations; Financial Services (Civil Penalties) (Amendment) Regulations; Insurance Intermediaries; The third Quantitative Impact Study for Life Insurers; and – with apologies for this one – CP 16-04 QIS3 Exercise for Non-life Insurers. Finally, the Introduction of a Consenting Process for Seismic Surveys in Manx Waters.

940 It might be contended this is not a vast number, but since the start of the current calendar year 49 consultations are recorded as being closed. This is 54 in total, equating to more than one each week, to date. To list the sheer volume and variety of titles of these would take all the time allocated by the Hon. Court for debate this morning. Some are: the draft Fraud Bill; Criminal Justice Strategy; Fees Immigration Services and applications for British Nationality; Road Traffic
945 Legislation; Road Transport Legislation; Manx Enterprise Investment Scheme; Proposals to accelerate Economic Growth; Crowd Funding; Merchant Shipping – under various guises; Older People’s Services; Public Health Tobacco; Quantitative Impact Study for Life Insurers; and Exercise for Non-Life Insurers.

950 Time constraints also do not permit that I go into the details of these consultations, but what is drawn to Members’ attention is the specialist nature of a lot of them, and what often appears to the layman is that many seem to be of such similarity of content they might be construed as repetitive or worthy of having been considered under the same consultation.

955 What is also strange is that at the end of the ‘Current Consultation’ section within the Government’s website, there is an invitation: ‘Please tell us about your experience of taking part in Isle of Man Government consultations’. Another consultation; and, I would suggest, a consultation too far.

960 In addition to being listed on the Government’s website the consultations are often sent to third parties, including local authorities. This Hon. Court should be selective to whom consultations are sent. I am aware that some local authority members are advised of the consultations, which is proper if the consultations have been referred to the local authorities; but what is of concern is that the number and far-ranging scope of the consultations does not afford local authorities the opportunity or time to respond as a body as some of the members of

965 a local authority might wish, and in this regard such members feel *they* are letting their electorate down. Some local authorities choose not to submit corporate responses, as topics are considered to be outside their remit or they feel it would be better responded to by people with greater involvement in, or better knowledge and understanding of the topic of consultation.

970 Some Parish authority members with whom I have spoken, have indicated that they have not been aware of any consultations having been referred to them. This may be a problem within a particular parish, or it may be that the scope of the consultation does not include the Parishes. If it is the latter, why are only some authorities included?

975 The Island quite rightly wants the best for its residents and consultants are engaged to offer reports and advice – but at what cost? Consultations do have cost implications for the already-stretched finances in times of constraint. The engagement of consultants should therefore be considered only as a last resort.

980 The Island has held full censuses since 1821 and interim censuses since 1966. These take place every ten and five years respectively and whilst such information gleaned therefrom is not brought immediately into the public arena, such content is known to those who compile the statistics and is therefore available to Government employees. The information includes details of the occupations of residents in employment and that of retired persons resident on the Island.

985 Whilst data protection restrictions apply to the public or outside agencies, it is my understanding that data protection does not prevent information being shared within Government Departments. By this process then, it is known who is available on the Island with knowledge or expertise by way of employment in certain fields. Before finding that little nugget of gold at the bottom of the pan, you need to know where to pan for gold in the first place. The census data gives that knowledge, or at least clues of where to begin to think about panning for the information needed.

990 Can these persons be asked for their views – hopefully without cost – or if it is felt inappropriate to ask this question, then ask if they might consider offering their knowledge or expertise at a lesser cost? How often do people say they want to give something back to the community? An easy solution: please give your time and your knowledge. More and more volunteers are being asked to help in Government Departments so the precedent does exist.

995 In many instances also there are professional bodies, charities and indeed social organisations, representatives from which would be better qualified to comment on some of the topics raised than perhaps the general public. In all cases there is considerable time taken to draft and prepare the consultation, distribute it and then receive and review any responses, with no guarantee that any of the information received will be of any use.

1000 Government Departments are being pressed to cut costs, save money, and do whatever they can to help the Government purse. How much time is wasted in the consultation process?

1005 This Hon. Court has been subjected only as recently as September 2016 to a general election, as a result of which all 24 Members of the House of Keys were returned after contested elections. Part of the election process involved the successful candidates submitting to the electorate manifestos which, in addition to individual canvassing and public requisitioned meetings, enabled the electorate to determine who they felt best able to represent the respective constituencies.

The House includes Members with experience in: accounting, aviation, banking, engineering, farming and agriculture, insurance, journalism, the medical profession, the armed forces, the civil service, the finance industry, the hotel trade and the tourist industry.

1010 Election to the Legislative Council is by nomination and voting of the Court's own Members – and long may this remain – and is based on a nominee's known experience and expertise. At the current time this includes Members with experience in: banking, engineering, farming and agriculture, law, nursing, pharmacy, radio and shipping.

Is it not incumbent upon our elected representatives to do the job to which they are elected, consider matters presented to them, make informed decisions and then act upon them? There

1015 are Departments within the Isle of Man Government and agencies whose employees have, or certainly should have, the knowledge, skill and experience to offer legal opinion, technical expertise, guidance and unbiased opinion and to whom queries should be put to enable such decisions to be made.

Mr President, I beg to move the motion standing in my name.

1020 Thank you.

The President: Do we have a seconder? Mr Speaker?

Mrs Wilson.

1025 **Mrs Wilson:** Thank you, Mr President.

As has already been stated there have been so many consultations this year equating to more than one a week. Can the expense involved be justified and does the outcome reflect the opinions of those consulted, or is it just paying lip service to the open process?

1030 There is always the possibility of receiving too many differing views and some from people who have an opinion on everything, but have little in-depth knowledge of the topic under consultation thereby creating an even more costly and time-consuming process of having to sift out the opinions of value. One could ask is there, or should there be, a register of local residents qualified in a range of different disciplines, from whom the Government could seek advice, as well as the professional bodies connected to the issue?

1035 The open consultation policy, whilst appearing to accept the democratic view, runs the risk of overburdening the work of the local authorities. One has to ask if the local authorities have the time to give full consideration to such a large number of consultation requests.

1040 Delays to a particular project can be caused by protracted consultations, which either add to the cost of such projects or delay the amendment of regulations or legislation. After all, politicians were elected to make the decisions and consideration should be given to seek the opinions of the electorate on matters of national importance only by referendum.

I would like to second the motion.

The President: The Hon. Member of Council, Mrs Berry.

1045 **Mrs Berry:** Thank you, Mr President.

I contend that it is not public consultation policy that requires reviewing but the implementation of that policy.

1050 The Code of Practice on Consultation issued by the Council of Ministers applied from 1st June 2008 to consultations carried out by Government Departments, Statutory Boards and Offices. The code sets out guidelines and these address the points the Hon. Member for Ayre and Michael has raised. Whilst the Code of Practice is designed to apply to primary legislation, the Council of Ministers endorsed its use when Departments are considering major policy issues too.

1055 I, too, have looked at the open and current consultations on the website and, as my colleague states, there are six or seven currently listed, one of which directly concerns primary legislation, the Beneficial Ownership Bill 2017. Many of the others refer to subordinate legislation – that is, regulations made under primary legislation. There is one other to which I will return shortly.

1060 Mr President, I believe I may assume that there is no argument against the wide dissemination of information in respect of proposals regarding changes to the law. We all know the expression, ‘ignorance of the law is no excuse’. The consultations on primary legislation are therefore an important information-sharing tool. Such consultations bring these matters into the public domain.

1065 My colleague complained that the local authorities are bombarded with consultations. In fact this is one of the listed groups of bodies to consult on primary legislation, who would be Tynwald Members, local authorities, Chief Officers, the Chamber of Commerce, the Law Society

and any Island-based professional body relevant to the legislation, and any Island-based voluntary body where there is no relevance to the legislation.

1070 I think my colleague is missing the point insofar as on the website this is bringing matters into the public domain. There has already been the focused addressing of consultation to this particular skilled group and to the professionals in that particular area. This is what Departments do and the idea is to increase their base of knowledge through the feedback from the public so that they can make a decision in an informed manner.

1075 It is all very well to say we have lists of people who are taken from the census as being particularly concerned in an area; they do this through the professional bodies and people who are known to have interests in that area.

1080 There are currently of those six or seven consultations, several – as she referred to – dealing with the insurance industry. The insurance industry are regulated people who need to be informed of what is going to affect them; they will have been targeted and been invited to comment on that legislation. For the avoidance of missing people who may have an interest, who may not be known to the Department or the Statutory Board, this is widened by publishing and making it accessible. The important thing in the Code of Conduct is that consultation must be accessible. It is not that the local authority believes that these things are of no interest to them, they could ask the Government to change the list of consultees which I am sure they would not want to do, because this is a means of them knowing what is going on. It is always up to them, as my colleague said, to look at their remit ... and they look down and see they have nothing to do with Castletown land and re-allocation, and so on.

1085 So my contention is that it is an important public information sharing method. You do not have to comment if you do not want to; it is not wasting your time. You look at the heading, you see this is to do with the seismic surveys in the Manx waters and it is addressed specifically to anybody who might be thinking of undertaking a seismic survey, for example for wind turbines, but also to any member of the public or any experts who have scientific knowledge of this. The consultants may not necessarily have identified anybody who has a scientific interest, but there might be somebody who has just done a degree in marine biology and wants to comment and they have got the ability to pick it up on the website. So of the current consultations the majority are to do with legislation; and the fifth one is this one which is a policy issue regarding the seismic surveys, requiring those who are thinking of undertaking a survey to register their interest.

1090 Looking back on the closed and now finished consultations: I have looked back over the last three or four years and there are very few which are actually policy issues, because the Department concerned has the discretion not to consult if they believe it is not appropriate. This is therefore a departmental thing, deciding they need more information and need to make this public so that they can pull in all the information. There are very few on public policy issues; for example, the Cabinet Office had a Castletown housing land review; they had setting the cost of the limit for Freedom of Information requests; the Isle of Man's Digital Inclusion Strategy; and the future of the Retail Price Index. The Department of Health and Social Care asked for comments on the intentions and recommendations in respect of Older People's Services Commissioning; and we have had several questions today regarding older people – and I think this is a matter of public policy and public interest.

1100 The Department of Home Affairs has one to do with safety of the community regarding introducing greater identification verification measures for persons using our harbours. We had a question on security of borders, so that is very relevant.

1115 Returning to the Code of Practice on Consultation, the Code requires that sufficient time be allowed for respondents to raise issues – six weeks is the norm. The Code states that a consultation 'must be clear and avoid jargon; be concise and include an executive summary of the main points.' It must be clear also about the areas of policy on which views are being sought and should encourage respondents to provide evidence, where appropriate, in support of their

response. The Code emphasises – and this addresses the point of the Hon. Member, Mrs Wilson – that a consultation is not a referendum.

1120 The disclaimer which my hon. colleague referred to, points out that a response does not guarantee a change to the proposal. This makes absolute sense because as my other colleague, wherever she is from, (*Laughter*) so rightly said, you might have crackpots or people who just like to comment on anything that is going. This is the whole skill of the person consulting, to weigh up the responses and not to be swayed just because there is a large number of people

1125 saying a particular thing, and to weigh them up and test their proposals and arguments.

I think this is perfectly clear in the current code that applies to consultations. As far as I can see, if a Department, Statutory Board or Office follows the Council of Minister's Code of Practice, as they are required to do, this is an open, fair and useful process.

1130 A case, however, where I do beg to make a remark is that on occasion the Ministers responsible for a particular policy appear to be paralysed as the result of a consultation. A case in point, as far as I am aware, is the work that was planned to commence on the reconstruction of Douglas Promenade at least three years ago. Following the second round of consultation, *Your Promenade, Your Say*, which invited comments on the design proposals, and the consultation's closing date – I think we have probably all forgotten this – was 9th November

1135 2012. So we have had a consultation, we have had opinions put forward and it seems that one of the contentious issues at that time was the siting of the horse trams. Subsequently, Douglas Corporation said they could no longer support this loss-making seasonal horse tram service. Tynwald had a vote on this matter and Tynwald stepped in and is now operating the service. So this is a *fait accompli*.

1140 We now have the horse trams and Ministers are asked to make their decision. Where are we now, following this consultation in 2014 – four years ago? Many of us are asking ourselves why, after such a lengthy consultation process, has no decision been reached yet other than to make temporary repairs to the road surface of Douglas Promenade.

1145 Mr President, I reiterate that the policy of open consultation remains a good one and does not, as proposed by the Hon. Member for Ayre and Michael, need review. However, in my opinion, the public are fed up with consultation being an excuse for inaction. After testing policy proposals through consultation, Ministers must take responsibility and make the decision.

A Member: Hear, hear.

1150

The President: Mr Speaker.

The Speaker: I had not anticipated speaking quite so soon in this debate, Mr President, but I suppose the first thing that comes out of the hon. mover's speech is perhaps to spare a thought

1155 for what MHKs have to go through, and the sheer breadth of issues (*Laughter*) that we are required to opine on and be instant experts on, because you never know what the next email is going to be about from the members of the public.

1160 But a word in defence of the consultation system. In my experience, having spent five years as a Government Minister, I found that the consultation process is vastly more useful to go out to the wider public rather than just specific consultees. Firstly, it gives you a bit of a sense check on some of the principles that you want to go out and seek opinion on and are thinking of moving forward; although I quite accept the comments from the Hon. Member of Council about using it as an excuse for inaction, and that is quite inexcusable.

1165 The breadth of the response is often one of the most useful facets of a public consultation. It gives you the views that you might not have actually got if you had only asked people who were supposedly the experts in that field. Whilst I think some people referred to crackpots, sometimes there is a nugget there of an idea, or of an issue that you might not have thought of. I think it was a famous American politician who said, 'sometimes you just don't know what you don't know' – and this is a great way of teasing out.

1170 You can also be quite surprised by the responses you can get and certainly, during my time at
Home Affairs and the recent consultation which was alluded to in the contribution about border
controls and ID checks, I was quite overwhelmed that there were over 1,000 respondees to that
consultation. Unfortunately it did not allow me time to go through all of them in terms of sifting
and making sure that we got a sensible solution to that before I actually left that Department.
1175 But the decision on that will no doubt be coming to Tynwald in the very near future.

From a backbencher's perspective – where I now sit, no longer being a Government Minister
– one of the advantages to the public consultation process is that the response to consultation
that the Government will later produce, often provides some of the other opportunities or
options that members of the public have provided, of different ways of skinning the same cat.
1180 They allow people who are not expert in that particular field to at least probe Government as to
why they chose option A over option B. That again is something that is very useful to politicians
who do not have expertise in the area, rather than just blindly following the one particular
Minister who has done the most work in that area.

Just to pick up on another point that was raised about data protection and information
sharing between Departments: that *is* an issue and is something that Government does have a
real problem with, because data protection does prevent information sharing between
Government Departments. Each Department is a separate legal entity and therefore each
Department has to separately register for data protection purposes. Therefore there has to be
quite clear information-sharing protocols to make sure that the information gathered is only
1185 used for that purpose.

I think the final point I would like to raise, Mr President, is this notion of a central list – we
can collect it off the census and will have a list of people who are interested in this topic. Firstly,
I think that would remove that breadth of input from members of the public. I would also refer
the people suggesting that to the last Tynwald sitting, where the notion of a citizen's database
was discussed, and specifically some very eloquent comments from the Hon. Member for Garff,
1195 Mrs Caine, on that particular comment. It might be worth considering some of those issues as
well when looking at the potential for such a database and collecting information like that.

So plenty to think about, but perhaps a word in defence of the consultation system, Mr
President.

1200 **The President:** Hon. Members, any more of a contribution from the floor?

Mrs Berry, you have spoken but, exceptionally, if you wish to (*Laughter*) make a further
contribution in the absence of any of your colleagues, I will be happy to make an exception.

1205 **Mrs Berry:** Thank you, Mr President.

I just want to refer back to my own personal experience working at the Financial Supervision
Commission, where I did lead a number of consultations in developing legislation and in
developing policy, and the comments were always very useful. We had very focused
consultation, but it was also published and accessible to the public. We were not really
1210 expecting very much comment from the public and did not really get any, but from the point of
view of somebody developing legislation which would affect a body of people, I needed to know
how those people and those practitioners did their job. I could not possibly know what every
firm does and how they conduct their business.

So saying that the elected representatives should know all about the subject, is not possible.
1215 It is something you want to engage the people from a particular sector in, to understand where
they are coming from, so that you can understand unforeseen consequences of your proposals
and you can adjust them as necessary – or *not* adjust them if you to believe that the person has
not made a persuasive argument.

So that is all I wanted to conclude by saying, that it is a very useful process for those doing
the consultation, and therefore I do not see any need to change the policy.

1220 Thank you.

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

Mrs Chrystal: I beg your pardon! (*Laughter*)

1225

The President: Not yet, Mrs Chrystal!

Mr Baker: Thank you, Mr President.

1230 I have a lot of sympathy with the comments raised by my fellow Member from Ayre and Michael, Mrs Chrystal, regarding the consultation process. I think it has been something which has been used as an excuse for inaction at times in the past. The Douglas Promenade example was clearly not Government's finest moment.

1235 However, having recently submitted ourselves to the electorate and knocked on doors all over the north of the Island, one of the messages that came across very loud and clear was that people want a Government who listens, and they want to be able to contribute to the success of the Island which we all share – we are all part of this Island. I think this motion would be a retrograde step for us as a Government, because it would signal that we were listening less and we were less open to input.

1240 So, for that reason it is not a motion that I can support and I will be voting against it, Mr President.

The President: Hon. Member for Douglas Central, Ms Cowley.

Ms Cowley: Thank you, very much, Mr President.

1245 My colleague, Mrs Berry, has raised a lot of the same points that I was going to mention. I personally feel that I agree we should maintain the consultation process and think it should be more accessible as it is actually quite hard to find it on the Government website – it is buried quite deeply and you really have to go looking for it. I know when I personally shared the question regarding same-sex marriage legislation I had to go looking for the link to be able to share it, because many of my friends were unable to find it in order to give their views.

1250 I believe the census information is protected, as you rightly said, by data protection, but also it does lead to questions of is this becoming *Big Brother* if we start analysing people in such depth. Also, somebody's current job does not necessarily explain their depth of experience. Somebody might be very well read on a subject that they do not currently work in.

1255 Lastly, the whole point of democracy is that it allows anybody and everybody to have to say, no matter how unqualified they may be.

Two Members: Hear, hear.

1260 **The President:** Hon. Member for Douglas East, Mrs Helliwell.

Mrs Helliwell: I would ask you to consider reviewing the consultation process because it is the process, to my mind, that is flawed.

1265 The Speaker said that 1,000 people responded to his survey. However, I would remind the hon. gentleman that there are 80-odd thousand on this Island.

1270 So having a consultation process that relies on people having internet access and that relies on people having access to Government in some shape or form is in itself flawed, and not a true representation of people's views or ability to access and use the channels that are open to them. Many people cannot afford regular internet access, and that is one of the main ways – Survey Monkeys and things like that – that information is collected.

So by using consultation processes that are electronic and taking heed of those, you are already restricting the process and the views of the people.

The President: I call on the mover to reply. Hon. Member, Mrs Chrystal.

1275 **Mrs Chrystal:** Thank you, Mr President, and apologies to my colleague from Ayre and Michael, I am still a little bit old school and remember Ayre being a single seat constituency! (Laughter) Thank you.

1280 I have no problem with matters being brought into the public domain and in no way did my proposal wish to detract from open and clear Government. It is not my intention to give any emphasis for or against submissions to local authorities. I just bring to the Court's attention some of the concerns about which I have been made aware.

I recognise the wide extent and time put on Members of the Court and I thank Mr Speaker, particularly, for his informed contribution towards the debate.

1285 The Hon. Member of Council has referred to her own referral to members of professional bodies in consultations that she has, no doubt very ably, undertaken; I am afraid to my mind that negates her argument, in that she has referred to professional bodies and not necessarily the wider scope of the public.

I have no further comments to make, Mr President, but I thank Hon. Members for their contributions to the debate.

1290 Thank you.

The President: Now, Hon. Members, we move to a vote and the motion is that set out at Item 2, in the name of Mrs Chrystal. Those in favour of the motion, please say aye; against, no. The noes have it.

1295 Now, Hon. Members, before you, you will see red and green buttons, for and against. Please vote.

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

In the Keys – Ayes 5, Noes 18

FOR

Mrs Chrystal
Mrs Dixon
Mrs Helliwell
Mrs Mitchell
Mrs Wilson

AGAINST

Mr Ashford
Mr Baker
Mrs Beedan
Mr Callister
Mrs Corlett
Mrs Cottier
Mrs Gaylor
Mr Hooper
Mrs Kelly
Miss Bettison
Ms Cowley
Mrs Ormond
Mr Peake
Mrs Phillips
Mrs Roper
Mrs Sharples
Mr Speaker
Mrs Steele

The Speaker: Mr President, in the Keys, there are 5 votes for, 18 against.

In the Council – Ayes 1, Noes 5

FOR
Rev. Jo Dudley

AGAINST
Mrs Berry
Mrs Corfield
Mr Crookall
Ms Edge
Mrs Nutter

1300 **The President:** In the Council, 1 vote for, and 5 votes against. The motion therefore fails to carry.

**3. Financial Assistance for University Students –
Contribution to Manx economy after graduation –
Motion lost**

The Hon. Member for Rushen (Mrs Steele) to move:

That the Department of Education and Children only assists with payment of university tuition fees for those students who undertake to contribute to the Manx economy for five years following graduation.

The President: We move to Item 3, the motion is Financial Assistance for University Students. I call the Hon. Member for Rushen, Mrs Steele, to move.

1305 **Mrs Steele:** Thank you, Mr President.

I would like today to propose the following motion: that the Department of Education and Children only assists with payments of university tuition fees for those students who undertake to contribute to the Manx economy for five years following graduation.

1310 Tuition fees were first introduced across the UK in September 1998 as a means of funding tuition to undergraduates and postgraduate certificate students at universities. In the academic year 2016-17, the majority of universities charged the maximum allowable level of tuition fees of £9,000 per year – although certain courses, such as clinical medicine, clinical dentistry, veterinary science and some conservatoire music courses have higher tuition fees.

1315 The Department of Education and Children currently offers financial support to students from the Island who wish to attend university, in the form of a fees grant to cover tuition fees, subject to conditions and a means-tested maintenance grant towards living expenses. It is the first of these, the fees grant, to which I refer in my proposal.

1320 Providing a student meets the eligibility criteria, the Department will pay the tuition fees for an approved course, less any student or means-tested contribution required to be made by the student, with the normal maximum limit for approved tuition fees of £9,000 per annum. This may be varied where the Department considers it reasonable to do so. However, for all off-Island undergraduate and postgraduate degree courses starting in the academic year beginning on or after 1st September 2016, students are required to make an annual contribution of £2,500 towards their tuition fees. There is also provision for an additional contribution to be made, up to a maximum of £6,500 per student, if the contributor's total gross income exceeds £100,000 per annum.

1330 The Department has provision to provide a loan to cover the £2,500 contribution. This is interest free until the student has completed their studies, at which time interest will be charged, currently at a rate of 5% per annum, and the minimum payment is required to be made. The minimum payment is currently 9% of annual earnings in excess of £21,000.

1335 In the Isle of Man Budget 2016-17 the net budget for tuition fees is £10,538,000 and there are 1,600 students in receipt of tuition fees. In the current financial climate, with the tightening of budgets across Government, it has become necessary for Departments to look carefully at all expenditure. With my proposal, an expenditure would become an investment. The return of new graduates to employment here would give a return on the budget in financial terms and in bringing skilled workers to the Island.

1340 A 2015 report by the Institute of Fiscal Studies refers to the 'graduate premium' – the increased wages and salaries that graduates can expect compared to those of non-graduates. While there is no information to put an actual figure on the financial benefits of returning graduates, the fact that there is a premium on their earnings increases the income to Government in terms of tax and National Insurance contributions. The wider economy benefits from the higher disposable income.

1345 This benefit will only be realised, of course, if there are appropriate jobs for them to come back to. You will be aware of recent discussions regarding the relaxation of the work permit requirements to ease the current skills shortage being experienced here on the Island. This demonstrates an urgent need to attract skilled workers, with the Chamber of Commerce reported as saying that 'many Island firms are unable to expand because they can't recruit the workers they need'.

1350 A report of July 2016 by employed.im includes figures to show the mismatch of skilled workers versus job vacancies across the catering and entertainment sectors, construction industry, health and medical services, e-gaming and the insurance sector. For example, at the end of July, there were 60 vacancies in health and medical services but only 17 people with health-related qualifications out of work.

1355 While this certainly suggests that jobs would be available for returning graduates, proactivity in schools by career advisers could help inform students' career choices and encourage them to take courses in areas where there is a particular shortage of qualified workers. There would then be potential for this to be developed further. Co-ordination between Government and employers could allow employers to sponsor and support students through their courses and provide employment on graduation.

1360 It must be asked whether it is fair or acceptable to require a person to return. Does this impact on personal choice? I suggest not. We are bound by conditions in much of what we do in life. Each student would have the choice of accepting the condition or not and a decision not to return, and therefore not qualifying for the grant would not prohibit them going to university. It would put a local student in similar position to a UK student who receives no payment from the UK government towards tuition fees.

1370 While not scientific research by any means, I did discuss the proposal with a student who found it interesting and positive, subject to employment being available of course. A return to the Island, close to family support and good earning potential, along with a payment of tuition fees would be worth considering. I would hope that this would offer wide appeal.

In summary, I feel that this proposal will give a financial benefit to the Government, changing expenditure to investment, and an economic benefit by bringing skilled workers to the Island, while allowing student financial support at university, and employment and experience on graduation.

Thank you.

The President: Do we have a seconder?

Hon. Member, Mrs Ormond.

1380 **Mrs Ormond:** Thank you, Mr President. I beg to second the motion and reserve my comments.

The President: Now, Hon. Members, the motion is now open for debate. Who wishes to speak?

Hon. Member for Douglas Central, Ms Cowley.

1385

Ms Cowley: I think this motion is too restrictive. Whilst I fully agree that it would be beneficial to students to return to the Isle of Man and therefore gain some sort of refund to the Department, to *only* assist students who return I think is almost like blackmail, especially as these tend to be students from lower income families who could not afford ... If your parents are rich enough to be able to afford your tuition fees, you are not going to be applying for them anyway.

1390

I would like to know what research has been done into why graduates do not return to the Island. Amongst people that I know who have left, gone to university and not returned, it tends to be things like the cost of housing, but also things like the markets available and whether there is anything in their field; and it is not fair to restrict students' choices in a career based on whether or not that career opportunity is available on the Island.

1395

Also things like entertainment: once you have been to university and found what life is like in the UK many students find that coming back the Isle of Man is a bit parochial – there is not enough entertainment, they cannot go to concerts, etc. It is more than just an economic choice that is available.

1400

I just feel it would be very unfair to *only* offer benefits to students who return. Whilst that is a good idea, I think it still needs to be open to everybody.

Thank you.

1405

The President: Hon. Member for Arbory, Malew and Castletown, Mrs Cottier.

Mrs Cottier: Thank you, Mr President.

Hon. Member for Rushen, has your attention been drawn to the fact that this year some 678 Manx students applied for funding to go to university, out of the 800 or so who went? Under the Education Act of 2001, section 37(c):

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The Department may ... do all or any of the following for the purpose of enabling persons to take advantage without hardship to themselves or their parents of any educational facilities available to them –

... (c) grant scholarships, ... bursaries and other awards or allowances ... *[under the guidance from Treasury]* in respect of persons over compulsory school age receiving continuing education or higher education in the Island or elsewhere.

It is a fact, Mr President, that our Island students' attainment is in the top 5% in the UK, and they are able to attend the top universities and gain first-class degrees.

I ask, in our present economic climate, can the Isle of Man Government guarantee that our returning graduates will be given a job that matches their skills and degree levels?

1415

Mr President, I ask you all to imagine the following scenarios: that one of our top students who has a degree in nuclear physics is asked to take on an apprenticeship as a gas fitter; or the art therapist who has specialised in schizophrenia is told we do not have a vacancy for that post, but they can take on an apprenticeship as a painter and decorator because they know how to use a brush; or that 30 newly qualified doctors are told to become nurses for five years, as we have a shortage in that role.

1420

I ask the Hon. Member, are you in a position to guarantee a suitable job for the 678 returning students who need funding this year and for the same number next year, and so on, if your proposal becomes legislation?

Would the Hon. Member consider the fact that many companies who sponsor our graduates only ask for a three-year tenure for its sponsorship? The STEP Programme, set up for undergraduates to spend their summer holidays working on projects for companies in both the

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private and public sectors here on the Isle of Man, provides ample opportunities for further job prospects when they finish their degree.

1430 We do have a skills shortage and there are some 800 job vacancies. Government should be tasked in creating more opportunities for an apprenticeship scheme, such as is done for ICT, e-business and e-gaming. The YTS programme had its pitfalls, but properly run would fill our skills shortage without tapping into our high-flying graduates who are encouraged by the Island's statement of Freedom to Flourish.

1435 The proposed tax breaks for returning graduates at least caters for those who want to return to the Isle of Man. Why should our graduates be forced on their return to work for five years here on the Isle of Man, live back with their parents, many doing a job well below their skill and aptitude level? Would they still need to pay back any or part of their loan to Government?

Sadly, it is a known fact that mental health issues amongst our young people is on the increase. So why should we subject our bright stars to such restrictions?

1440 In summing up, we are a victim of our own success, providing a first class education for all our young people. So please allow them to have as many opportunities as they want. Our young people have always been great ambassadors for the Island and many succeed to be the top of their chosen profession.

1445 Mr President, I urge the Hon. Member for Rushen to reconsider that this proposal could be very detrimental to our young people if it were to become legislation. I urge this motion to be withdrawn.

Thank you, Mr President.

The President: Hon. Member for Middle, Mrs Ormond.

1450 **Mrs Ormond:** Speaking in support of the motion, I would draw attention to the Hon. Member's wording of the motion, which is that:

... students who undertake to contribute to the Manx economy for five years following graduation.

This five years following graduation does not need to be concurrent with their graduation and, as you say, our young people very often go to the height of their professions.

1455 I would say that this is more a moral suggestion to our young people that, together with their rights and their entitlement to a full education, they also have a duty and a responsibility and an entitlement to support the Island as they go to the top of their professions. I do not see that it necessarily has to be concurrent to graduation.

Thank you very much.

1460 **The President:** Hon. Member for Douglas North, Mr Ashford.

Mr Ashford: Thank you, Mr President; just following on from some of the speakers.

1465 I do have great sympathy with the motion and the sentiments behind it that the mover has proposed. I just think it is slightly the wrong way round in the fact that it is refusing to pay for the education first, rather than actually looking at how we get people back on to the Island and how we can then incentivise them.

1470 Personally I would favour a scheme where rather than actually turning round and saying that we will not give you anything to begin with unless you undertake to come back for five years, that we say that if you *do* come back to work on the Island, then we will proportionally reduce the amount you repay.

I certainly know from the point of view when I went to university, I would probably quite happily have signed up there and said I will come back and work for five years. Actually what happened when I finished university was I ended up working in the UK for a period and then

1475 coming back; but at that time I do not think you can make the decision as to where you are going to end up.

I also take on board the sentiments of the previous speaker, but if it is not going to be a concurrent five years I am not sure how you would actually ever enforce it. You have got people who have, say, a 40-year working life, and they say, 'Well, I will come back for the five years; I
1480 am now 30 years into my working life, but I have still got 10 years to go, so I can come back for five years.' I am not quite sure how you would actually ever legally enforce something like that.

The hon. mover also referred to the fact of the job shortages on the Island – and there most certainly is. It is very obvious when you look at the statistics that there is a shortage – but it is only in certain industries. There are other industries where you have more people looking for
1485 work than you actually have the vacancies available.

I think what you will be doing there is tailor-making, from this motion, who could actually say they will come back for the five years. You could have people who have got degrees who come back and then find there is no work for them in that particular sector and, as was very eloquently alluded to before, end up having to take other jobs or a job even in that sector not
1490 necessarily at the level that they are qualified for, in order to make up the five-year period.

I think the Hon. Member, Ms Cowley, made the very good point of what we should be doing is trying to address the *causes* as to why people do not come back, and actually looking at that first and foremost.

So while I do have, like I say, great sympathy with the sentiments behind it, I just think a scheme would be much better where those who do decide to come back actually have their loan
1495 reduced; and equally the hon. mover mentioned that if they earn over £21,000, then they have to start repaying anyway. We know from studies in the UK, which again was alluded to by the hon. mover, as to how much extra premium graduates with a degree actually earn; and the likelihood is that those that do not come back are going to cross that £21,000 threshold and
1500 have to start paying back anyway. So the Island will be recouping the money.

I agree, though, that it is scary, especially when you go to the Pink Book and you see the £10.5 million figure as to how much it costs. But I think, over a period of time as money starts coming back in, that figure is not going to look quite so scary.

I am all for incentivising people to come back, and I have always been quite blunt in the fact that I do believe in certain sectors we do have a lack of skills where we do need our graduate
1505 base to come back, but I think it is a carrot-and-stick approach. I think that this motion is basically throwing away the carrot and keeping the stick.

The President: Hon. Member, Mr Peake.

1510

Mr Peake: Mr President, thank you very much.

I will be supporting this motion because I do think it actually lays out a very good principle and, as we have heard before, also a moral principle. It gives a good moral compass to our students here who go away and get further education, to come back at some point.

I think it is a very good idea to leave it open and we can work on the detail to make it
1515 concurrent, or not concurrent, or perhaps contribute in different ways, even off the Island.

So I think is a very good principle and I will be supporting the motion.

The President: Hon. Member, Mrs Beedan, Member for Douglas South.

1520

Mrs Beedan: Mr President, I would just like to expand a little bit on the concurrent nature of the student coming back and my colleague's suggestion that it could be that they return later in life to make their contribution to the Manx economy.

Whilst I appreciate the record-keeping would be *extremely* challenging, talking about a
1525 period that is over the normal term where one might be required to keep records, but would it

not be possible to give that person some sort of tax break equating to the contribution that should be returned if the record-keeping could be maintained?

Thank you.

1530 **The President:** Any further contributions? Hon. Member of Council, Mr Crookall.

Mr Crookall: Thank you, Mr President.

1535 I just want to make a few points and I congratulate everybody who has made a contribution this morning in both debates, but also on this one with regard to the financial assistance for university students.

Can I start off by saying, as the former Minister for Education and now working in Economic Development, those two Departments work *very* closely, hand-in-hand, with regard to apprenticeship schemes, careers and training going on. And it is not just school-leavers, it is right the way throughout life.

1540 We all know now that people are expected to change jobs somewhere in the region of seven or eight times during their working career. No matter what you come out of university with, we quite regularly find that even though you get a degree in, say, art, quite often they will not use that, they will go off and do something else. They will not teach art, they will go off and end up being an accountant or something like that. They retrain very quickly here and we know that for a fact. But they have done their three years ... sorry, I was not getting at Mr Speaker down there, (Laughter) I do not think you would do that, sir! But people have shown they can do the three years and they can get their degree, but other employers will take them on because they know they are willing to learn again; and we find that people are retraining very quickly when they come back to the Island.

1550 The Isle of Man Government invests in students from an early age right the way through to university if that is what the students want to do, and we think we produce what we call a 'well-rounded student' when they come out, so they are willing to then go on to do anything in life. Yes, they might have something that they particularly want to do but, as I said, they change their jobs regularly and, because we have trained them and taught them through the schools, we know they will adapt regularly and quickly when they come and want to change their jobs.

1555 Everybody at some stage – and probably quite quickly – thinks, 'Is this the right job for me?' They look at other things and they do move on. So we have produced what we call here – we think – very well-rounded students when they come out, who are capable of moving on.

1560 The retraining, as I said, goes on throughout life and we have to be prepared here on the Island, whether it be through vocational or apprenticeship schemes, to make that available to them. We have seen recently, down at the Nunnery, the new ICT College working with the private sector, which we think in the next three to five years will be an absolute boon for the Isle of Man. It will be working with the University College of Man and hopefully in 10-years' time what we are aiming for is our own university here on the Island.

1565 If we can get 1,000 full-time students on the Island, we can then look at creating our own university. At the moment we have links with Chester and that works very well, but we do not have to stay with Chester. We can go out and look at somebody else and say, 'Can you look at us and can you help us to become a full-time university?' We can be linked to any of the universities in the North West, or anywhere.

1570 If we can keep students here on the Island, instead of going away to university, besides the £2,500 loan we pay on top of that the £6,500 – so about £9,000 a year at the moment. But we reckon that £6,500 that we are spending as a Government towards each student, plus what they are spending away, if we can keep the student here on the Island that is worth about £10,000 a year for the Isle of Man, if we can keep them training here on the Isle of Man. That is what the Education Department and the Isle of Man Government are looking to do in the long-term future.

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1580 What they may well do is go away for the first year, or the first and second years, and come back for the third year, or *vice versa*. But if we can keep students here on the Island and offer far more courses, there is a huge advantage; and of course what we are saying is if they do that course here, the chances are they will stay here.

1585 At the moment there is a figure being bandied around that 85% of students that go away to university do not come back. We do not know where that figure has come from, it has just appeared in last six months from somewhere. It certainly has not come from the Education and Children Department, it has not come from Treasury and it has not come from the Cabinet Office. So I am not sure much where that figure has come from but it is being used quite often and, as far as I know, it is not a true figure. If we had to make a guess it might be 60%, but it is certainly not 85%.

1590 I think that is all I would like to say on that, Mr President. As I said, I would like to congratulate everybody who has made a contribution on this and I will take these back to the Department of Education when I speak to them again.

1595 We do what we can to attract skilled workers here on to the Island, who have not been trained by the Island, of course; and whether you go to the hospital or anywhere else throughout life, whether it be an accountancy or all the businesses on the Island, there are people from all around the world here now who have been paid for by other governments. We have to remember that and we have to accept that some of our students will go away, marry away and never, ever come back. But we are very fortunate that we have all those skills that come in here, because it is such a great place to live and they enjoy it and we benefit from other governments – and we have to remember that as well.

1600 Thank you, Mr President.

The President: Hon. Member of Council, Mrs Berry.

Mrs Berry: Thank you, Mr President.

1605 I was very much in favour of this resolution because, as my colleague said, it is a bit of a moral issue. Why should we be throwing money at people and not getting anything back?

1610 However, as I now understand it, students are required to repay their fees once they earn over £21,000, so there is a repayment scheme. I think the points made about incentivising, rather than being a big stick, is a very good way forward. I do not think you could run alongside each other the requirement to repay and the requirement to work – I think it has got to be an either/or. You are probably better with the repayment scheme and the current situation, and incentivising people – as has been spoken about in Keys very recently – such as teachers and nurses and so on, to try and get a tax break for them if they come back to the Island.

1615 **The President:** I call on the mover to reply. The Hon. Member for Rushen, Mrs Steele.

Mrs Steele: Thank you, Mr President.

1620 A lot has come out of this debate which has been very good, I think. One thing my colleague spoke of was repaying the fees, but it is the *loan* which they repay not the actual fees, so that is slightly different.

1625 Our students *are* a wonderful bunch on the whole. It is a shame to lose them if they go away from the Island and work. But the ones who have qualified elsewhere and came back to the Island have not had their fees paid by a different government; the majority of them have paid their fees themselves.

1625 My own daughter went to college – as it was called in those days, not university – and did not come back to the Island, which was a great shame. I think if we could encourage young people to come back, perhaps then the entertainment industry might be a little better and there would be more things for them to do, if we had more young people here.

If they came back at a later date, after working perhaps elsewhere for a number of years, and brought additional education to the Island, that would be wonderful too.

1630 Thank you all.

The President: Hon. Members, the motion is that set out at Item 3 in the name of the Hon. Member for Rushen, Mrs Steele. Those in favour, please say aye; against, no. The noes have it.

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

In the Keys – Ayes 5, Noes 16

FOR

Mrs Gaylor
Mrs Ormond
Mr Peake
Mrs Steele
Mrs Wilson

AGAINST

Mrs Chrystal
Mr Ashford
Mr Baker
Mrs Beedan
Miss Bettison
Mr Callister
Mrs Corlett
Mrs Cottier
Ms Cowley
Mrs Dixon
Mrs Kelly
Mrs Mitchell
Mr Moorhouse
Mrs Phillips
Mrs Sharples
Mr Speaker

The Speaker: In the Keys, Mr President, 5 votes for, 16 votes against.

1635 *In the Council – Ayes 1, Noes 5*

FOR

Ms Edge

AGAINST

Mrs Berry
Mrs Corfield
Mr Crookall
Mrs Nutter
Rev. Jo Dudley

The President: In the Council, 1 vote for, 5 votes against. The motion fails to carry.

**Thanks to Women's Institute
and Tynwald Members**

The President: Hon. Members, that concludes the Order Paper this morning, a special sitting of Tynwald, the Women's Institute Tynwald.

1640 May I say what a pleasure it has been for me, as President, to have presided over such an interesting and enjoyable sitting of Tynwald – *very* high quality debate and contributions – and I do congratulate the members of the Women's Institute for taking part in such a full, interesting and worthwhile manner.

Can I equally thank my colleagues, my real Tynwald colleagues, (*Laughter*) for their contribution this morning and for their time. It may well have been good practice for them

1645 *(Laughter)* in ministerial roles. I do sincerely thank them. An exercise, I venture to suggest, that would be worth repeating some time. Thank you very much, Hon. Members.

At this point normally the Council would withdraw and allow Mr Speaker to put whatever business the Keys has. *(Laughter)* I suspect there is not that much, in which case I will ask, with pleasure, Mrs Kath Wilson to say a few words.

1650

Mrs Wilson: Thank you, Mr President.

Mr President, on behalf of the WI, may I thank you for presiding over today's WI Tynwald and for allowing us the opportunity to experience at firsthand what it is like to be a politician.

1655 We would also like to thank Mr Speaker, those Members of the Legislative Council and the House of Keys, the Deputy Clerk of Tynwald and the Third Clerk of Tynwald who have given up their time to be here this morning. Our thanks also go to Ruth Donnelly and Andy Cooke, from the Clerk of Tynwald's office, for their invaluable assistance and guidance to us and for organising today. It is much appreciated.

1660 My personal thank go to the Public Affairs and Science Sub-Committee in the Isle of Man Federation – Moira Chrystal, Margaret Dyson, Brenda Gaylor, Liz Berry, Hilary Simm and Pat Nutter – for the work they have done in the planning of this event.

Finally, to those WI members who were brave enough to put their names forward to be MHKs and MLCs for the day, thank you and well done. We have enjoyed ourselves immensely and have found it an amazing experience. We do thank you. *(Applause)*

1665

The President: Thank you, Hon. Members, ladies and gentlemen; Council will withdraw and leave Mr Speaker to put such business before the House as there may be.

Thank you, Hon. Members.

The Council withdrew.

House of Keys

1670 **The Speaker:** Thank you, Hon. Members, the House will stand adjourned until a date to be determined. Thank you.

The House adjourned at 12.47 p.m.