



**HOUSE OF KEYS
OFFICIAL REPORT**

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**PROCEEDINGS
DAALTYN
(HANSARD)**

Douglas, Tuesday, 7th March 2006

Present:

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

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The House adjourned at 5.25 p.m.

House of Keys

The House met at 10.00 a.m.

PRAYERS

The Chaplain of the House of Keys

LEAVE OF ABSENCE GRANTED

The Speaker: Hon. Members, I have granted leave to the following Hon. Members: Hon. Member for Michael, Mr Cannan, for all of this sitting; the Hon. Member, Mr Gill, for Tuesday; Hon. Member, Mr Braidwood, for Tuesday; Hon. Member, Mr Delaney, for Tuesday; Hon. Member for Ayre, Mr Teare, part of this morning; Wednesday, Hon. Member, Mr Gawne and Hon. Member, Mr Henderson; and also from the sitting today, as far as I know, the Hon. Member for Douglas South, Mr Duggan.

Manx Electricity Authority Statement withdrawn

The Speaker: Hon. Members, can I advise you that Item 3, which is a Statement by the Chairman of the Manx Electricity Authority, will now not be made.

Procedural

The Speaker: In relation to Item 7.1 on the Order Paper, which relates to the Public Health (Tobacco) Bill. I can advise Hon. Members that, with the agreement of the House, I propose that we take this matter at 2.30 p.m. tomorrow, Wednesday, 8th March, in relation to there being witnesses, so that there is a time set down for the House to deal with this issue, Hon. Members.

Hon. Member for Garff.

Mr Rodan: Mr Speaker, I wonder if I might just make comment on the latter point. While appreciating your wish to give adequate notice to a witness or witnesses, in the event that Mrs Cannell's motion is passed, could I point out, as Member in charge of two Bills for consideration of clauses, that we would, potentially, have the situation where I had commenced the Disability Discrimination Bill clauses this afternoon, and then be in a position at 2.30 tomorrow of having to abandon that Bill for consideration of the Tobacco Bill.

I wonder, therefore, Mr Speaker, whether it would be appropriate to consider the motion in the name of Mrs Cannell at the time it is reached today and, in the event it being passed, in fact, that we agree, in that situation, to hold the matter of the clauses for the Tobacco Bill tomorrow at 2.30, as you presently suggest.

In the event that that motion was not passed, we would proceed to the Tobacco Bill in accordance with the Agenda, and not run the risk of disturbing the good order of the Disability Discrimination Bill, sir.

The Speaker: I think, Hon. Member, if you leave that with me to give consideration to. What I will endeavour to do is ensure that our proceedings are tidy and, if necessary, I will speak with you in relation to progress of the two Bills that you mention and we will ensure, as far as possible, we can try and keep it tidy.

But I do think that it is important, if we can, to give some time, in relation to when witnesses may be called. But I take the points you raise, Hon. Member.

Questions for Oral Answer

HOME AFFAIRS

Anti-Social Behaviour Orders Number served

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

On how many occasions have the IOM Constabulary served an Anti-Social Behaviour Order on an offender since the legislation came into force?

The Speaker: Hon. Members, the first Item on our Order Paper is Questions for Oral Answer. Question 1, I call on the Hon. Member for Douglas North, Mr Houghton.

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

The Speaker: I call on the Hon. Member for Douglas West, Mr Shimmin, Minister for Home Affairs, to reply.

The Minister for Home Affairs (Mr Shimmin): Thank you, Mr Speaker.

The Criminal Justice Act 2001 allowed courts to impose Anti-Social Behaviour Orders, or ASBOs as they are often referred to, against those individuals whose conduct placed others in fear of harassment, alarm or distress.

Mr Speaker, since the introduction of the legislation, only two ASBOs have been granted by the courts, both on application by Braddan Commissioners.

The Isle of Man Constabulary and its partner agencies recognise that ASBOs are, effectively, the end of the process to combat anti-social behaviour, and a sanction to be used when alternatives have failed. The powers available are wide ranging, and the Constabulary seeks to reserve the use of ASBOs when all other attempts at solving a problem had failed. To this end, the Constabulary and its partners have made extensive use of other approaches in an effort to combat anti-social behaviour.

Mr Speaker, these approaches have included the use of Acceptable Behaviour Contracts, known as ABCs, under the terms of which people agree to modify their behaviour. Failure to comply can lead to an ASBO and, whilst ABCs have no statutory basis, they have proved to be powerful tools in successfully changing the behaviour of people who act in an anti-social way.

Successful examples of the use of ABCs include joint

working involving Malew Commissioners, the Department of Local Government and the Environment and the Constabulary, to deal very successfully with issues on the Clagh Vane estate.

Mr Speaker, we will keep this under active consideration.

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

Mr Houghton: Thank you, Mr Speaker.

Taking the Minister's last comments first, does that mean they will continue not to issue any ASBOs, when it is well known throughout the Island, notwithstanding Douglas, that there are some areas of serious anti-social behaviour? That was confirmed by the Police, at the recent consultative meeting that both the Minister and I attended, and nothing at all has been done about it.

Will the Minister ask his Constabulary officers, namely Superintendent Roberts, who, some two years ago, as Chief Inspector, promised that these would be brought in, said that they would be widely used and they have not done a thing, as usual? Can he comment on that, sir?

The Speaker: Minister to reply.

The Minister: Yes, Mr Speaker, as all Hon. Members will be aware, there was a series of consultative forums taking place over recent weeks, and the new localised neighbourhood police inspectors all were questioned by the public on the matters of juvenile behaviour in particular, and anti-social behaviour in general.

Throughout all of their responses, they did talk about the partnerships that the Police are establishing with other bodies and I would say, Mr Speaker, that ABCs have been used successfully by not just Braddan and the Police in Malew, but the Multi-Agency Youth Justice Team has cut youth offending by a third in a year.

They have been used successfully by Braddan Commissioners and the Constabulary to deal with issues on the Snugborough estate, and other forms of intervention have been successful, which includes robust reinforcement of tenancy agreements and criminal prosecutions.

I will pass on the issue to Superintendent Roberts, but the key message is that, if possible, we would prefer to avoid criminalising, particularly, young people. However, there is a public expectation that if those measures do not work, (**Mr Houghton:** Hear, hear.) then we do have to apply more stringent measures.

So, as I have said before, ASBOs are the end of the process. We do believe the working in partnership, both with the new inspectors and elected Members, as well as local people, can try and deal with the matter of anti-social behaviour, which is as much of a concern to the Constabulary as it is to the Hon. Member.

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

Mr Houghton: Thank you, Mr Speaker.

In thanking the Hon. Minister for his reply, can he also, when he speaks to Superintendent Roberts, ask him why he has let this Island down with a false promise, some two years ago? I would be grateful for that, sir.

The Speaker: Minister to reply.

The Minister: I think it is unfortunate, Mr Speaker, that we are going down individually naming of officers. (**A Member:** Hear, hear.) However, if the statement was made, then the officer is responsible for it.

I do believe that the process has changed, considerably, over the two years, mostly in a way which is supported by this House and by the public, that we will actually begin to work more closely with our police officers, and they likewise with the public. Therefore, ASBOs and the purpose for which may have been appropriate two years ago, there are better mechanisms now, of trying to produce the same effect, but by a different direction.

Mr Houghton: There are no better mechanisms.

The Minister: Therefore, I am sure that the Hon. House will accept that there are different ways of policing these types of offences. They have to be policed, but it does not need to be done in pure isolation of the police officers, but also in partnership with the locals.

That commitment has been given publicly by the policing inspectors in the areas and, certainly, I would suggest, at the meeting that the Hon. Member and myself and Mr Henderson attended, in Willaston recently, it is now a matter for the public to come forward, if they are dissatisfied with the behaviour, to the inspector in that area, and hold that person accountable, to make sure the behaviour improves. That may or may not be by using ABCs or ASBOs, or anything else at the control of the Police and other parties.

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

Mr Houghton: Thank you, Mr Speaker.

I would like to ask the Minister, or invite the Minister to tell this House: what are these better mechanisms (**A Member:** Hear, hear.) which now are in place, that overcome the use of Anti-Social Behaviour Orders, that have been regularly used by the Constabulary, to some effect? What are those mechanisms?

The Speaker: Minister to reply.

The Minister: It would take some time to go through all of them. However, one of the main parts is by actually engaging with the young people whose behaviour is causing concern to a neighbourhood. The work of the Youth Justice Team, the Education Department, officers and various others, rather than penalising and punishing these young people, are attempting to work with them. That, I think, is more likely to produce a benefit for society.

However, we do recognise that in areas around the Island, ASBOs have a place, because some people will not take the message.

I am encouraged by some of the work in the Clagh Vane estate. I am encouraged by some of the work with local authorities, and we are aware that this is a serious issue. The police inspectors are challenged now by the management and myself, to actually produce tangible benefits to the public. Those mechanisms will differ around the Island. It is not in any way complacent or underestimating the concern all members of the public and Members have about anti-social behaviour.

However, we will look towards any vehicle available to us and, indeed, a presentation at lunchtime today does imply that the Police and ourselves are still looking at encouraging the use of intervention, and that is the strengthening of ASBOs, should they be appropriate in circumstances.

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

Mr Houghton: A final point, Mr Speaker.

The Minister has mentioned, in his plethora of issues that he has answered with, there, that Education and local authorities are bringing into it and that is the entire point, Mr Speaker, I wish to make. The Police are laying these issues off onto other people – blaming it on someone else. That is what they are doing, rather than dealing with it themselves. The Minister needs to be aware of that.

The Speaker: The Minister to reply.

The Minister: I take note of the Hon. Member's comments. I certainly believe that the best move for the society is that we work together. The Police, historically, have been seen as an enforcement, after an event. I believe it far more encouraging that they work with other people with responsibility for, in this case, social behaviour and actually work to what is in the best interests of the neighbourhood.

That does not necessarily mean enforcement, although that is one of the tools available. I make no apologies for involving local authorities, local Members and the Department of Education and other parties, who work actively with the Police to try and improve behaviour.

I certainly do not think it is appropriate to necessarily criminalise young people. Many of the young people who are causing concern to the public are actually just young people being young people. We now have to identify those who take it beyond a level, into a more problematic issue, where the public are affected.

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

Mrs Hannan: Could I ask the Minister for Home Affairs, is it not a fact that, in many cases, these young people have not broken the law and, therefore, it is very difficult to deal with these issues, especially when it relates to behaviour and orders being placed upon them to control them?

The Speaker: Minister to reply.

The Minister: Certainly, and I think the key message that was got across in the consultative forums was a wish of the public to stop this anti-social behaviour, but an examination of it is much is the perception of young people hanging around who are causing a lot of the damage.

It is fairly evident now, through various investigations, that much of the criminal damage that is attributed to young people is actually the effect of alcohol and people returning from clubs, pubs and parties. Therefore, although young people get bad press, we are aware that the majority of young people are decent, honest citizens. They are high spirited at times, which does cause concern for neighbourhoods. That is why we will work with them, to try and actually encourage them not to affect members of the public.

This is not complacency. It is not trying to say to the

public the Police will not enforce seriously those issues that need to be. It is about getting the balance right. If we do not have the balance right, then Hon. Members are encouraged to talk with the local inspectors and, indeed, myself, to try and see where we can improve.

The Speaker: A final supplementary on this Question. Hon. Member, Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Could the Shirveishagh confirm that the placing of an ASBO onto a young person does not criminalise that young person, (**Mr Houghton:** Hear, hear.) and does not cause that person to have a criminal record? (**Mr Houghton:** Hear, hear.)

Could he confirm that the fact of the matter is that it is a completely civil proceeding, to bring unruly behaviour under control?

Mr Houghton: Hear, hear.

The Speaker: Minister to reply.

The Minister: Mr Speaker, I am prepared to accept that ASBOs have a place. Although the Hon. Member makes a distinction between the criminality of it, it is, certainly, something that the Police and myself will be using as a resource, where necessary.

I do believe that the dissatisfaction being evidenced today is something which has been building up for some time. (**Mr Houghton:** Hear, hear.) I hope that the House will accept that the neighbourhood policing, which is being introduced shortly, (**Mr Cretney:** Hear, hear.) will actually be a significant improvement to work with communities for an improvement for all, and that does include the young people who are currently being targeted for being appropriate for ASBOs.

I think there are other mechanisms. We will use those first. We will retain ASBOs as a need, and I will work with the Hon. Members to ensure that, if they are unhappy with the behaviour going on in their areas, to talk with the inspectors and myself to make sure that that is dealt with.

Mr Houghton: Hear, hear.

EDUCATION

Open University

Mitigating increase in fees for Island residents

1.2. The Hon. Member for Middle (Mr Quayle) to ask the Minister for Education:

In relation to the Open University and its decision to review its fee structure for students resident in the Isle of Man and to apply in future the 'Other Countries Fee Band' instead of the 'UK Fee Band', will you outline the measures that your Department can provide to mitigate this substantial increase in fees, so as to encourage life long learning for the benefit of the people of the Island?

The Speaker: Question 2. Hon. Member for Middle, Mr Quayle.

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

The Speaker: Hon. Member for Glenfaba, Mr Anderson, Minister for Education, to reply.

The Minister for Education (Mr Anderson): Thank you, Mr Speaker.

I would like to thank the Hon. Member for Middle for his Question, and I am pleased to announce that the Student Awards Regulations for 2006-2007, which will be brought before Tynwald this month, will include measures that will go some way to addressing the concerns expressed by the Hon. Member.

The Department proposes introducing target financial support for fees for students on part-time courses, assessed on the basis of family income, and will also propose the raising of the cap for discretionary financial support, from the present 40 years to 50 years.

These two measures will hugely extend access to higher education for residents on the Isle of Man, and these proposals are made in response to the Department of Education, recognising the importance of on-Island training and education for its people, and the contribution they make to the community. These proposals, if approved by Tynwald, will come into effect in 2006, a year in advance of the Open University's date to increase its fees, which takes place from August 2007.

The proposals will, of course, be kept under review and will be capable of being modified further for subsequent years.

I would draw to the House's attention that this is a fairly radical new move on behalf of the Department of Education, because, previously, part-time courses have not been systematically supported. The move, also, needs to be seen against the background of large increases in university fees introduced in England, as a result of the English Government's decision to introduce top-up fees.

The Isle of Man can be proud that, because of Treasury and Council of Ministers' support, the extra fee increase for full-time students in English universities can continue to be paid for in full by Government, thereby avoiding passing on the additional cost to students and their families, and students starting their working lives with increased debts to pay off.

The Department's proposed support for part-time students is, therefore, a new and important development in support of the aim of providing opportunities for life-long learning.

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

Mr Quayle: Thank you, Mr Speaker.

In thanking the Minister for the positive reply, could I ask him, is he aware that the fees in some cases are going up two to three times the actual UK fee? One such example I have here: £525 up to £1,250.

Could I ask him, whilst he is mentioning that he will be able to introduce measures for Tynwald's approval, to go some way towards the concerns, can he be more specific as to just how much assistance he can give?

The Speaker: The Minister to reply.

The Minister: Mr Speaker, the fees will be included in

the Student Awards Regulations that come before Tynwald later this month. Obviously, it is something that has taken us slightly by surprise, and we have budgeted a certain amount for this year.

However, we will have to monitor the situation. Student Awards Regulations are changed every year, and so, if the impact on students is more significant than we expected, we will be able to change them in the future.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Will the Shirveishagh give an undertaking for his Department to arrange a meeting with the Manchester Open University, to have coverage for the Isle of Man in their educational process?

Secondly, Vainstyr Loayreyder, can the Shirveishagh confirm that the additional resources, very welcome as they are, going towards students of the Open University courses on low incomes... can he confirm that higher or middle income bracket earners will not be able to benefit from that?

Will he give an undertaking for those people for whom study is almost impossible, except if they do the open learning or distance learning projects, that he will liaise with other Departments, to see if there will be some way that, if his Department cannot help, the Department concerned may be able to help their staff member involved?

The Speaker: Minister to reply.

The Minister: Yes, thank you, Mr Speaker.

I think I should point out that we have met with the Manchester based organisation of the Open University, and following that, they imposed these fees. We tried to negotiate them down, but because they are being imposed by the funding section in the UK that supplies the money for Open Universities, and there is a significant amount of subsidy within that, they were adamant that these charges had to be introduced to the Isle of Man, because we do not actually put anything into the pot.

The Hon. Member asked about middle and higher income earners not being able to benefit from this scheme. If they can demonstrate there is a career path that they are going to benefit from, there is a discretionary part of the scheme, as well. So, if they could demonstrate a career path, rather than just saying they are academics, studying for the sake of it, there would be a position there to give them some form of support.

Mr Henderson: Hear, hear.

HEALTH AND SOCIAL SECURITY

Safeguarding whistle-blowing DHSS policy

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

What has happened to your Department's policy of safeguarding whistle-blowing?

The Speaker: Question 3, Hon. Member for Onchan, Mr Karran.

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

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

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

The Department acknowledges the sensitivity of this issue, and will endeavour to protect staff, when they come forward to whistle-blow. However, we recognise that, in the absence of a defined policy or procedure, support can be inconsistent across the Department.

The Department has introduced a mechanism to develop employment policies, in partnership with the trade unions, by forming a policy focus group. This group has been successful in devising and implementing policies throughout the Department.

A whistle-blowing policy has been drafted, and has been sent out for internal consultation. I understand that, based on feedback from the consultation process, some amendments are being made.

The Department is aware that the Government's Internal Audit team has been charged with the responsibility to develop a corporate whistle-blowing charter. Internal Audit has indicated that, until the Employment Act comes into force, they are unable to do anything to protect the whistle blower or to guard against later recrimination.

They do, however, have an outline policy, which will be issued to the Chief Officer Group, once the legislation has been passed. This will guarantee proper statutory protection for the whistle-blower.

The Department has consulted with Internal Audit on its draft policy, and Internal Audit has confirmed to us that our policy does not contravene any policies or practices. The Department has recognised that it is essential to have a robust procedure in place to protect staff who whistle-blow. Therefore, it is our intention to implement the whistle-blowing policy, as soon as the consultation process has been completed.

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

Mr Karran: A supplementary, Vainstyr Loayreyder.

Why not the same protection for whistle-blowers? Is it not the case, at Southlands, the Department employed a lawyer, when staff were interviewed by the Police, which clearly hampered the investigations? But the witnesses who reported their concerns were not given this privilege – why not? Can we have an assurance in this House that it will not happen again?

A further supplementary. Can the Shirveishagh raise the issue, at Council of Ministers level, that we need the development of a whistle-blowing policy, in order to try to cut the waste in public service, and the situation of shooting the messenger, all the time?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I thought I had, at some length and in some detail, indicated to the Hon. Member that

the Department is progressing its whistle-blowing policy. I believe we should be given some credit for progressing this, (**A Member:** Hear, hear.) in isolation of the rest of the Civil Service.

I have made it very clear that, notwithstanding the present status of whistle-blowing within the Civil Service, the Department is progressing its policy, and I can give him that assurance.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree that, because of corporate governance, this issue should be laid at the Council of Ministers, that other Departments should have to follow this lead?

Will he give me an answer and assurance of the scandal of the situation of the people who are the witnesses who reported the concern in the Southlands case and were not given the privilege, as far as a lawyer was concerned, but the rest of the staff were given lawyers for the staff, when interviewed by the Police? Why did that happen? Is it not unacceptable and, once again, a matter of trying to trap people who stand up and try and say how it is, in reality, instead of the usual Council of Ministers' way? (*Interjection by Mr Houghton*) Absolutely.

The Speaker: Minister to reply.

The Minister: I am pleased to repeat my assurance that these matters are being considered at corporate level. Indeed, they are. I indicated that in my original reply. I hope the Hon. Member will give credit to the Department for developing the very policy that he wishes to see right across the Government.

I am quite certain that this is not being lost on the rest of Government and, as I said, we have consulted with Internal Audit, in drawing up our particular policy.

As to the implementation in particular instances, I am aware that the next Question on the Order Paper, Mr Speaker, deals with a specific case. I am reluctant to go into specific cases, but the Hon. Member has my assurance that the whistle-blowing policy being drafted, being consulted upon, at the moment, will prevent a recurrence of what might have been unfortunate instances of application of whistle-blowing in the past, sir.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder.

Would the Minister agree with me that an advocate was only appointed much later, after the original investigation, when it was investigated again? (*Interjection by the Minister*) Therefore, an advocate was appointed at that stage, and it was in the interest of the workers in that instance, and they were all workers. Would the Minister not agree?

The Speaker: Minister to reply.

The Minister: I do agree, sir. (*Interjection*)

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Will the Minister give the public a commitment today to look into the situation that the Hon. Member for Onchan has described, with regard to this system of advocacy favouritism? (*Interjection by Mrs Hannan*) Could he investigate why these particular staff members seemed to be thrown to the wolves? (*Interjection by Mr Houghton*)

The Speaker: Minister to reply.

The Minister: Mr Speaker, this is not the first time I have heard the Hon. Member use expressions like ‘throwing staff to the wolves’. In fact, two weeks ago he was talking in terms of death threats, in terms of employees losing employment for speaking to the media.

I have had that matter investigated. There is no substance, as far as we can determine, to that allegation. I have asked the Hon. Member to bring forward evidence and, so far, he has not done so.

So, he has my assurance that this policy that is being developed will be a further policy. It will enable employees to raise genuine concerns, without risk of losing their job or suffering any form of retribution as a result. That is intended to be built into the policy, sir.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree: I have never heard of any members of staff getting death threats, but I can assure the Hon. Member that there are people who have been to me, who are nurses, who have said that they would love to say stuff, but they fear for their employment? That is a sad reflection, when professional trained staff feel that way.

The Speaker: Minister, I do not know if there is an answer to that.

The Minister: Yes, I thoroughly agree with the Hon. Member, that that is not the position we would wish to see, which is why the issue of employee protection, in instances of whistle-blowing, will be a key part of the policy that we are currently working on.

The Speaker: I would remind Hon. Members, it is Questions, not making statements.

Southlands

Case re residential home manager

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

In the recent case of a residential home manager at Southlands –

(a) how did it come to light;

(b) what happened to members of staff who saw through the masquerade and reported it to the authorities; and

(c) is there not a need for an independent inquiry into this affair?

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

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

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

The Minister for Health and Social Security (Mr Rodan): Mr Speaker, it came to light over four years ago, when two deputy officers became concerned at some of the financial practices of the then officer in charge.

An audit of the financial practices was carried out immediately, followed by involvement of Internal Audit, who referred the matter to the Police. The matter was investigated by the Police, and, last month, a former member of staff concerned appeared in court, and was sentenced to four months in prison.

In relation to part (b), one of the members of staff was transferred into a role away from Southlands. The other member of staff was placed in a different role at the same grade working in Southlands. This was with the agreement of the two members of staff concerned.

Mr Speaker, I do not feel that there is a need for an independent inquiry into what happened. It occurred four years ago, and was about financial irregularities in the unit.

Internal Audit have looked at the financial systems within residential homes and, as a result, internal procedures have been strengthened. Internal Audit are due to return to Southlands in the very near future, to carry out a further routine audit. Management of the unit has been strengthened.

The inspection and registration team have recently carried out an inspection of Southlands and found no significant problems. In addition, as I said in response to the previous Question, a whistle-blowing policy, which is being developed by the Department, is, at the moment, out for consultation.

I would contend that the risks of such a thing happening again are now significantly reduced. The matter was reported, investigated, and the perpetrator was successfully prosecuted and is now in jail.

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

Mr Karran: Vainstyr Loayreyder, could the Shirveishagh explain to this Hon. House, is it not the fact there was a third person who was involved with giving information? Is it not a fact that one of the members of staff has had to leave the DHSS and lose pension rights, as far as leaving and going into the private sector?

Will these people be recognised for their public service that they have done, as far as the issue is concerned, and see whether there is a way of attracting the likes of that person back into the service? (**Mr Houghton:** Hear, hear.)

Would the Shirveishagh not agree that procedures are to suspend any member of staff if they have serious concerns of a criminal nature? Why did this not happen to the manager? Why was she left in place to continue work at the Southlands Residential Home a further four days, which should never have happened and allowed the perpetrator to be able to destroy evidence?

The Speaker: Minister to reply.

The Minister: It is the case, Mr Speaker, that there is an

outstanding grievance issue with the Department, on the part of one member of staff. This is currently under investigation, and it would not be appropriate for any detail to be given until this particular matter is resolved, sir.

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

Mr Houghton: Thank you, Mr Speaker.

Mr Speaker, would the Hon. Minister give comment as to why such an inquiry, right up to justice being undertaking this matter, took four whole years? What is happening with an investigation – a *simple* investigation, Mr Speaker – that took four whole years – a so-called Police investigation during most of that time, which, I understand, led to private investigators getting to the bottom of the matter, rather than the Police?

So, I ask the Minister if he would speak to the Minister for Home Affairs on this matter, find out why the Police failed in their investigation, why it took a private investigation and organisations to get to the bottom of this, and why it took four years.

The Speaker: Minister to reply.

The Minister: There were a number of issues relating to this, Mr Speaker, involving initial investigations by officers of the Department, reference to Internal Audit, internal investigations into the available evidence, and then the matter was referred to the Police.

I think, as the course of the investigation took place, it came to light that the handling of the matter was not correct, in the early stages, and there were allegations made, which, in turn, were investigated.

I think the important thing to remember, Mr Speaker, is that, under the policy that is being developed now into whistle-blowing, with very clear understood rules to be followed in black and white, I think the rights of employees and, indeed, all those making complaints and those being complained against will be much more transparent.

The issue of why it took four years, I agree was a long time. At the end of the day, justice was done –

Mr Houghton: It has taken too long, though.

The Minister: – the right result was achieved, and I am quite sure there are lessons that can be learnt from this particular individual case, sir.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree that when the Health Minister and the Deputy Assistant of Social Services said, in a recent statement on the radio and in the *Manx Independent*, that the management informed the Police, that was not strictly correct? It was not the management that was protecting the homes; it was the management *in* the homes. It had to go to the unions, in order to get the advice to get to see this situation, instead of trying to shoot the messenger. That seems to be the problem, in Social Services.

Would the Shirveishagh say, with the new improvements, that the situation where the perpetrator of this crime was allowed to target vulnerable residents, and systematically plunder the life savings of old ladies, and the situation where

the financial team did not pick up the criminal activities for over a three-year period... are you sure that there now have been the safeguards put in place, to stop this happening ever again, as far as this is concerned.

Has the staff had the training, as far as financial regulations? Are you sure that we are not just seeing this being buried and hidden away, instead of learning from the mistakes?

The Speaker: Minister to reply.

The Minister: Yes, I think it is very clear that, if there were mistakes in any case, the fact that we are developing a policy to set out the correct procedures to be followed should be a considerable reassurance.

I think there were issues in this individual case, to do with management support, at the appropriate time. That, undoubtedly, complicated the situation. There is an outstanding grievance of one of the staff members which is, as I say, currently under investigation.

Most of the staff employed at Southlands, at the time the offences were committed, have now left. Once the current investigation is completed, it is hoped there will be an end to the chain of events.

I think it is very important that we do draw a line under this one. Let us not forget that the core issues and the complaints that were made were, ultimately, followed up and justice was done.

I think there are lessons to learn from every case where this happens, and I think the House can have the assurance that the policy we are pursuing at the moment will make it far more straightforward for investigations of this sort to be pursued in future.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Will the Shirveishagh give an undertaking, in this particular matter, that he will instruct one of his senior managers, with appropriate skills, to debrief the two members of staff involved with this horrendous situation, to see exactly how they are getting on now, and how they are settling into the displacements of their jobs? Involve some staff welfare here, just to see if they are actually getting on fine or they are not under any particular pressure from any particular quarter, with the original staff members from Southlands.

The Speaker: Minister to reply.

The Minister: Yes, Mr Speaker, I am quite happy to look into that matter.

CIVIL SERVICE COMMISSION

Salary increase for civil servants Question withdrawn

1.5. The Hon. Member for Ayre (Mr Teare) to ask the Chairman of the Civil Service Commission:

Will you advise –

(a) the cost for the financial year ended 31st March 2006 of the salary increase given to Civil Servants under the terms of the recent agreement, and also include within that figure the additional cost in respect of the removal of overtime capping, the revision to the pay for the AA related grades and, additionally, the financial cost of the extra annual leave; and

(b) the equivalent information for the year commencing 1st April 2006, assuming that the rate of salary increase is 3.75%?

The Speaker: Question 5, Hon. Members, has been withdrawn.

CHIEF MINISTER

Maritime Security Act 1995 review Checking cargo and passengers

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

Will the Council of Ministers review the Maritime Security Act 1995 in order to strengthen the powers to check freight cargo and passengers arriving from sea ports outside the Isle of Man?

The Speaker: Question 6, Hon. Member for Onchan, Mr Karran.

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

The Speaker: I call on the Hon. Member for Douglas West, Mr Shimmin, to reply on behalf of the Chief Minister.

The Minister for Home Affairs (Mr Shimmin): Thank you, Mr Speaker.

The Maritime Security Act 1995 was introduced in order to make provision for the protection of ships and harbour areas against acts of violence.

Part II, section 11(7) gives authority without warrant to search any part of the harbour area or any goods, shipped vehicle or person. This authority is granted to warranted port security and police officers, provided there is reasonable cause.

Mr Speaker, I am, therefore, content that there are sufficient legislative powers available, under the Maritime Security Act, to support port security operations, which also meet the International Ship and Port Safety Code.

It is, therefore, not considered necessary for the Council of Ministers to review the powers currently available, as they already exist.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree that the excuse that has been given, when I have written on a number of occasions, about the issue of extra security, as far as freight and arrivals coming through the port, that under the Maritime Security Act, you only have to check the baggage leaving your port and not check the baggage coming in?

Would the Shirveishagh not agree that, with the fact that we need to be proactive, we need to review this position, as far as checking baggage coming into the Island, through the port, especially with the lack of any sort of reasonable security at Liverpool and Heysham?

Will he raise the issue with the Council of Ministers, to consider arrivals to be checked much more thoroughly?

The Speaker: Minister to reply.

The Minister: Yes, Mr Speaker, as former Minister of the Department of Transport, I was actively involved in the introduction of the International Ship and Port Safety Code 2004, which was introduced on the Isle of Man on 1st July, 2005. That has afforded all the powers necessary, and has been fully implemented on the Island and in associated trading partner countries.

This has a range of measures and security levels where the percentage of passengers, vehicles and freight that must be searched can be increased or decreased, depending on the level of security risk. It is true that the commonly accepted format of these security checks is that they are carried out at the departure port. Provided that the arriving port is satisfied the Code is being complied with by both the ship and the departing port authorities there is not generally a requirement for a further search at the arriving port.

It is reasonable to assume that there is a greater risk of items coming into the Island than leaving. However, we work with our partners in other areas, to ensure that they comply. I can confirm that the audit of those security measures in the UK has just recently been reassessed by Transport Security and Contingencies (TRANSEC), the audit body approving all of those plans, and they maintain close liaison with the Isle of Man. They have confirmed, recently, that all measures in place, operating at Liverpool and Heysham, meet all necessary standards.

The Speaker: Question 7 –

Mr Karran: Vainstyr Loayreyder, supplementary, please.

The Speaker: Hon. Member, Mr Karran, Question 6 supplementary.

Mr Karran: Would the Shirveishagh inform this Hon. House: is he satisfied with the security arrangements, as far as what is coming in, from Liverpool in particular, and Heysham? On my last visit, coming from Liverpool, I was horrified at the lack of any semblance of order, as far as anybody checking bags or anything.

Would he raise the issue at the Council of Ministers, that the strengthening of checks is one of the ways of trying to stop the drugs, stop the arms, and safeguarding the quality of life in this country? It needs to be on a proactive, instead of a reactive basis, when we have got problems.

The Speaker: Minister to reply.

The Minister: I think, certainly, the Police, the Harbours and Customs all work very closely together on this, in a proactive manner. I would not like that message to be misunderstood.

However, on behalf of the Member, yes, I will advise the

Chief Minister of his concerns. I, personally, believe that it is associated with the level of risk to the Island, which should never be taken for granted. Any increase on the level of baggage search or vehicle search would inevitably have a knock-on effect on all the travelling public. However, at the moment the security is deemed to be appropriate.

But I will take the Hon. Member's comments back to the Chief Minister for consideration.

Refugees

'Deals' done with UK or developers

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

Can you confirm if there have been any deals done with the UK Government or through developers regarding taking refugees prior to any public debate?

The Speaker: Question 7. Hon. Member for Onchan, Mr Karran.

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

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

The Minister for Education (Mr Anderson): Mr Speaker, I can confirm there have been no deals with the UK Government, or with any developer, to take refugees for any purpose whatsoever.

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

Mr Karran: I thank the Shirveishagh for those assurances, in order to stop any rumours going about.

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

Mr Houghton: Thank you, Mr Speaker.

Mr Speaker, I would just ask the Hon. Minister, on behalf of his Chief Minister, just to put on public record a much clearer answer to that. I myself, My Speaker, asked Questions of the former Chief Minister on the same issue.

When our prison is beginning to fill up with refugees and immigrants of such sorts into this Island, in a growing number, can we have clear and categorical assurance that the Council of Ministers will in no way tolerate any predetermined consideration on this, before they come to Tynwald to debate this, in the future?

So, can we have an absolute categorical denial, right from the outset, that they will not even think of considering it, before they build up such a case to bring to Hon. Members of the Tynwald Court in order to try and con us, sir?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

I am confident that if such an approach was made by an outside government that the Isle of Man Government would

keep all Members of Tynwald informed before any such action took place.

Mr Houghton: Hear, hear.

Insolvency Bill

Reintroduction into the Branches

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

When is the Insolvency Bill going to be reintroduced into the Branches as promised in 2002?

The Speaker: Question 8. Hon. Member for Onchan, Mr Karran.

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

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

The Minister for the Treasury (Mr Bell): Mr Speaker, the Insolvency Service Office Bill received its First Reading in December 2003. Following that sitting, each of the Coroners wrote to all Ministers, Hon. Members and several officers throughout Government, highlighting a number of concerns and lobbying for support against the Bill.

Whilst Treasury are the promoters of this Bill, progression has proved extremely difficult. The duties of the Coroners and their respective responsibilities are diverse. There is no single contract of employment and only limited supervision and control over them. There is a complete lack of any consolidated job description or list of their duties and functions, and no definition exists of their role.

In short, Mr Speaker, the Coroners operate very much in isolation from any other arm of the state. The various interested parties within Government have worked together with the Coroners over the last year or so. The key issues of developing formal job descriptions and terms and conditions for the respective appointments are still under discussion. All parties are continuing to strive to overcome these difficulties and there is continuing dialogue with the Coroners, to achieve a resolution, before the Bill is brought back before this House.

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

Mr Karran: Vainstyr Loayreyder, I thank the Shirveishagh for his reply.

Would the Shirveishagh not agree that... is it not the case that the legislation that is basically dealing with insolvency is of the 1890s, or in that period?

Would he not agree that, having not updated the Insolvency Bill, we are putting at risk more business coming to the Island from investing in the Island, because of the draconian ways that we deal with insolvency? Will that side of the Bill be looked at as a priority, in order to make sure that we protect the less fortunate in our community?

The Speaker: Minister to reply.

The Minister: I agree entirely with the comments from the Hon. Member, Mr Speaker. There are two parallel issues, I think, here. One is the Insolvency Service Office Bill, which is in the pipeline, and which I am still hoping there is an outside chance we will be able to bring back before the branches before the end of this term. Equally, there is a wider issue in relation to insolvency in relation to the Companies Act. That, unfortunately, will not be done before the dissolution of this particular House.

Treasury has been working flat out to bring in the new companies legislation to establish the New Manx Corporate Vehicle, but there is a recognition that there is a wider need to review companies legislation as a whole and, in particular, the elements of it relating to insolvency. That is very much at the forefront of our minds at the moment, Mr Speaker, but time just has not permitted us to actually address this as part of the current Companies (Amendment) Bill, which will be coming forward.

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

Mr Houghton: Thank you, Mr Speaker.

Mr Speaker, the Treasury is to be commended for withdrawing this Bill in the time it did, those years ago, Mr Speaker. I worked with the Treasury on a number of consultative exercises there.

In that line, would the Hon. Minister just confirm that the original Bill, as it was drafted was, in fact, more draconian in lots of areas than it was helpful, in that this would have brought much greater cost to the Government, which we now can no longer afford, and that the workings of the Coroners now are much greater understood?

Apart from a modernisation scheme in certain of the areas the Hon. Member for Onchan has already outlined, can he confirm that that is the road that they are going down, to keep the local men in their local areas, i.e. their sheadings, who have much greater effect and for lesser public expense, Mr Speaker?

The Speaker: Minister to reply.

The Minister: I think it is fair to say, Mr Speaker, that in the early days, when this Bill was first drafted, perhaps there was not a full understanding of each other's position, both Government and the Coroners themselves. I think the discussions which have taken place over the last year or two have, in fact, clarified that, and the final shape of the Bill, when it finally comes back to this Hon. Court, will reflect, I think, more accurately the modern requirements of such a service.

The Bill, though, Mr Speaker, also envisaged the establishment of an official receiver. That, of course, incurs some considerable cost in itself in establishing an official receiver's office.

So, I would not say necessarily that it is going to cost less, when the new Bill comes back, but, certainly, it will reflect, I think, more accurately the actual current situation on the ground with the Coroners.

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

Mrs Cannell: Thank you, Mr Speaker.

Can I ask the Hon. Minister, is it simply the Coroners that have delayed a further consideration of this Bill? Is it just the Coroners that are not happy with their job description, or whatever that is contained within the Bill?

Can the Minister advise whether or not, bearing in mind the Question asked – when is the Bill going to be reintroduced? – are we hearing this morning that this Bill now is going to be pulled? Is there a fresh one being prepared as we speak? Will we then receive another one, for consideration at First Reading, that, perhaps, is totally different from the one that we considered at First Reading in December 2003? Is a fresh Bill being prepared?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I am not in a position, at the moment, I think, to say whether, in fact, the proposed range of amendments which will be required to the original Bill would, in fact, be reflected in a new Bill altogether having to be drafted. It might be – if there is sufficient range of new amendments to come in – wiser to draft a new Bill altogether, rather than go back to the old one and then have to amend it, as it goes through.

I cannot, again, as I have said, Mr Speaker, give an assurance, at this stage, precisely when that Bill might come back. I am hopeful that we might be able to get it back in the life of this House, but we are, obviously, up against very tight time constraints, at the moment, and that may not be possible.

In the main, the objectors to the Bill were, in fact, the Coroners. The Bill envisaged quite a radical change in the way the Coroners are managed and, for the first time, in fact, the Coroners would have been managed, which has not been the case to date. So, clearly, there was quite a substantial break with the traditional approach and the Coroners, obviously, had very strong views about that.

We have listened to that. We have taken on board the comments which have been made, and I do believe that we are now moving towards a consensus, whereby a new Bill can be reintroduced into the branches.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree that there are many people outside who are deeply concerned about the unaccountability of Coroners and the lack of consistency when applying these notices?

Would the Shirveishagh, also, assure this Hon. Court that, early in the new legislative session, after the general election, the issues of company law, as far as insolvency, will be done as a matter of priority, as it is having an effect on investment in this Island?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I am, obviously, very well aware of concerns across the Island about the inconsistent work pattern of the Coroners and the desire, I think generally, for the whole process relating to the Coroners to be modernised and be more appropriate to the needs of the Isle of Man, in the present year.

As far as the companies legislation is concerned, Mr Speaker, I did say that this would be urgently reviewed, along with a number of issues relating to the companies

legislation, early... if not before the dissolution of this House, but certainly shortly after. It is a top priority. It is recognised how urgent this is and it will be brought in at the earliest possible opportunity.

HOME AFFAIRS

Solway Harvester Moving from Harbour

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

Will your Department, as a matter of urgency, have the Solway Harvester moved away from Douglas Harbour to a suitable place, pending further enquiries, or, if not, will you ensure as a matter of urgency, that the boat is suitably covered to hide the visual impact and/or move it to a more suitable part of the Harbour?

The Speaker: Question 9. Hon. Member for Douglas North, Mr Henderson.

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

The Speaker: I call on the Hon. Member for Douglas West, Mr Shimmin, the Minister for Home Affairs, to reply.

The Minister for Home Affairs (Mr Shimmin): Thank you, Mr Speaker.

As advised to the Hon. Member in another place, the issue of the *Solway Harvester* is under active consideration of my Department, in association with the Department of Transport.

We are, currently, responsible for ensuring that the vessel is protected as an exhibit on behalf of the Coroner, and will continue to fulfil this role, until advised that all matters are completed. I have provided a Written Answer to be circulated shortly to the Question from the Member which outlines the level of costs which my Department continue to be liable for, until the Coroner determines otherwise.

In communication between the Police, the Harbours Division of the Department of Transport and myself, the current location is believed to be the most suitable, whilst this matter is progressed. Although we all share the concern of the Member about the visual reminder of this tragedy, it is essential that the vessel remains in a suitable berth, and its current position is the best available to the Department.

I have made enquiries regarding the possibility to cover the vessel. However, this is deemed to be unrealistic, both on grounds of practicality and cost.

As previously advised, we believe that the Coroner is considering the matter before him, and are hopeful that it may soon be resolved. If, for any reason, the matter is likely to continue for a longer period, then I shall discuss again with the Department of Transport, to see if it is practical to relocate it elsewhere, particularly in the unlikely event that it is not resolved prior to the start of the TT celebrations.

The Police have already made contact with representatives

of all possibly interested parties, in order that a decision can be made swiftly upon completion of the legal process. We remain sensitive to the feelings of the families of those lost in the tragedy, and my officers maintain good relations with our friends from the Isle of Whithorn.

There are only a limited number of possible options for the future of the vessel, and I can assure the House that we will endeavour to have evaluated these in advance, so that there is no delay, once the vessel is released by the Coroner.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Would the Shirveishagh agree with me that the excuse of using the Coroner every time is little but a smoke screen?

Secondly, would he agree to go and talk to the officials involved, or his chief officers, to see how we could speed things up, and not have things lost in a bureaucratic black hole, as we seem to have, at the minute, where everybody just stands back and, seemingly, does nothing, is paralysed by the judicial system?

Further to that, would he agree with me that, indeed, there may well be other places for the *Solway Harvester*, and that he has been, again, fobbed off?

Also, Vainstyr Loayreyder, when it comes to keeping the vessel as some sort of forensic evidence item, in fact the ship has been rotting there for the past few years and, indeed, there will not be any forensic evidence there to be bothered about. Could he confirm that some objects have been cut off the ship already, and, if further works were done, it could well be at least covered up and made to look some way half decent for the people of this Island and for the relatives involved?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I am somewhat dismayed by some of the comments from the Hon. Member. I have lived with this, as have the people of the Isle of Man and elsewhere, for many years. As Minister of the Department of Transport and now Home Affairs, I have had more graphic reminders of this than any other Hon. Member, because it has always been under my responsibility.

The issue of the Hon. Member talking about being 'fobbed off' is nonsense. I have spoken, since the last time I answered this Question, to the appropriate officers involved. However, the Hon. Member seems to consider that it would be appropriate for a politician to interfere with the judicial process and the Coroner of Inquests. (**Mr Henderson:** Consultation.) I am not prepared to do that.

The registrar and the people within the court of registry, the Coroner's responsible area, will be upheld without any interference from Government or politicians.

The issue of other places, I am quite prepared to talk with the Hon. Member and negotiate an agreement to talk with the Minister of Transport, myself and him, if he can come up with another area that the Isle of Man Department of Transport has in their ownership. However, it would be merely moving a problem which has been there for many years from one area to another.

The forensic aspect has got nothing to do with this case. The court case has now been completed. The item is

an exhibit for the Coroner and, as such, we will fulfil our obligation until we are freed of that obligation. We have contacted all of the parties involved, we should be able to move as soon as the judicial and the Coroner's area is finished.

I would love to have this vessel removed. I am sure all people in the Island feel the same way. I do not believe, necessarily, this now needs any further airing in the Court.

It is a matter that I will take up with the Hon. Member, and identify, with the Department of Transport, why the current location and its position are the best that we can currently manage.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Could the Shirveishagh confirm that I am not asking him to interfere with the course of justice?

I asked him if there might be some sort of consultation or talking, in the background, to see if the Coroner may be able to help or not help – not to interfere or not to, as the perception now is, pervert the course of justice.

The Speaker: Minister to reply.

The Minister: I do not think I mentioned some of that language used by the Hon. Member. However, the Coroner of Inquests is fully aware of this matter. He is dealing with it in the manner that he deems appropriate (*Interjection by Mr Henderson*) and he has contacted, recently, parties, in order that we have the confidence and belief that it is being moved forward.

However, I am not prepared to put any pressure, or be perceived as putting pressure, on the Coroner of Inquests, who is an experienced judicial officer and deserves the ability to deal with all matters as he sees fit, rather than interference from myself or the Hon. Member, because I do not believe that is appropriate.

I honestly assure this House that I and others have been concerned about this for many years – not something in recent times – because the condition of that vessel has been an eyesore in our harbours for a long period. It merely reflects the tragedy that was borne by the people who lost their families on that vessel, and we will be sensitive to all of their concerns.

The Hon. Member, on the radio last evening, was heard to talk about the wishes of the family. I can assure him that the Police are still in regular contact with those people, (**Mr Henderson:** Hear, hear.) because they are one of our primary concerns in all of this, so that no further offence on top of the tragedy can be brought to bear.

The Speaker: Hon. Members that concludes our Questions for Oral Answer.

**Remaining Questions to be taken
at conclusion of business
Motion lost**

The Speaker: We now have before us, as has been circulated, a motion in the name of the Hon. Member for

Rushen, Mr Gawne, 'that Standing Order 43(2) be suspended with a view to permitting any unanswered Oral Questions to be taken at the conclusion of the other business at this extended sitting.'

Hon. Member for Rushen, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

You have taken the words right out of my mouth, really. I move:

That Standing Order 43(2) be suspended with a view to permitting any unanswered Oral Questions to be taken at the conclusion of the other business at this extended sitting.

I just think it is a good idea. There are five or six Questions left and they are clearly important to the Members who have asked them. I believe that we should make room for them at the end of business, if time allows.

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

Mr Shimmin: I beg to second, Mr Speaker.

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

Mr Karran: Vainstyr Loayreyder, I think I will be opposing this issue.

Once again, it is about trying to stop the general public getting the information from the Questions. It is bad enough trying to get the information out through the media in this country, as it is. You are not going to have a situation where, if people have taken the time, they are not going to sit through another day of sittings, in the hope that Manx Radio will suddenly start broadcasting the issue.

I think it is just another cynical way of trying to rubbish the likes of ourselves – who ask these Questions because people ask me to ask these Questions.

I hope that Hon. Members will not support this proposal. We have a set format. If we are not going to do it now, then we should not vote for this, and these should be passed over to the next sitting.

I, personally, would have liked to have seen the suspension of Standing Orders for the suspension of the Question Time. Obviously, there will be a block vote and it is not worth my while even mentioning it.

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

Mr Henderson: Sorry, Vainstyr Loayreyder, I do not wish to speak now, thank you.

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

Mrs Cannell: Thank you, Mr Speaker. I just wonder – it is a procedural matter – bearing mind we need 16 to suspend Standing Orders, there are only 16 in the Chamber, sir, including your good self. I just wonder – a procedural matter – if a Member is going to vote against, then surely suspension of Standing Orders will not be supported. What will happen to the remaining Questions for Oral Answer?

(Interjection by Mr Karran)

The Speaker: If 16 votes are not in favour of the motion, then the Questions will be answered in the normal procedure, under our Standing Orders.

I would make the point, Hon. Members that, whilst our proceedings for Questions are broadcast, the Questions are here for the House. They will be answered in full and made public, as is normal procedure.

Hon. Member for Rushen, Mr Gawne – reply, sir.

Mr Gawne: Gura mie eu, Loayreyder.

I am disappointed with my hon. friend for Onchan. I think it is unfortunate that he has always to be so cynical about these things. I think it is important that we get these Questions answered. I understood that Keys' Questions, primarily, were there to get matters of national importance, that would not wait until Tynwald, answered and yet we are now talking about having them delayed for another week.

I do not understand why he chooses to see, in everybody, some cynical motivation. I think it is a very unfortunate situation. This was a genuine attempt to get the Questions answered. If they are not that important, then, fine, we will leave them till next week.

The Speaker: Hon. Members, the motion before the House is that that has been circulated in the name of the Hon. Member for Rushen, Mr Gawne, that Standing Order 43(2) be suspended, etc. All those in favour, say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

FOR

Mr Anderson
Mr Rodan
Mr Quayle
Mr Rimington
Mr Gawne
Mr Cretney
Mrs Cannell
Mr Shimmin
Mrs Hannan
Mr Bell
Mrs Craine

AGAINST

Mr Houghton
Mr Henderson
Mr Karran
Capt. Douglas
The Speaker

The Speaker: Hon. Members, the motion fails to carry, with 11 votes for and 5 votes against. As Hon. Members will remember, we needed 16 votes for the House to suspend its Standing Orders.

Members' decisions re remaining Oral Questions

The Speaker: Now, Hon. Members, I, therefore, have to ask the Hon. Members who have remaining Questions on this Order Paper for Oral Answer what they wish to do.

If I can take the Hon. Member, Mr Karran, Question 10 and Question 15, sir.

Mr Karran: Next week, sir.

The Speaker: Put on next week's Order Paper.

The rest of the Questions in the name of the Hon. Member for Douglas North, Mr Henderson, Questions 11, 12, 13 and 14. How do you wish them to be dealt with, sir?

Mr Henderson: Vainstyr Loayreyder, as important as the Questions –

The Speaker: I think, Hon. Member, if you could stand, which is normal procedure.

Mr Henderson: Vainstyr Loayreyder, as important as my Questions are, I realise the busyness of the House and am happy to have them answered in written format, if you could confirm, sir, that they will be circulated to the press, as well, Vainstyr Loayreyder.

I think that is normal procedure.

The Speaker: Normal procedure, Hon. Members, is that Questions that are answered are made public and, for the Hon. Member asking for them to be undertaken as Written Answers, that they will be circulated within 48 hours in compliance with our Standing Orders. Thank you, Hon. Members.

Now, Hon. Members, we have Questions under Item 2 – Questions for Written Answer, of which there are 11. They will be circulated to the House during the course of this sitting.

Questions for Written Answer

HEALTH AND SOCIAL SECURITY

Voluntary lay carers Assistance fund

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

Regarding the fund set up by your Department to assist voluntary lay carers which was due to be cut in the paper presented and approved by the Council of Ministers on 5th January 2006, can you confirm or otherwise if this is still the case?

Answer: The Department have been attempting to bring its spending for 2005-06 within budget. To achieve this, a number of cost saving measures were introduced, one of which was concerning support to carers.

The saving of £40,000 was only ever intended to be made in this financial year 2005-06, and will involve delaying some projects until the next financial year 2006-07.

The Department does recognise the valuable contribution made by carers and believes that services have to be provided to help carers undertake their caring tasks. A delay in implementing these aspects of the Carers Strategy relating to additional home care cleaning services and additional packages of care from voluntary organisations was felt by those involved to have limited impact in the short term, but was not sustainable in the longer term.

Health Service cuts Eliciting clinicians' sanction

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

Can you confirm, or otherwise, how you and your Department intend to elicit 'the sanction of clinicians' into cuts in front-line health services if there is a need to look at cuts to front-line health services?

Answer: Any proposals to change the delivery of health services to the population of the Island will be discussed with appropriate staff, including the clinicians who provide the current services.

In the case of any review of services expressly provided at Noble's Hospital, such review would involve senior managers, clinicians and staff. In that way, any changes or modifications to services that may be deemed useful will have the necessary professional input.

Digital hearing-aid service Introduction

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

When will your Department introduce an all-Island digital hearing-aid service?

Answer: The business case for the introduction of digital hearing aids was first brought forward for consideration in 2003; it has been further revised and considered during three annual rounds of the business planning process by the Department. Unfortunately, this development, in common with a number of other service developments, did not survive the business planning process, priority being afforded to other services provided by the Department.

During this period, whilst the Department did not receive sufficient additional funds to progress this particular service development, we have been able to make some progress using resources made available from providing existing services in more efficient ways. The release of these resources has allowed the purchase and installation of the equipment required to fit and maintain digital hearing aids, and to provide this type of hearing aid for children, where they are clinically appropriate.

It is the Department's intention to extend the provision of digital hearing aids to all persons, where clinically appropriate, when either sufficient additional resource has been made available to the Department, or where resources have been released from other areas of the Department's work.

Health Service cuts Confirmation of details

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

You have stated that there would be no cuts to front-line health services unless it had the sanction of the clinicians –

*(a) can you confirm that you were referring to this forthcoming financial year; and
(b) that if clinicians were forced to look at cuts to front-line services, then the cuts would go ahead?*

Answer: In answer to part (a) of the Question, the comments made refer to both the remainder of the current financial year and the financial year 2006-07.

In answer to part (b) of the Question, the allocation of financial resources made to the Department for the financial year 2006-07 would appear at this time to be sufficient to ensure that any reduction in frontline services, such as bed closures and reduction in the number of theatre sessions, will not be necessary.

The Department will ensure that any proposals to change provision of frontline services will be carried out following consultation with all relevant staff groups at Noble's Hospital. Any proposals will then be subject to consideration by the Department.

National Insurance New numbers issued and nationalities

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

*(1) How many new National Insurance numbers have been issued in each of the last five years; and
(2) what are the nationalities of persons applying for new National Insurance numbers in each of the last five years?*

Answer: It is assumed that the Hon. Member's Question is confined to National Insurance numbers issued by the Department.

In 2001 a total of 1,553 new National Insurance numbers were issued by the Isle of Man Department of Health and Social Security. In 2002, the number was 1,847, in 2003, it was 1,854, in 2004 it was 2,153 and in 2005 it was 2,232. These numbers include those issued to Isle of Man-resident persons approaching the age of 16, for which no application is necessary.

During the five-year period, from January 2001 to December 2005 a total of 4,728 National Insurance numbers were issued by the Department to foreign nationals who had made application to the Department and who had not previously been issued with a National Insurance number either by the Department or the United Kingdom Government. The number has increased in each of those five years. In 2001, 597 new National Insurance numbers were issued to foreign nationals, whilst in 2005 the number was 1,236.

Statistics on the nationalities of such applicants has only been kept since April 2005. Since then, 916 National Insurance numbers have been issued by the Department to applicants from 57 countries. An analysis of those 916 applications can be seen in Tables 1.15A, 1.15B and 1.15C. I can confirm that the five most frequently occurring nationalities of applicants were:

Poland – 235 applicants;
India – 125 applicants;
South Africa – 105 applicants;
The Philippines – 68 applicants; and
Korea – 41 applicants.

Table 1.15A

Analysis of National Insurance numbers issued from 1st April, 2005 to 31st December, 2005 by country

Country	Total
Poland	235
India	125
South Africa	105
Philippines	68
Korea	41
Republic Of Ireland	38
Slovakia	29
Australia	24
China	18
New Zealand	17
Germany	16
Italy	14
Lithuania	14
USA	14
Sweden	12
Latvia	10
Malta	10
Czech Rep	8
France	8
Hungary	8
Canada	7
Russia	7
Portugal	6
Austria	5
Holland	5
Malaysia	5
Pakistan	5
Spain	5
Uruguay	5
Greece	4
Thailand	4
Belarus	3
Brazil	3
Cyprus	3
Hong Kong	3
Jersey	3
Estonia	2
Finland	2
Romania	2
Singapore	2
Switzerland	2
Tanzania	2
Trinidad	2
Zimbabwe	2
Antigua	1
Argentina	1
Bangladesh	1
Chile	1
Denmark	1
The Gambia	1
Guernsey	1
Macau	1
Nigeria	1
Sri Lanka	1
Turkey	1
United Arab Emirates	1
Zambia	1

Table 1.15B

July – September 2005

Country	Total	EMP		BEN	
		M	F	M	F
Poland	129	66	63	0	0
South Africa	35	18	15	0	2
Ireland	16	9	7	0	0
Slovakia	14	6	8	0	0
Spain	10	2	8	0	0
Philippines	10	6	4	0	0
Australia	10	3	7	0	0
Germany	8	5	3	0	0
Lithuania	7	4	3	0	0
Malta	7	5	2	0	0
USA	4	1	3	0	0
Uruguay	4	2	2	0	0
New Zealand	4	2	2	0	0
Latvia	4	2	2	0	0
Italy	3	1	2	0	0
Thailand	3	0	3	0	0
India	3	2	1	0	0
Sweden	3	2	1	0	0
Netherlands	3	3	0	0	0
France	2	0	2	0	0
Romania	2	0	2	0	0
Trinidad	2	0	2	0	0
Switzerland	2	1	1	0	0
Hungary	2	1	1	0	0
Brazil	2	2	0	0	0
Greece	2	2	0	0	0
Austria	2	2	0	0	0
Nigeria	1	0	1	0	0
Tanzania	1	0	1	0	0
Zimbabwe	1	0	1	0	0
Sri Lanka	1	0	1	0	0
Macau	1	1	0	0	0
Jersey	1	1	0	0	0
Guernsey	1	1	0	0	0
Portugal	1	1	0	0	0
Singapore	1	1	0	0	0
Pakistan	1	1	0	0	0
		153	148	0	2
Total	303	301		2	

July – September

Country	Total	IHMES	
		M	F
India	42	35	7
Korea	7	1	6
Philippines	13	3	10
China	4	1	3
Malaysia	5	4	1
The Gambia	1	0	1
		44	28
Total		72	

Table 1.15C

October – December 2005

Country	Total	EMP		BEN	
		M	F	M	F
Poland	59	37	22	0	0
Philippines	15	9	6	0	0
South Africa	15	7	8	0	0
Australia	10	3	7	0	0
Ireland	8	5	3	0	0
India	7	6	1	0	0
France	6	2	4	0	0
Lithuania	6	4	2	0	0
Czech Republic	5	1	4	0	0
Portugal	5	3	2	0	0
USA	5	2	3	0	0
Canada	4	2	2	0	0
Germany	4	2	2	0	0
Slovakia	4	2	2	0	0
Spain	4	1	3	0	0
Sweden	4	3	1	0	0
Hong Kong	3	2	1	0	0
Hungary	3	0	3	0	0
Cyprus	2	2	0	0	0
Latvia	2	0	2	0	0
New Zealand	2	0	2	0	0
Argentina	1	0	1	0	0
Chile	1	1	0	0	0
China	1	0	1	0	0
Estonia	1	1	0	0	0
Finland	1	0	1	0	0
Jersey	1	1	0	0	0
Malta	1	1	0	0	0
Russia	1	0	1	0	0
Singapore	1	0	0	0	1
Thailand	1	0	1	0	0
Turkey	1	1	0	0	0
Zambia	1	0	1	0	0
Total	185	98	86	0	1

October – December

Country	Total	IHMES	
		M	F
India	49	43	6
Korea	19	6	13
Philippines	17	12	5
China	4	2	2
Pakistan	1	0	1
Sweden	1	1	0
Total		64	27
Total		91	

CHIEF MINISTER

**Ministers' disagreement with
Council of Ministers' decisions
Guidance notes**

2.1. The Hon. Member for Rushen (Mr Gill) to ask the Chief Minister:

What are your guidance notes for members of the Council of Ministers who disagree with a collective decision of Council?

Answer: The guidance notes for Members of the Council

of Ministers with regard to collective responsibility can be found on pages 7, 8 and 9 of the Government Code issued in November 2006 and I have attached the relevant notes at Appendix 1 for the information of Members.

Paragraph 1.26 states:

'Collective responsibility implies that the policy of individual Ministers must be consistent with the policy of the Council of Ministers as a whole. Once Council's policy on any particular matter is decided, each Minister is expected to support it and share responsibility for it. If a Minister cannot agree with his colleagues on a matter of general policy or on a single major issue, he should consider whether he should remain a Member of Council'.

There are circumstances, however, under which Ministers have freedom to speak publicly against policies and decisions of the Council of Ministers, or without reference to Council. These exceptions to the general rule fall into the following categories:

- matters of conscience
- a declared position
- constituency matters
- inconsequential matters and unresolved issues

Appendix 1**Collective Responsibility – General Principles**

1.26 Collective responsibility implies that the policy of individual Ministers must be consistent with the policy of the Council of Ministers as a whole. Once Council's policy on any particular matter is decided, each Minister is expected to support it and share responsibility for it. If a Minister cannot agree with his colleagues on a matter of general policy or on a single major issue, he should consider whether he should remain a member of Council.

1.27 Collective responsibility has the following features:

- (1) A Minister may speak against any proposal in the Council of Ministers, but he must subsequently either support the policy decided upon or resign.
- (2) Where the policy of a particular Minister is being challenged, it is the Council of Ministers as a whole which is being challenged. Thus, the defeat of a Minister on a major issue represents a defeat for Council.
- (3) Every Minister must be prepared to support all Council of Ministers' decisions both **inside** and **outside** Tynwald.
- (4) Collective Responsibility does **not** apply to a Minister's responsibility for his personal mistakes.
- (5) Any major shift of policy proposed by a Minister must be cleared by the Council of Ministers before it is announced.

Exceptions

1.28 There are circumstances, as follows, under which Ministers have freedom to speak publicly against policies and decisions of the Council of Ministers, or without reference to Council:

- (1) **Matters of conscience:** There will inevitably be issues where Ministers will be guided by a fundamental religious or moral belief (rather than political ideology). Such issues are readily identifiable whether they arise in a Tynwald motion or in a Bill. Ministers will always have the right to a free vote on such issues.
- (2) **A declared position:** A Minister brings with him to the Council of Ministers a set of views and opinions uniquely his own. These may, in some cases, include a strongly held and publicly declared position on a particular subject. It would be unrealistic to expect such a Minister to change his position on that subject for the sake of Council's solidarity. Equally, however, it would be unacceptable for that Minister to 'crusade'

in support of his declared position in the knowledge that the Council of Ministers does not share his view.

(3) **Constituency matters:** Issues may arise where there is a strong and specific constituency interest which conflicts with a Council decision. In these circumstances, a Minister from that constituency must have the right to represent that interest if he so wishes. Where this is so, the Minister concerned must make his position clear to the Council of Ministers. Provided, as a courtesy, a Minister gives advance warning to any other Minister, he may ask a written question on a constituency matter, provided the question is framed in an appropriate way.

(4) **Inconsequential matters:** Collective responsibility applies to Council policies and decisions. Where small matters of detail arise, where there can be room for disagreement without those policies or decisions being called into question, Ministers will have the freedom to express themselves. Ordinarily such matters will not come before the Council of Ministers anyway.

(5) **Unresolved issues:** Issues will be raised from time to time which the Council of Ministers has not considered or on which Council has not taken a decision. Until a Council position is established, Ministers will be free to express themselves. However, such issues are likely to emerge on the agenda for Tynwald or one of the Branches and an opportunity will arise for the matter to be discussed in Council before debate in public. Ministers should therefore, as a general rule, where possible, seek to refrain from comment until after Council has considered the matter.

1.29 A personal or political dislike of a Council of Ministers' decision is not in itself a sufficient justification for an exemption from collective responsibility. In cases where a Minister feels personally or politically unhappy with a particular policy or Council decision, the proper forum for discussion of the matter is the Council of Ministers. If the Minister is unable to persuade Council to accept his thinking after full and frank discussion, he must accept the decision reached by Council. Any subsequent public dissent must be regarded as an unacceptable indulgence.

Conduct in Dissent

1.30 Where a Minister exercises his right to a free vote or to speak publicly against a policy or a decision of the Council of Ministers, in accordance with one of the recognised exceptions, it will be important for him to express himself towards other Ministers in a responsible way. Even in disagreement, courtesy and respect are due to a fellow Minister. A display of personal abuse, criticism or animosity would be unacceptable in such circumstances.

Chief Minister

1.31 Collective Responsibility applies to the Chief Minister in the same way as to other Ministers.

Note:

The following are examples of the practical application of the doctrine of collective responsibility in an Isle of Man context:

(i) Tynwald/Keys Questions

Except in the circumstances described below, it is unacceptable for Ministers to pose questions to other Ministers. There are adequate alternative opportunities for Ministers to obtain whatever information from each other that they require.

Exceptions

(a) Supplementary questions, where these are likely to be helpful to the Minister being questioned or to the Council of Ministers; and

(b) Written questions, on a subject matter where there is a strong and specific constituency interest affecting the constituency.

(ii) Motions before Tynwald

The support of Ministers for the following Council of Ministers or Departmental business would be expected (except in the case of

(c) below, where any of the exceptions at para 1.28 apply):

(a) The Policy Debate;

(b) The Budget;

(c) Motions promoted by the Council of Ministers or by a Department including proposals for expending money and approving subordinate legislation.

(iii) Bills before the Branches

The support of Ministers would be expected for Bills, whether or not promoted by a Department, the introduction of which has been authorised by the Council. However, support for amendments to a Bill where those amendments do not seriously undermine the purpose of the Bill, would be acceptable.

Lord Street hotel project Treasury Minister's disagreement

2.2. The Hon. Member for Rushen (Mr Gill) to ask the Chief Minister:

- (1) Are the public statements from your Treasury Minister (in which he criticises the Council of Ministers' joint decision to accept the proposals for a new hotel project in Lord Street, Douglas) in line with your guidance on corporate/collective responsibility; and*
(2) if not, what are you going to do about it?

Answer: (1) No.

(2) On Friday, 24th February I requested in writing for all Ministers to attend a Ministers' meeting (without officers) on Thursday, 2nd March.

A full and frank discussion took place, the outcome of which was that all Ministers agreed to be extremely careful to make sure that, in future, they adhere to the practical application of the doctrine of collective responsibility, as agreed and published in November 2005.

TREASURY

Lord Street hotel project Treasury Minister's criticism

2.3. The Hon. Member for Rushen (Mr Gill) to ask the Minister for the Treasury:

For clarity can you state if your recent comments on Manx Radio and at the Junior Chamber of Commerce criticising the new hotel project in Lord Street, Douglas were prompted by -

(a) a constituency interest;

(b) a matter of conscience;

(c) a pre-existing position; or

(d) none of the above; and

will you elaborate on the reasons for your personal critical comments?

Answer: My comments were made as part of my presentation to the Junior Chamber of Commerce on the tax package which was approved in the Budget and the importance of the urgent need to improve our hospitality and retail infrastructure to underpin the opportunities which

now exist to attract new business to the Island.

This is a long held position which I have stated many times in public debate.

However, I accept that my observations on the Lord Street development proposals may have strayed outside the parameters of collective responsibility.

HOME AFFAIRS

Cheshire Constabulary Payments to date and future

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

- (1) *How much has been paid to the Cheshire Constabulary to date;*
- (2) *what is the estimated balance due up until the expected withdrawal of this Force from the Island;*
- (3) *who have the payments been made out to; and*
- (4) *when will a vote on this expenditure be brought to Tynwald?*

Answer: In response to the Questions asked by the Hon. Member for Douglas North, Mr Houghton, I confirm the following:

(1) The total cost to the Isle of Man Constabulary for the Cheshire investigation to date £668,356.14 (£243,486.61 for 2003/2004, £272,163.37 for 2004-05 and £152,706 for 2005/06). The total cost, shown in Table 2.4A, is broken down into the following areas:

Table 2.4A

Line of Expenditure	Amount £
Subsistence	45,751.20
Accommodation	71,777.59
Car Hire	19,053.51
Telephones	1,586.47
Misc. Costs	8,730.84
Work Permits	85.00
Travel	48,036.33
Legal Fees	19,582.50
Police Federation	9,180.08
Extra Duty	3,663.38
Salaries	440,909.24
Total	668,356.14

(2) The estimated balance due up to the withdrawal of the Force from the Island is estimated at £30,000.

(3) The payments have been made to the Cheshire Constabulary; and

(4) The Department is required to manage its resources to ensure that wherever possible, supplementary funding is not required.

As such, the cost of the investigation has been absorbed by the Constabulary and the Department through the re-prioritisation of existing budgets and will therefore not require Tynwald approval for supplementary funding.

Solway Harvester DHA costs of storage

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

- (1) *What cost is there to your Department for the storage of the Solway Harvester in Douglas Harbour, if anything, by way of -*
 - (a) *yearly funding;*
 - (b) *other additional resources;*
 - (c) *any special arrangements; and*
- (2) *if so, in any or all of the categories (a), (b) or (c) how much or what additional resources or arrangements are there for every year since this boat was stored in Douglas Harbour?*

Answer: In reply to each Question raised by the Hon. Member for Douglas North, Mr Henderson, I am pleased to confirm the following:

- (1) The Department currently expends:
 - (a) £15,000 per year for insurance of the vessel and approximately £10,000 per year to the Laxey Towing Company.
 - (b) Nil expenditure on other additional resources; and
 - (c) There are no special arrangements.
- (2) See Tables 2.5A and 2.5B.

Table 2.5A

Year (Insurance)	Amount £
2001-02	5,475.00
2002-03	9,000.00
2003-04	15,000.00
2004-05	15,000.00
2005-06	15,000.00
Total	£59,475.00

Table 2.5B

Year (Laxey Towing Company)	Amount £
2000-01	6,719.40
2001-02	10,400.00
2002-03	10,408.20
2003-04	11,158.20
2004-05	8,850.00
2005-06	10,475.00
Total	£58,010.80

Electronic tagging Details of use and Judiciary's opinion

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

- (1) *When did electronic tagging of offenders come into*

operation;

(2) how many offenders have been subject to electronic tagging to date; and

(3) what is the opinion of the Judiciary on this initiative?

Answer: The electronic monitoring of offenders (often known as tagging) came into operation as an initiative within the Criminal-Justice Act 2001. The first Order was made on the 4th November 2006 and is, to date, the only Order made by the Court. This Order was successfully completed on 4th February 2006.

The judiciary are supportive of the idea of electronic monitoring and not only view it in a positive light in relation to a condition of a probation order and a condition of a post custodial licence, but would also like to see it extended for the use in 'stand-alone' curfews, domestic abuse cases, and possibly for the tracking of very serious and high risk offenders.

The initiative has received detailed discussion within the Probation Liaison Committee. Extensive information training was carried out before this initiative came into operation, including members of the judiciary.

The Hon. Member will, no doubt, be aware that electronic monitoring gives an indication of whether an offender is at an approved location at a pre-determined time; it does not give an indication of where the offender has been or, indeed, if they leave the location where they are going. This can only be achieved by electronic tracking and this is a further development that is not yet in place.

When making the Order, Mr Montgomery, the Deputy High Bailiff, made the following comments:

'Had it not been for Electronic Monitoring you would have received custody.'

He also said:

'I am very much of the belief that this non custodial option has the potential to reduce offending.'

It can be seen from these comments that he was particularly supportive of the electronic monitoring initiative and there is no indication, to date, that the court has changed their view.

It should be highlighted that, being a high tariff sentencing option, this initiative would not be used for low risk or the less serious cases coming before the courts. Electronic monitoring is seen as a direct alternative to a custodial sentence as it, in effect, confines an offender to an address for a set period of time. Because of this, only appropriate cases are being considered for its use and this issue is currently being monitored.

The Department continues to support both the introduction of electronic monitoring and the value which it believes it can bring to the criminal justice system. The Department is not, however, oblivious to the cost of this sentencing option and will make future decisions as to its continuance on a range of factors, one of which will be the value for money it represents.

This issue is not, nor should it be seen to be, a cheap option, but is designed to be a genuine alternative to custody,

allowing the offender an opportunity to maintain an ability to stay in employment and contact with their family.

The contract for this service has cost my Department approximately £200,000 for a full year's operation and it becomes far more cost effective as the number of offenders increases. We will continue to encourage the judiciary to make use of such sentences in cases they deem to be appropriate.

Isle of Man Prison Foreign nationals held

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

(1) How many foreign nationals are currently being held at the Isle of Man Prison;

(2) for which categories of offences are they being held; and

(3) how many foreign nationals have been held in the past 12 months?

Answer: (1) There are currently two foreign nationals being held at the Isle of Man Prison, both of whom are of South African nationality. One has been held since 30th November, 2005 and the other since 25th January, 2006.

(2) They are being held as illegal entrants to the Isle of Man.

(3) There have been 15 foreign nationals held in the Isle of Man in the past 12 months, all of whom have been illegal entrants.

For further information for Members, I would advise that these foreign nationals have been detained for periods between 12 days and 99 days (still in prison today).

The prison authorities have had to overcome difficulties in relation to language (translators), special meals, religious practices, education and reading material, maintenance of family connections and vigilance concerning possible racial tension.

I would like to put on record my gratitude to my officers on managing these issues, along with the additional work it required.

HEALTH AND SOCIAL SECURITY

Eye operations waiting lists DHSS action

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

Can you confirm –

(a) that on 23rd February and possibly 24th February 2006 at least two waiting list initiatives were cancelled in the Ophthalmology Department due to the doctor/consultant concerned leaving the Island for a job interview;

(b) what action is being taken by your Department in relation to the impact on waiting lists for eye operations; and
(c) that the waiting lists for eye operations are extensive and some of the longest in any health speciality?

Answer: (a) The locum specialist in Ophthalmology did have two days' leave during the week commencing 20th February, 2006, in accordance with the terms and conditions of his employment.

(b) The outpatient clinics affected by his absence have been re-scheduled and the patients notified. No operating sessions were cancelled due to his absence.

An outpatient waiting list initiative for ophthalmic surgery commenced on 29th January and is due to last until mid-June, providing an extra 51 clinics, which will enable approximately 25 new patients per week to be seen. It is anticipated that, over this 17-week period, there will be an approximate 20% reduction in new patients waiting.

(c) The waiting times for cataract operations are amongst the longest of any health speciality, hence the waiting list initiatives.

The service is also one of those being reviewed by the Healthcare Commission team and we will, of course, be keen to learn from any suggestion they may have to improve the service.

TRANSPORT

Solway Harvester DoT costs of storage

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

(1) What cost is there to your Department for the storage of the Solway Harvester in Douglas Harbour, if anything, by way of –
(a) yearly funding;
(b) other additional resources;
(c) any special arrangements; and
(2) if so, in any or all of the categories (a), (b) or (c) how much or what additional resources or arrangements are there for every year since this boat was stored in Douglas Harbour?

Answer: Costs to the Department of Transport are nil, as responsibility for the storage of the Solway Harvester and associated costs are the responsibility of the Department of Home Affairs.

Abbeyfields Housing Estate **Completion of works**

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

(1) What is the scheduled date for completion of works

in order for the roads and pavements to be adopted on the Abbeyfields Housing Estate; and
(2) what further work is required to be completed before formal adoption?

Answer: (1) A scheduled date for adoption is not stipulated in the Section 4 Highways Act Road Adoption Agreement for this development and the roads and footways cannot be formally adopted until repair works are undertaken by the developer to bring the condition of the roads and pavements up to the Department of Transport's standards.

A meeting was held between the Department of Transport and the developer in January 2006 to speed up this process and the developer gave an undertaking to commence the necessary repair works before 13th March, 2006 and, on their completion, offer the roads and footways for formal adoption.

(2) The roads and footways can be brought up to the required standard by relaying areas of block paving which have settled, regrading the camber of sections of roadside footways, resetting/replacing rocking kerbs, repairing chipped kerbs and resetting/replacement of items of ironwork, such as manholes covers and frames.

The section of roadside footway on Champion Way, between Johnny Watterson's Lane and Gorse Croft, requires substantial work to remove the adverse camber which exists at this location.

This will prove a difficult engineering problem for the developer to overcome and he is currently assessing the limited options which are available for the Department's approval prior to 13th March. This work will then be included within his scheduled work.

The Section 4 Highway Act Road Adoption Agreement is secured with a financial bond, which the Department can use to bring the roads and footways up to the Department of Transport's standards.

This option is used as a last resort if the developer refuses to undertake the repair works, or the developer ceases to trade or becomes bankrupt.

LOCAL GOVERNMENT AND THE ENVIRONMENT

Health and Safety legislation **Work-related driving activities**

2.11. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Local Government and the Environment:

(1) Has the UK Health and Safety at Work Act 1974 been adopted into Manx legislation in its entirety specifically in relation to work-related driving activities; and
(2) if so, in which Act and Regulations is such legislation contained by specification?

Answer: The main provisions of the UK Health and Safety at Work etc Act 1974 have been adopted into Manx Legislation.

The Act both in the UK and the Island does not specify work related driving activities in any of its sections.

However, the general duties of Health and Safety law to protect workers and others (Sections 2 and 3) from risks arising from work activities are very broad and overlap with other legislation which will include work related road traffic accidents.

The UK Health and Safety Executive (HSE) has produced guidance for its inspectors, outlining situations where inspectors may or may not have a role to play in work related road traffic accidents.

My Department's Health and Safety at Work Inspectorate use this guidance when making decisions when called upon to assist with investigating work related road traffic accidents.

The policy in the UK is that the HSE does not generally seek to enforce Health and Safety at Work legislation where public and worker safety is adequately protected by more specific and detailed law enforced by another authority. This is the policy adopted by the Department's Health and Safety at Work Inspectorate for the Isle of Man.

In summary, the guidance states that Health and Safety inspectors will not have a role where the accident relates to:

- (a) work vehicles travelling along the public highway as part of a road journey;
- (b) vehicle design issues where the Road Vehicle (Construction, Equipment and Weights) Regulations take primacy; and
- (c) employees' duties under Section 7 of the Health and Safety at Work Act, as the more specific and detailed duties on drivers under road traffic legislation will take precedence.

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985 (RIDDOR) are also applied to the Isle of Man. These apply to Road Traffic Accidents only if the accident is involved or connected with:

- (a) exposure to a substance being conveyed by road;
- (b) loading and unloading of an article or substance (not passengers) onto or off a vehicle;
- (c) construction, demolition, alteration, repair or maintenance activities on or alongside public roads; and
- (d) an accident involving a train.

Orders of the Day

BILL FOR FIRST READING

Income Tax (Corporate Taxpayers) Bill

The Speaker: The Hon. Members, we move on to Item 4 – Bill for First Reading.

I call on the Secretary of the House.

The Secretary: Mr Speaker, the Bill is the Income Tax

(Corporate Taxpayers) Bill, introduced by the Hon. Member for Ramsey, Mr Bell.

BILLS FOR SECOND READING

Local Government Bill

Second Reading approved

5.1. Mr Rimington to move:

That the Local Government Bill be read the second time.

The Speaker: Hon. Members, we now go on to Item 5 on our Order Paper and we take 5.1 – Local Government Bill.

I call on the Hon. Member for Rushen, Mr Rimington – Second Reading, sir.

Mr Rimington: Mr Speaker, I am pleased be able to promote this significant piece of legislation on behalf of the Department of Local Government and the Environment.

The Local Government Bill 2006 contains a mixture of measures. Some are designed to provide increased safeguards, and others to provide greater freedom for local authorities.

Specifically, the Bill seeks to clarify the Department's statutory supervisory role by amending the Local Government Act 1985. In addition, the Bill's provisions are also intended to help address a number of issues that have arisen over the years.

The Bill will cover several aims. It will clarify and refine the role of the Department in relation to the operation of local authorities. It will introduce provisions which will facilitate voluntary local government arrangements. It will also make new provisions relating to proceedings, etc of local authorities, their financial management and the transfer of functions.

The Bill also responds to certain issues that have been raised generally and, more particularly, following the public inquiries into affairs at Port St Mary and Braddan, such as the use of standing orders, the accessibility of minutes, the Department's responsibilities in relation to the setting of rates and the appointment of the key officers by local authorities.

The Bill has been the subject of extensive consultation, and the Department has amended the Bill to take into account many of the views received. The Bill was first issued for consultation in October 2005 to all local authorities, the majority of which responded.

As one would expect from a Bill covering a wide range of different topics relating to local authorities, the views were mixed and wide ranging.

In response to the consultation, the Department has amended several of its initial proposals, such as: those in relation to technical assistance, in clause 1; standards of performance, in clause 2; arrangements between local authorities, in clause 6; and standing orders, in clause 8.

After further consideration of the views received, the Department has removed a provision that was in the original draft relating to a waste collection rate, which received

virtually no support at all.

However, the provisions in clause 7 relating to the appointment of officers of local authorities have been strengthened and, additionally, includes that the appointment of any responsible financial officer, required under the Audit Act 2006, be subject to the Department's approval.

The Department, following consideration of the responses to the consultation process, arranged a special presentation at the Manx Museum in January 2006, to provide representatives of all local authorities with feedback on the consultation, and to clarify some points within the Bill which had not been fully understood by some of the local authorities.

The Department, also, made some further amendments to the Bill, following reviews received at the presentation. Clause 1 – technical assistance – was further amended. New provisions were added to clause 15 and the determination of fines.

To summarise, I would like to emphasise to Hon. Members that the proposed Bill is precise and limited and should have little impact on a well run local authority. The Department is confident that the Bill's provisions will improve the effectiveness and efficiency of local authorities, reduce red tape and ensure checks and balances are in place, to prevent authorities overspending.

Having outlined the broad principles of the Bill, and explained the reasons why I consider it necessary to introduce the legislation, I hope that Hon. Members will now give it their full support.

I beg to move that the Local Government Bill 2006 be read for a second time.

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

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

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

Mr Houghton: Thank you, Mr Speaker.

Mr Speaker, I will be supporting this Bill. I think the clauses within it make good sense. I congratulate the Department for all the work that it has done towards this particular area. I am sure that it will give good effect when it comes into law.

But, Mr Speaker, just purely as an issue to flag up at this time, I may come back to this Hon. House at clauses stage with a rather worrying set of circumstances that is currently going on with a local authority, whose name shall be nameless, at this particular point in time, sir. I will promise to give full account of the reasons why – if I do come back, at clauses stage – I wish to take appropriate action against such a local authority.

Mr Speaker, the Hon. Minister has been consulted by myself, at this point in time, as to what the background of this issue is, but I am currently in correspondence with that local authority. So I, therefore, feel it unfair to blacken them or anything else at this particular point in time.

I must say, Mr Speaker, I am at the end of my tether now with this local authority. I have given them seven days to rescind the threat of victimisation and harassment they have made against at least one tenant. That seven days has

not elapsed, at this time.

I do not wish to cause a debate at this point in time. All I wish to do is bring the matter appropriately to this House, that I may well come forward with this course of action that I have threatened, if you like, that local authority with, should that be deemed necessary.

This was after a discussion with the Hon. Minister, and I thank him for his helpful comments. Whereas, originally, my threat was to come forward with a Private Member's Bill, now, viewing all that I have, it would be more appropriate if this Hon. House supported the circumstances, which I would clearly lay out before this House at clauses stage, if I get to that stage, for it to actually be put appropriately – perhaps, more appropriately, if this House supports it – within this Bill.

So, the purpose is just to flag up the issue. Further details later, only if required, but that now is in the matter of that particular local authority, that I really do mean business. From the Members of this Hon. House, who I have already spoken to, I know that I have their support and thoughts on this, too.

We all know who I am talking about, (*Laughter*) but I would rather just leave that at that, at this particular point in time, Mr Speaker, because it is inappropriate.

Because, of course, the period of notice I have given this local authority actually ties in with the issues, with the Second Reading, I thought it only appropriate just to speak on it now, rather than look as if I have come on a second thought basis, (*Interjection by Mr Anderson*) at clauses stage.

I hope that I have the concurrence of the Minister on that particular point, Mr Speaker.

Thank you.

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

Mrs Cannell: Thank you, Mr Speaker.

There are some very significant changes proposed for local authorities, with regard to this Bill, which the Minister, when moving, made light work of, I would suggest.

I have had copies of some of the submissions that have been sent to the Department, with regard to the views of certain local authorities on some of the provisions laid down within this particular Bill. I wonder, when he is winding up, whether or not, for the benefit of the House, and for setting the record straight, he would give us an idea of those views, rather than merely just take a... well, he moved it in a very swift period of time.

I have also been copied, as I am sure other Hon. Members have, with copies of the said Minister's responses to some of those local authorities. I really have to put on record that I do take rather issue with them, not being very supportive of some of the language used by the Minister, which has been very dismissive of, perhaps, some misunderstandings by the local authority, but also by some genuine concerns expressed by them.

I am a little bit disappointed in the way the Minister has responded to those genuine concerns, and I feel it is incumbent upon him, in getting our support for an 'in principle' further Reading of this Bill, that he gives us more information on that.

I was interested to see that clause 7 will require all local authorities to obtain the consent of the Department to the appointment of their clerk and certain financial officers.

Then, further, of course, it extends an officer's duty to disclose an interest in terms of matters or contracts – that can only be a good thing.

Getting permission, before you appoint a very qualified and very expensive officer, I think is also a good move, and I would support that.

Ordinarily, five years ago, I may not have supported it, but I support it now, having had a greater insight into the position of some clerks, what it is costing the ratepayers, and the fact that some clerks whose prerequisite prior to interview may well rely upon them being legally qualified, only to find that, in practice, they do not practice, and rely upon outside legal expertise, to assist them in the functioning of the local authority and its responsibilities.

So, I am quite pleased to see that in there. But, of course, it will change the face of local authorities forever, and it is the start of a kind of gentle reform of local authorities, by requiring the consent of the Department for practically everything and for the Department having to give approval for the setting of a rate.

Clause 10 replaces the powers of local authorities to levy general and special rates. The Department will have power to set a ceiling on rates, which may not be exceeded without its consent.

It really does beg the question, Mr Speaker, rather than rejuvenating our local authorities, the Department would still appear to be on the path of trying to destroy them, and rather put in place a county council type system.

It does beg the question, why stand for election to a local authority? What is to be gained by doing that? Why go out and seek a vote from the local population when, at the end of the day, you cannot really make any significant progress or change for your local patch, because everything needs the blessing of central Government?

Although I know the pros and cons, and I know the concerns the Department has, having previously served on the Department, I still have a worry about the balance here – the balance between local authority representation and what is being perceived as the 'Big Brother' syndrome.

So, if the Minister can further expand, without rubbishing what I have said, and would also, without rubbishing some of the comments that have been raised in a genuine way, by some of the local authorities.

The Speaker: The Minister to reply.

Mr Rimington: Thank you, Mr Speaker.

I thank Mr Houghton for his support. I am aware of his particular issue, but I will not seek to comment on that.

I would like to thank the Hon. Member, Mrs Cannell, for raising the issues because, obviously, when a Bill such as this does come forward, with so many different measures in, and of a different nature, there are bound to be some issues and feelings on the particular aspects of that, and it is good that they should be raised.

I can assure her that I, certainly, do not want to rubbish the Hon. Member, as she suggests I might. The two local authorities responded at length to Tynwald Members on their concerns, and I responded back to those. I do not believe that I was using inappropriate language at all, and that can be there, for test of other people. I do always write in a forthright manner, and that is always the case.

But it is fair to say that one of the local authorities in their letters to me opened up with sweeping rhetorical statements,

about the end of the world and how everything was going to change, and then continued to substantiate nothing thereafter, when they went through their points in detail.

So, yes, I responded to those sweeping rhetorical statements: do not make them, unless you have got some substance behind them. But that is for another day.

I appreciate the Hon. Member does, actually, support clause 7, which is on the appointment of officers, and that there is a requirement there. It is one that has got to be used very carefully. We are not there to tell local authorities who they should or should not have and appoint.

It is really just a safeguard, in the background, to make sure that the person who is appointed is fit and proper – not to interfere with their selection process and curtail their choices.

I would disagree with a couple of the expressions that the Hon. Member has used, that this is some sort of pathway to destroying local government and that everything needs the blessing of central Government.

These are rather sweeping statements, again, which are not there in the body of the legislation, in that the consensus being used, in terms of setting the rates and in terms of the appointment of officers in some of the authorities...

Most of the authorities already have that appointment subject to our consent, and yet we use the word 'consent' in two other areas, which I appreciate the Hon. Member has not picked up and noticed, in respect of their borrowing powers and in the acquisition and disposal of land.

At the moment, the law states, under the petition process, that we give that approval. That approval is a very strict 'yes or no' approval basis, and is quite bureaucratic, in that local authorities who may wish to borrow only a small amount of money, for a minor purpose, or acquire or dispose of a relatively minor piece of land, and there are no complications or issues with that, they still have to go through this quite long-winded process.

What we are trying to do, in this legislation, with these two amendments, is actually free that up and reduce the amount of bureaucracy and delay that is involved.

So, yes, the consent that is used in there is given on a wider basis, to actually free the system up, rather than tighten the system up.

So, there is actually not a lot there that will, in reality, change the working of an authority on its day-to-day basis, provided that authority is well run.

It is not the start of the reform process or pathway to destroying them. It is to say: we are where we are; we have the local authority system as it is; we are adding in a few extra safeguards; we are adding in some extra freedoms and allowing the system to evolve, creating a system that allows the system to evolve.

I think the obvious candidate, at the moment, is probably Garff, where the authorities have expressed and have been working together. If they so wish, by their mutual consent, this legislation helps them to come together, either in part or in total, as they wish, and gives that legislative framework for those.

So, I think, it is a positive way forward, and there is nothing in there that is designed to destroy local government.

Mr Speaker, I beg to move.

The Speaker: Hon. Members, the motion before the House is that the Local Government Bill be now read a

second time. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Agricultural Marketing (Amendment) Bill **Second Reading approved**

5.2. Mr Gawne to move:

That the Agricultural Marketing (Amendment) Bill be read the second time.

The Speaker: Hon. Members, we move on to Item 5.2, the Agricultural Marketing (Amendment) Bill. The Hon. Member for Rushen, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

This Bill sets out the broad enabling powers by means of which some important changes can be made to the structure of agricultural marketing in the Island. This is the result of a lengthy consultation process, the main results of which will be seen in the subsidiary legislation following from the enabling powers set out in this Bill.

The precedent Act has been in place since 1934. At present, the Isle of Man Agricultural Marketing Society consists of 25 members, 23 of whom are producers, with two people appointed by the Department. This structure is rather cumbersome.

Using the enabling powers in this Bill, subsidiary legislation will provide for a streamlined society consisting of 15 members, including five people appointed by Government.

This reflects the important involvement of Government in supporting the agricultural industry, and the role that the Marketing Society will play in leading the industry through the change in response to the loss of the meat derogation in 2011.

A major concern for the agricultural industry and those involved in the Society and the two current marketing associations, the Milk Marketing Association and the Fatstock Marketing Association, is the fact that these bodies do not have limited liability. The 1934 Act provides that the Society and Marketing Associations are constituted under the Act, which also sets out the detail of their structure and proceedings, but does not currently provide upper risk limited liability.

The amendments in this Bill will enable specially set up limited liability companies to be designated to act as the Society and Marketing Associations.

The contents of the memorandum and articles of association of these limited liability companies will be the subject of subsidiary legislation and subject to Tynwald approval. However, the proceedings of these limited liability companies will mainly be regulated by the requirements of the Companies Act.

Loayreyder, I move that this Bill be now read a second time.

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

Mr Karran: I beg to second and reserve my remarks.

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

Mr Quayle: Yes, thank you, Mr Speaker.

I rise in support of the Bill. However, I have to say that this is not, in any way, going to be put forward as a panacea to cure the ills and the problems of the industry and it is desperately disappointing to realise that the industry is suffering, to a large extent, principally, in terms of the fatstock sector, because of the high unit handling charge of the animals that go through the meat plant.

I think for a meat plant that seemed to have been foisted on the industry, as I understand it, without their particular input in the design or the implementation of the whole project, it seems to me that we have stored up a long-standing problem for the industry. With them not having had the involvement in the implementation of the whole project or the design, we have, effectively, caused a situation where we have burdened the industry with huge costs.

The Minister will, no doubt, know, from my conversations with him, and no doubt from other people, that the cost of slaughtering an animal – be it a beast or a lamb – is many times that which, apparently, could be done in the United Kingdom. I would ask the Minister that, whilst this is limited in its way, and may offer some way forward for the future, it, certainly, will not address the principal problem for the fatstock industry, which is the high costs of putting animals through the meat plant.

I would refer the Minister to the Promar Report, where it recommended, I think, a subvention by the Isle of Man Government to go to the meat plant. That would, effectively, put the industry on, I believe, a more stable and economical footing, in which it would be able to better compete with those producers off-Island, in the United Kingdom, for example, who are paying a fraction of what it costs to put a beast through the meat plants over there.

I hope it might be opportune for the Minister to respond to this, to see if there is some way forward in providing a subvention to the meat plant, particularly as, I think, perhaps, it was dispensed with, at some stage in the future, whereby it was thought the Isle of Man Government would not be able to provide the assistance. When I was present at a meeting of the Euroclub, and Alistair Sutton was there from White & Case, I can well remember representatives from the farming industry, who were on the table that I was sitting at. They gleaned a lot of comfort from the fact that Alistair Sutton's expertise provided invaluable assistance. I know the Minister's Department has been able to make progress in Europe, with the benefit of new thinking, really, from White & Case, which hitherto had not really been achievable, from traditional thinking here in the Isle of Man.

In terms of a subvention, I hope the Minister might be able to clarify future policy in this regard. I would point out that I have received representations, over the last week, from two large producers who are very concerned about the costs of putting their beef or lamb through the abattoir. Although I spoke to the Minister yesterday, as he recalls, I, in fact, when I got home last night, had another letter of several pages, referring to the high unit handling charges of putting animals through the meat plant.

I would just make an appeal to the Minister and, really, to the Council of Ministers to do all possible to rescue this beleaguered industry, because, if we do not take some sort of action, then I really do feel that we are letting the industry wither on the vine. It just, I believe, cannot be sustainable for an industry to be faced with costs many times that of its competitors in the United Kingdom.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder.

I welcome this Bill. I think it was identified during my time in the Department, that the Marketing Bill needed to be updated, and it has taken some time, so I congratulate the Minister for Agriculture on bringing this forward. (**A Member:** Hear, hear.) It is a very difficult, very complicated issue.

The 1934 Act, I think it was, was a major step forward at that time in keeping everybody together in this cooperative to work and to trade. This legislation is not before its time, but I think the work that the Member for Rushen has done is quite considerable on this.

If it was only a one-stream production line, I think it would be a lot cheaper to operate. Anyone that has been through the meat plant would know how complicated it is. It takes beef animals; it takes sheep; it takes pork. In the United Kingdom, they would have, maybe, one. We know that, in lots of places in the United Kingdom, they will transport animals across the country to slaughter them. They might travel hundreds of miles, because that is the only place they can go.

I hope Government can help out and, I think, in the past, they have helped out with rents and those sorts of issues. One of the things that we ought to be proud of is that our animals do not have to travel far to be slaughtered. Therefore, from an animal rights point of view, it is much better to slaughter animals as close to production as possible.

In developing the Meat Plant – and I am not saying that it would not be done differently now, and I am not saying that we would not be deciding that we would have something else than we have at the moment – the development of the Meat Plant was in line with our trading with the European Union. We do not have to have a meat plant like this but, if we do want to trade with the European Union, we have to have a standard to be able to trade.

In many areas, they have a very basic slaughterhouse, where they do not have to have these standards, because they are not trading any more than in a local area. That gets round the actual costs.

I am not saying that is what should happen, from an animal rights point of view, where it is very basic. Right throughout the European Union, there will be very basic slaughterhouses, for that very simple reason that they are just trading locally. Because we want to trade with Europe, with the UK, then we have to have these standards.

It is a difficult one, but I do welcome this legislation, Vainstyr Loayreyder.

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

Mr Karran: Vainstyr Loayreyder, I second this proposal. I think it is important that it goes down on record that the Minister has tried to work with the industry, to his best abilities, and tried to compromise, to try and bring the industry along with them.

As a former member of the Society, for a very short time – I am sorry I am no longer a member, even though it was an education – it did make me realise how much there is a need for change. It is alright, the likes of the Hon. Member for Middle complaining about the handling charges for the industry. That is just another one of the white elephants – the lack of an audit position, within this Hon. House, over the

years – which we have now got a graveyard of, which is having a serious effect on the industry.

I think my Minister should be applauded for his patience, as far as this issue is concerned. I have to say that I feel the issue that really needs to be addressed, as far as agricultural marketing is concerned, is the issue of taking the base product, putting added value into that base product and making a product that reflects modern living.

One of the biggest problems we have got, at the present time, is that has not been recognised by these producer monopolies. At the end of the day, they are run by producer monopolies. It is not doing the industry any good.

Maybe, when we see a change in the ministerial system and, if there is an amalgamation, Vainstyr Loayreyder, that will do more for the good of the agricultural industry, to be part of the Department of Trade and Industry (DTI) and for it to prioritise getting the things that need to be done, like the added value to agricultural products, and that will do more for the agricultural industry, in my opinion.

It is nice to see, Vainstyr Loayreyder, when one was ridiculed and belittled, many years ago, for being a ‘jam butty from Douglas’ – even if I am the Hon. Member for Onchan. Putting nuts and putting stuff into cheeses, when we were ridiculed, as far as that is concerned, has now become the backbone of the industry, as far as the milk production is concerned.

We need that vision and that sort of commitment, which is totally lacking under the present structure, as far as the meat side is concerned. I hope that this piece of legislation, where I think the Minister has compromised, in order to try and bring the industry with him, where I, more likely, would have been more resolute than not, (**Mr Anderson:** Radical) as far as the issue is concerned.

I hope this Hon. House will support the Minister, because I think it should be supported. We have got extra money for the industry, in the last year or two. It is a difficult time.

I do think that, unfortunately, this Bill will need to be changed again, in my opinion, because, at the end of the day, the younger Members of this Hon. House will be classed as the young farmers of the industry. That is very, very dangerous, that 40-odd-year-olds would be regarded as the youth section of farming. That means that the industry will die, if we do not get this right.

I hope Members will support the Minister, will support his Bill, even though it is a compromise with the industry. We have got to see whether it works. If it does not work, we have got to go back and try and do it again.

I think, like the Hon. Member for Middle, that we recognise the value of a diversified economy, with an agricultural industry as a very important part of it. He has to realise that, sometimes, to make an omelette, you have to break eggs. I think that, whilst this might work, we more than likely will end up having to come back with much more radical steps, in order to try and give some chance, so that we will get young people actually considering going into farming – being *able* to go into farming – as a career.

The Speaker: Hon. Member for Rushen to reply to the debate.

Mr Gawne: Gura mie eu, Loayreyder.

I thank the speakers for their generally helpful and positive comments. I, certainly, thank my seconder. Whereas I am not sure that I would agree that the DTI is the best

place for agriculture, I do take the point that he is making. Certainly, the industry needs to have a much more commerce-focused approach, if it is going to survive. Certainly, the next five years for agriculture is going to be pretty crucial.

We have won an extension of our meat derogation until 2010, but, after that, there is very little certainty as to what the future holds, beyond that point. If our agricultural industry has not progressed and has not restructured quite significantly, in the next five years, then its prospects look very bleak indeed.

Mr Karran, also, mentioned that he suspected that this Bill does not go far enough. Well, actually, I would agree with that. This is, effectively, an interim measure, in that we have reached an agreement. We were pretty much there, on a full revision of the Marketing Acts. However, when we heard the likely news that we were not going to win an indefinite extension of our meat derogation, the view was taken by myself, and was supported by the industry, that we really needed to properly consider the implications of the loss of the derogation in five years' time, and that it would be appropriate to delay a more radical revision of the Marketing Act, until more time had been spent actually considering those implications.

What we did agree, however, was that an amending Bill could come forward which does contain some important issues, in terms of restructuring the way in which the industry is led, particularly in the production sector. I think that is, basically, what we have here in this Bill.

So, I, certainly, agree that there is a need for a much more radical look at the Marketing Act. However, I think, again, Mr Karran rightly indicated that this has been a situation where I have endeavoured to bring the industry along with the Department, rather than fighting against the industry. I, certainly, believe that this is the best way forward. There are things that we have been able to agree on, very clearly, that have to happen, regardless of the implications of the 2010 loss of derogation. So, those things we have agreed on are in the Bill; other things will have to follow, I am absolutely sure of that.

I would, also, like to thank Mrs Hannan. Yes, indeed, this has taken time. I recall last week, when I gave a presentation to Members, Mr President was present at that particular presentation, and explained that he was endeavouring to introduce changes like this, around 30 years ago. So, it has certainly been a long time coming, but I am pleased that we are here now and this will, whilst not answering all the prayers of the agricultural industry, provide a significant step, in reaching the solution that agriculture is looking for.

I, also, thank Mrs Hannan for explaining a little bit more about the way in which the Meat Plant actually operates. It is very convenient to use sticks and beat the Fatstock Marketing Association (FMA) and the Meat Plant. However, there are many circumstances that need to be considered when this whole issue is being looked at.

The FMA runs a multi-purpose meat plant. It certainly has the three species – cattle, pigs and sheep – going through, but you can go further than that, and break down a number of those areas, in that, as far as cattle are concerned, certainly UK abattoirs would be specialising in either cow beef, or bull beef, or perhaps top quality beef. So, there are at least three different versions there. We have got lamb; mutton; we have got different sorts of pork. We have to cater for the whole lot in that meat plant, and that does add significant costs to the running of the plant.

So, I thank Mrs Hannan for explaining that.

I thank Mr Quayle for what I understand was support, although I think it is all too easy to trot out a lot of these issues that are trotted out by the industry, about... Well, for example, I think he said, 'This is not the full answer. This is desperately disappointing. Government is going to have to take some kind of action' – as if we have been sitting on our hands doing nothing, for the last three years.

I find that a little bit difficult to accept, and I have got a list here of things which I may or may not read out, as I am going on here.

We are working very well, I think, with the industry. I think it is the only way forward. If the industry chooses to change tack and start attacking the Government, then that is for the industry to decide. I do not think that is going to work for the industry. I do not think it is a very positive way forward.

Mr Quayle did go on, at great length, about meat plant subvention, which, really, has very little to do with this particular piece of legislation that we are talking about. Obviously, meat plant subvention is about finance; this is a piece of legislation about the restructuring of the Society and the FMA and Milk Marketing Association. However, this is one of the steps that needs to be taken, if we are to develop a suitable mechanism for introducing some sort of public subvention into the meat plant.

I think, though, it is important to point out, as Mr Quayle has raised the issue, that, certainly, one of the recommendations in the Promar Report was that there should be some urgent form of subvention put into the Meat Plant, but there were a number of other recommendations, as well.

Now, the subvention recommendation was being looked at by the Department, actively. It became very clear to the Department that, for a number of reasons, we could not identify the appropriate mechanism to introduce subvention, so in the time of the 'former former' Minister, Minister Rimington, and, indeed, Minister Henderson, it was decided that we should redirect some of the funding that was available to the Department which had been identified for direct subvention to the Meat Plant – that that money should be directed, directly, into subsidies for the industry.

That money is now in the industry's back pocket. It has gone out. The money that was identified for subvention has not gone directly into subvention, but it has gone into farmers' pockets. So, I think it is important to make that particular point. Also, there were a number of other areas that were identified in Promar, relating to the operation of the FMA, for example. It was supposed to look into ways in which it could reduce its operating costs. It was supposed to introduce measures to improve the marketing of products.

Also, there was a need to introduce farm assurance for the fatstock sector. The Department has been endeavouring to do that, in the course of the last 12 months, has been encouraging the industry to come forward with a way of introducing a proper accreditable farm assurance scheme. This has been delayed by the industry, for various political reasons. They have chosen not to progress with that.

So, I think it is very easy to throw the blame on the Government and say Government is doing nothing. This is an industry problem, and the industry has to deal with it. I am happy to support the industry and to work with them in dealing with that problem, and I, certainly, will continue to do so. But I think that the industry has to recognise that, if

we are going to move forward, we have to move forward together on all the issues that have been identified.

This Bill is the first step of a number of steps, in terms of legislation, that need to be taken, so that we can restructure our industry and have it in a much leaner and fitter form, ready for the potential loss of the derogation in five years' time.

I think, just to close, Mr Quayle, Hon. Member for Middle, did make a very clear statement, at the end of his speech, that Government has to take some kind of action. I would say that this Bill is clearly action. It may not be all the answers, but it is part of the answer.

In the Budget, the Government, approved by Tynwald, has increased the direct support going into agriculture by 4 per cent. That is not the most wonderful step forward, for an industry that claims to want substantial increases in funding, but 4 per cent is at least an inflationary increase for agriculture. That is not bad news.

We have won the derogation for five years. This time last year, we were getting very strong and very clear signals from Brussels that there was no case for us to have that derogation any longer for red meat. So, we have won that.

We are continuing to work on the stewardship scheme. We are working on a state aid policy, so that we are absolutely clear of what we have to notify and what we do not have to notify to Brussels, in terms of state aids.

As I said before, we are working with the industry on a very close basis – there we are (*Interjections*) and... Well okay, it is time for me to finish, then.

So, I do refute the charge that Government has to do something, the implication there being that Government is doing nothing. We are working very, very hard with the industry. Whereas in this job, you do not expect to get huge amounts of recognition, a little bit from the industry, now and again, would not go amiss.

I beg to move.

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

Audit Bill

Second Reading approved

5.3. Mr Earnshaw to move:

That the Audit Bill be read the second time.

The Speaker: Now Hon. Members, we move on to Item 3, Second Reading, Audit Bill. Hon. Member for Onchan, Mr Earnshaw.

Mr Earnshaw: Mr Speaker, I am pleased to be able to move this Second Reading of the Audit Bill 2006, which is promoted by the Treasury. The purpose of the Bill is to make new provision, replacing the Audit Act 1983, for the audit of accounts of public bodies, to amend the law relating to the audit of charities and for connected purposes.

Mr Speaker, in August 2001, following a request from the Public Accounts Committee that Treasury review the Audit Act 1983 and the Accounts and Audit Regulations 1984,

Treasury concluded, at that time, that changing the existing Audit Act 1983 and the Accounts and Audit Regulations 1984 was unlikely to prove worthwhile, and that enforcing the existing Regulations was an immediate and practical way forward.

Treasury, at that time, also, expressed the view that any new Act or Regulations should await local government reform.

Notwithstanding that position, Mr Speaker, it is now accepted that any reform of local government may not occur in the near future, whilst, over the more recent years, there have been several issues which required careful consideration and input into the debate. These included the following: the publication in the United Kingdom of the Accounts and Audit Regulations 2003, which presented a range of options for potential adoption in the local context; the progress through the House of Keys of the Audit (Amendment) Bill 2003 by my hon. colleague, Mr Karran, which, although defeated at its Second Reading, again raised the issues surrounding perceived weaknesses within the audit legislation, as it presently stands; attention drawn to the high profile incidents within local authorities, especially at Port St Mary, and, more recently, the circumstances at the Manx Electricity Authority.

Also, in this context, there is the continued failing of local authorities to meet the deadline for publication of their annual financial accounts. The publication of the Kissack Report into the affairs of Port St Mary Commissioners, similarly, commented upon several audit and accounting matters, which it recommended should be addressed, and raised the issue that, in 1996-97, a proposed overhaul of the Audit Act 1983 and the existing Regulations was abandoned, pending local government reform.

The Kissack Inquiry was, subsequently, followed by the Select Committee into Port St Mary Commissioners, which also put forward some recommendations to both the Treasury and the Department of Local Government and the Environment, for reform of the Audit Act. The Joint Report back to Tynwald, considered at the December 2005 sitting, contained a number of improvements for the supervision and governance arrangements of local authorities, brought about by the new Audit Bill and forthcoming Regulations.

Finally, the Corporate Governance Principles and Code of Conduct, as approved by Tynwald on 15th November, 2005, will also be enhanced and complemented by the Bill.

Each of these issues has assisted in focusing the hearts and minds of all who had an interest in the potential benefits arising from a fundamental revision of the Audit Act 1983.

Regarding consultation, Mr Speaker, the Treasury seeks to work with all public bodies towards the establishment of the best possible practices within the sphere of public sector accounting, governance and subsequent audit. To that end, Treasury established a working group which, under the Chief Internal Auditor, engaged with the community of all relevant public bodies, professional groups and practitioners, through early autumn, to seek opinion and comment. The contributions from respondents have been carefully considered in the drafting of this Bill.

Referring now, Mr Speaker, to the contents of the Bill, it will be seen that the most significant changes proposed are summarised, as follows.

The Bill promotes the publication of new Accounts and Audit Regulations to suit the Isle of Man situation. These are based upon developing accounting and governance

arrangements and practices in the adjacent isles, in terms of their application to our specific Isle of Man context.

It introduces separate arrangements, through the Regulations, to fit the appropriate needs for central Government, Statutory Boards and offices of Government and local authorities. In particular, they recognise and accommodate the appreciation that the amount of regulation should be appropriate to the size of a given authority.

It provides for the issue of Directions and Regulations by Treasury to Statutory Boards and local authorities to adopt or comply with Generally Accepted Accounting Principles (GAAP) and Statements of Recommended Practice (SORPs), in order to impose consistency and discipline, with an awareness that internationally accounting practices are under the microscope and may be subject to change.

It introduces and formally provides for the role of a nominated responsible finance officer, by way of the Regulations, thereby defining whose responsibility it is to prepare and properly submit prepared accounts for audit in a timely manner. It provides a clearer definition of the auditor's role and the statutory timescale for the audit process, with the intention of expediting the public scrutiny process and timely reporting to Tynwald.

It makes provision for the establishment of a consultative body, such as an audit committee, which is an established international best practice in both the public and private sectors. It is acknowledged that the Isle of Man Post, Manx Electricity Authority and the Water Authority have each already established their own audit committee.

It gives a clearer definition of the Treasury role and responsibility for ensuring local authorities' audit reports are laid before Tynwald.

It provides for the introduction of the concept of warning notices, special reports and extension of the provisions for extraordinary audit. These are preventative or corrective mechanisms, to mitigate the effects of any potential or actual irregularity occurring.

It, further, provides for less onerous audit requirements, in respect of the Island's smaller charities, whereby a charity whose gross income exceeds £5,000, but is less than £50,000, may opt to have its accounts examined by an independent person, whom it reasonably believes to have the requisite ability and practical experience to carry out a competent examination.

Any charity with a gross income up to £5,000 is, in effect, exempted from any audit or independent examination, while still being required to file its accounts in the General Registry.

The Regulations that will be made pursuant to the Bill, also, provide for the movement towards a formal statement of internal control and the external audit of such governance arrangements, which is the measure by which compliance and achievement of good governance and prudence may be judged.

To conclude, Mr Speaker, the Audit Bill 2006 seeks to bring our legislation up to date, by adopting the highest international codes of accounting, auditing and governance practices, whilst retaining our ability to acknowledge and accommodate the breadth of public sector activity within the Isle of Man, ranging from central Government Departments and Statutory Boards, through to our smaller burial authorities and registered charities.

The Bill, Mr Speaker, represents the first legislative changes to public bodies accounting and audit requirements,

since the Accounts and Audit Regulations 1984 were approved by Tynwald, on 15th January 1985. I trust that the Bill will be supported by Hon. Members of this House.

So, Mr Speaker, I beg to move that the Audit Bill 2006 be read a second time.

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

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

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

Mrs Hannan: Yes, I just rise to support the introduction of this legislation, both for introduction of the GAAP principles, and also for the comments relating to charities. The Department of Health and Social Security has a number of charities' endowments, as Members will be aware of, and we are trying, at the moment, to come to a joint agreement with the charities, so that the Social Services Division does not have to deal with them any more. I think this legislation will, actually, help the endowments committees understand what the principles are, surrounding these charities, and I think it will bring some sort of closure maybe to the situation.

The endowments committees are already registered with the Registry, under the Charities Act, so the principle in this legislation is most helpful in that instance. Also, the tighter scrutiny of legislative responsibilities within Departments, I feel, is a step in the right direction. I just welcome the Bill.

The Speaker: Hon. Member for Ramsey, Mrs Craine.

Mrs Craine: Thank you, Mr Speaker.

I, too, welcome this Bill. I think that, for too long, there has been a perception from within and outside that the accounting and financial regulations that are operating at the moment are not stringent enough. The contents of this Bill will provide for appropriate standards of regulation for various sectors of Government and that is to be welcomed and, certainly, it is also to be welcomed that there will be this standardised accounting system to meet GAAP and SORP requirements. That, in itself, will produce a degree of consistency, and I am very pleased to see that.

I, too, am pleased that the provision is made here, with regard to charities, because I have had a concern for some time that the audit requirements for charities, as it stands, at the present time, are so onerous (**A Member:** Hear, hear.) that we have had a situation where, with the smaller charities, which are, truthfully, the backbone of our community, have been heavily penalised by having to meet the most stringent audit requirements – so much so that they are almost in some cases spending more on their audit than they are actually creating (**Several Members:** Hear, hear.) through the year.

So, to have this legislation coming through, which takes a much more balanced and practical approach to those smaller charities, is to be welcomed. I note that, effectively, those who have less than £5,000 income in a year are going to be exempted. That is not to say, of course, that they will not be asked to balance their books, and to have an examination independently carried out – I am sure most charities would wish to have that carried out anyway – but it does provide a much more balanced approach to local charities, and that is to be very much welcomed.

All in all, I regret that it has taken as long as it has to get here, but, nonetheless, it is very welcome. I am very pleased that Treasury has been able to progress it thus far.

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

Mr Karran: Vainstyr Loayreyder, I will support the proposal for the Second Reading.

I am glad that we have tried to work together, and that some of the issues that I have raised have been put into this piece of legislation. I still think there are some issues that we need to address, as I see this is more than likely one of the most important pieces of legislation that we need to get sorted out, as far as Isle of Man Government is concerned.

I just ask the mover about the issue of whether there should be some sort of revenue audit, on issues when it comes to Government, when we are promised that a policy should only end up costing such an amount, and then it ends up costing us a complete different amount.

One of the concerns that I have with this Bill is that, maybe, we do need to look at whether this Bill needs to be broadened out, because there are some horrendous revenue liabilities that no-one who has the power in this Hon. House seems to be prepared to address.

The other issue that I feel that, maybe, there is a need for: I would also like, on the charities thing, if the mover can clarify that, if charities... Because of the problems with litigation nowadays, when you are dealing with children and you are dealing with things like minibuses, you have to be a charity by limited liability, because the opportunities to be dragged innocently into litigation are increasingly becoming a big problem.

I just ask, will companies that are guaranteed by limitation be on the same basis as the other companies, in order that, at the present time...? The problems that the Hon. Member for Ramsey is saying are quite horrendous, the liabilities. You have got people who can audit your books, who have been auditing for 40 or 50 years in some cases. In one particular charity I have, they can audit the books for that charity, because it is not by limited liability, but they cannot audit the other charity, which actually sometimes has less money than the charity that is not a limited company by liability. I would be interested to know whether the Hon. Member will be able to do that.

The other thing is I was wondering whether the Bill needs to put something in this Audit Bill, in order to help the Public Accounts Committee have better facilities, maybe to change things, so that this Audit Bill can actually help the most... the kingpin which there should be for audit, which is the Public Accounts Committee, as far as Government is concerned.

Vainstyr Loayreyder, I will support the Second Reading of the Bill. It is nice to see that issues that backbench MHKs raise have been recognised, and I hope that this will be a move further in the future, as far as that issue is concerned.

The Speaker: Hon. Member for Onchan, Mr Earnshaw, to reply to the Second Reading.

Mr Earnshaw: Thank you, Mr Speaker.

First of all I would like to thank my seconder, and I would like to thank Members for the general supportive comments, regarding this. I think everybody seems to appreciate and welcome what is being done to help charities.

I am, myself, involved with a number of charities, as

treasurer, through my former employment. I think it will be helpful to me, and I am sure there are other people in a similar category. I think, for some of the charities up to now, with very small incomes, the whole thing has been seen as overkill. It is very difficult to get a chartered accountant to look over the books. That will not be necessary now, if the income is under £5,000.

It is, of course, still possible to have the charity audited, if you wished, but it is not necessary. But the books will still have to be balanced – I think it was the Hon. Member for Ramsey, Mrs Craine, who referred to that.

Turning to my constituency colleague, Mr Karran, I do thank him for what he did in, I think it was, 2003-04, when he introduced his Private Member's Bill. Although it was unsuccessful, it has sparked part of the process here, so I think he is to be congratulated for the input that he gave on that occasion.

I think it all helps to add to the picture that we gradually build up, and that is what we have finally arrived at, this situation now, with the Bill that is before you for this Second Reading.

I regret to say, I could not quite understand his point about a revenue audit. If he would care to discuss this with me afterwards, I will do my best to resolve that situation. It may be a shortcoming on my part, but I was not quite sure what he was referring to with that.

He, also, requested information about the differentiation between different types of charities. This, strictly speaking, is an Audit Bill, so it is concerning itself with the audit of the accounts that are put before us. I think this is outside it: to the best of my knowledge, there will be no differentiation, but I cannot give any better answer than that.

I also refer to his comments about the Public Accounts Committee (PAC). I think, overriding that, we have a select committee – I am actually a member of the Select Committee which is examining the role of the Public Accounts Committee. Hopefully, through that body, that will bring out some helpful suggestions for the Public Accounts Committee, in due course.

I think that is all I have got to respond to, at the moment, Mr Speaker. Hopefully, this Bill gives the right touch in the right places. I hope it will be successful. I thank Members for their support.

I beg to move.

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

BILLS FOR THIRD READING

Sexual Offences (Amendment) Bill Third Reading approved

6.1. Mr Shimmin to move:

That the Sexual Offences (Amendment) Bill be read the third time and be sent to the Council.

The Speaker: Now, Hon. Members, we move on to Item 6 on our Order Paper, Item 6.1, Sexual Offences

(Amendment) Bill for Third Reading. Hon. Member for Douglas West, Mr Shimmin.

Mr Shimmin: Thank you, Mr Speaker.

This Bill has got two main objectives. The first of the objectives was the introduction of two important new criminal offences – that is, the abuse of a position of trust, and meeting following sexual grooming – both of which will be notifiable under the arrangements set out in the Criminal Justice Act 2001, concerning the Sex Offenders Register.

I think I am safe in saying that this aspect of the Bill has had the unanimous support of the House, and for that I am grateful.

The only issue that did arise in relation to these offences was the proposal from the Hon. Member for Onchan, Mr Karran, that a person in a civil partnership should be treated in the same way as a person who is lawfully married to a young person, over whom they held a position of trust.

As I said last week, at clauses stage, the House agreed it would be premature to insert such a provision, however much sympathy they may have, but this could be addressed if a future House approves a Manx Civil Partnerships Bill.

The other objective of the Bill was to allow the Island to comply with an international obligation under the European Convention on Human Rights, by equalising the age of consent for male homosexual relationships with that of other sexual relationships at 16 years.

I would reiterate that the consultation exercise on this Bill clearly stated that an equal age of consent for all people that was higher than 16 years would fulfil the Island's international obligations under the Human Rights Convention. However, there is no real support for raising the heterosexual age of consent.

Mr Speaker, I have been heartened by the level of support from the House for these provisions, and I would like to take the opportunity to thank Hon. Members, even those who did not support them, for the reasonable and pragmatic manner in which the issue has been dealt with.

Finally, I should mention the provision inserted into the Bill last week, when the House supported the amendment in the name of the Hon. Member for Peel, concerning the repeal of section 38 of the Sexual Offences Act 1992. It is obvious to everyone that this issue has proved more contentious than any other measure in the Bill.

I should emphasise, however, that I do not believe that parents or society have anything to fear from the repeal of section 38. I do not believe that any public body in the Isle of Man has the slightest intention of changing its practices. In the particular case of the Island's schools, I am sure that parents can rely on the professionalism of the Island's teaching staff to ensure that all such issues are dealt with sensitively and in a way that is appropriate to the age and understanding of the child or young person.

Mr Speaker, I do know that a number of Members of this House and some members of the general public do not agree with the repeal of section 38. I understand and accept that those people have sincere and deeply held moral or religious beliefs, in relation to homosexuality. Although I do not necessarily agree with those beliefs, I acknowledge the right of people to hold them.

However, I am grateful today, Mr Speaker, that those Members who may not have supported Mrs Hannan's amendment at clauses stage – indeed, may have forcefully registered their opposition to the repeal of section 38 – are

now prepared to support the Bill as a whole, at Third Reading, so that the important matters it does contain can be progressed.

Mr Speaker, I beg to move the Third Reading of the Sexual Offences (Amendment) Bill.

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

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

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

Mr Karran: Vainstyr Loayreyder, obviously, I shall support this Bill. I still think it was a missed opportunity that we did not go down the road of my amendment, as far as clause 38, on the issue of sexuality being educated on a non-judgemental basis.

That is what, in my opinion, it should have been. I am sorry it did not get more than two votes in this Hon. House. I think that is the way education should go on these issues, neither being pro or against the human sexuality, but having the opportunity to only bring the issues of criminality and disease, as far as education is concerned.

I shall support the Third Reading of the Bill as it stands, at the present time.

The Speaker: Hon. Member, Mr Shimmin, to reply to the debate.

Mr Shimmin: Thank you, Mr Speaker.

I really only have one thing to say, which is to put on record my appreciation and gratitude to all the staff of the Chief Secretary's Office for the way in which they have assisted me during this matter. They have always been totally professional in dealing with issues which, at times, have been quite sensitive – in particular, Anne Shimmin, who has been of enormous help in all the research and preparation for this Bill.

Mr Speaker, I beg to move.

The Speaker: Hon. Members, the motion before the House is that the Sexual Offences (Amendment) Bill be now read a third time. All those in favour, say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

FOR

Mr Teare
Mr Rodan
Mr Quayle
Mr Rimington
Mr Gawne
Mr Houghton
Mr Cretney
Mrs Cannell
Mr Shimmin
Mrs Hannan
Mr Bell
Mrs Craine
Mr Karran
Mr Corkill
The Speaker

AGAINST

Mr Anderson
Mr Henderson
Mr Earnshaw

The Speaker: Hon. Members, the motion carries, with 15 votes for and 3 votes against.

**Representation of the People
(Amendment) Bill
Third Reading approved**

6.2. Mr Cretney to move:

That the Representation of the People (Amendment) Bill be read the third time and be sent to the Council.

The Speaker: Now, Hon. Members, we move on to the next Item on our Order Paper for Third Reading, Representation of the People (Amendment) Bill, and I call on the Hon. Member for Douglas South, Mr Cretney.

Mr Cretney: Thank you, Mr Speaker.

I should like, first of all, to thank Hon. Members for their support during the consideration of the Representation of the People (Amendment) Bill, at clauses stage.

I should like, now, to summarise the purpose of the Bill and the issues addressed by it. The Bill will give effect to proposals to improve procedures in respect of elections to the House of Keys and the Board of Education. Some of these proposals originate from the Report of the Tynwald Select Committee on Elections to the House of Keys, which was received by Tynwald in April 2003.

Other proposals are the result of consultation with returning officers.

The Bill, as amended, now contains five clauses, which have the following effects:

Clause 1 changes the date of the dissolution of the House of Keys from the present date in October to August during each election year. The date of the election is set by the Governor for a day not earlier than the 28th day and not later than the 42nd day after the issue of the writ to the returning officers by the Governor. Thus the general election will then take place in mid-September.

These changes will take effect from 2011.

Clause 2 addresses a number of issues in relation to absent voters. Firstly, it is part of the audit of compliance with the European Convention on Human Rights. The Council of Ministers considered the issue of prisoners' voting rights. Council were advised that a situation where prisoners are disenfranchised, whether specifically by statute or effectively, due to the way the Act operates, would be in breach of article 3 of Protocol 1 to the European Convention on Human Rights.

This article requires states which are signatories to the Convention to hold free elections at reasonable intervals and by secret ballot. However, the provision of ballot services in the prison is entirely impractical, since a polling station would have to be provided for each prisoner's home constituency.

The proposed solution is to include prisoners in the categories of persons entitled to an absent vote.

Secondly, Council agreed that by making postal voting on demand an option, this may increase the number of persons casting a vote. Whilst I agree that it should be every elector's civic duty to go to a polling station, and cast his or her vote in the election, it needs also to be recognised that, in today's busy world, some people will find it difficult or impossible, due to business or other commitments, to set aside the necessary time.

The availability of postal votes on demand is one of a number of administrative changes to be introduced, which will make the election process more flexible and all

embracing. I am sure Hon. Members will agree this will benefit the democratic process on the Island.

A number of questions were raised at clauses stage, regarding this provision. I think I adequately covered them in my response at clauses, but, for the sake of the record, I will repeat them again today.

Mr Earnshaw asked whether this measure was merely an enabling provision. I would like to make it clear that, whilst this is an enabling provision, Regulations supporting the measure will be introduced to Tynwald no later than July, so that the complete package of legislation will be in operation in time for this year's general election.

Mr Gill asked about the scope of the Regulations and what security measures would be envisaged. I can advise this House that the drafting of the Regulations is advanced. In drawing up the Regulations, officers of the Chief Secretary's Office are looking at the statutory requirements and administrative procedures already in operation in the United Kingdom, and will draw upon the experience of election officers there.

The clause will require a returning officer to be satisfied as to the identity of an applicant for an absent vote. It is anticipated that one of the security procedures introduced by the Regulations will be the production of photographic identity to the returning officer – the obvious examples being a valid passport or driving licence.

To cover instances where these are not held by a voter, returning officers will be given the discretion to accept other forms of photographic ID, and I cite as an example, a 1-plus proof-of-age card, issued by the Office of Fair Trading.

Mr Speaker, clause 3 makes a technical change to section 27 of the principal Act, to restrict the period of validity of a proxy's appointment to one specific election. At present, there is a potential for abuse of the system, if a proxy's appointment is not revoked and both the voter and his proxy seek to exercise the vote at the same election.

Hon. Members will note that this proposal does not affect the other restrictions placed on proxies by section 27. For example, a proxy must be of voting age and must not be subject to any incapacity to vote. The person may not be appointed as proxy for more than two persons, unless he is a close relative, and an elector can only appoint one person as his proxy. As with applications to be treated as an absent voter, the Regulations will require a proxy to provide photographic ID to the returning officer.

A new clause was moved by the Hon. Member for Garff, Mr Rodan, which has the effect of reducing the voting age to 16 and the minimum age for a proxy, likewise, to 16. Hon. Members will agree that, in this matter, the Island is leading the United Kingdom, and that policy is consistent with the equalisation of the age of consent, which this Hon. House discussed in relation to the Sexual Offences (Amendment) Bill, only recently.

I would urge Hon. Members to support the Third Reading of this important piece of legislation, which will enable more sectors of the Manx society to engage with the democratic process. I thank Hon. Members for their support.

Mr Speaker, I beg to move the Third Reading of the Representation of the People (Amendment) Bill.

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

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

The Speaker: Hon. Member for Ramsey, Mrs Craine.

Mrs Craine: Thank you, Mr Speaker.

I do support this Bill at its Third Reading, but I do not do so unconditionally. The clause that gives me concern is that of clause 5, with regard to those being of the age of 16 being entitled to vote.

This gives me concern, Mr Speaker, because in the eyes of the judiciary, those who are aged between 16 to 17 are juveniles. Those 17 to 18 are young persons and they are not named. I fear that in reducing the age to 16, we are exposing young people to adulthood, and that does not always encompass areas that we would choose to have them exposed to.

I believe that it is generally accepted that you gain your vote with your age of majority, and the age of majority is regarded as the age at which you become an adult. I believe that this is, in effect, opening Pandora's box to an unwelcome side of adulthood, that we should be very careful about. I do wonder how far we are prepared to go down the line to exposing young people to adulthood. In that context, are we saying, within the next sphere of things, that we are prepared to alter licensing laws to allow young people to drink at 16?

These are the further considerations of granting young people the privilege of becoming adults. I would ask the House, are they prepared to deny those aspects? Whilst giving with one hand, we are still prepared to restrain with another.

With that, Mr Speaker, I just wish to register my concern about that particular aspect of the Bill, but otherwise give it my support.

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

Mr Karran: Vainstyr Loayreyder, I have to say that I totally agree with the previous speaker. I think it is totally wrong, as far as 16-year-olds. I think we are trying to make children adults far too early. They should be left as children, and I think it is wrong.

We have an age of majority at 18. I think that the points that the Hon. Member has raised about being a young person are very valid points. I feel that it is the wrong way to go, as far as the vote is concerned.

The next thing will be that we will have to lower the age, as far as drinking is concerned, because there is no real argument, then, as far as you are not really... 'You are adult at 16, why not?'

We are seeing here today that a person that actually moved the amendment to increase the age to 18 to sell cigarettes – that was me – finds himself in the position that we will be then saying that we will have to reduce it back to 16, because of the age of majority. Yet, we are going to be debating, all tomorrow afternoon, an issue where we are talking about the fact that we are going to inflict on the older generation, who have been brought up to smoking, are going to be stopped from being able to go into the traditional watering hole, as far as the issue is concerned.

We are talking about educating youngsters. We want to educate youngsters away from smoking, which is the right way forward – I think we all recognise that. It will make it even more contradictory that you can vote at 16, you cannot buy a packet of cigarettes till you are 18, you cannot drink at 18. I think it is wrong. I think kids should

not be forced to grow up too quickly, and I think the age, as far as voting is concerned, should remain at 18. I think it is about responsibilities and they should be not forced into this situation.

I am very tempted to vote against the whole Bill.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I just have one or two comments to make. I have been, generally, supportive of the Bill on its way through, to listen to the debate and Members' inputs, views, assessments. I am, certainly, very supportive of most things that can be done, to try and encourage a larger voter turnout and a greater degree of interest in elections.

However, we have got to a point now where I am starting to come down on the side of the views that have been advanced by Hon. Member for Ramsey, Mrs Craine and that of my hon. colleague opposite me. I think, what we have here, as credible as some of the Hon. Members think some of the ideas are, is what I can only see now as tinkering with the general election, in the main: reorganising dates, reorganising the age at which people are able to vote and other bits.

As far as I can see, as well intentioned as they are, they will not really address the main issue, and something I feel particularly aggrieved about are the points that I raised in the Select Committee that looked into this, all those years ago. My hon. friend, Mr Cretney is fully aware of those views, inasmuch that we should have been looking at the convenience of polling stations, amongst other things, their siting and the creation of centralised polling stations in the larger areas, where the working population are, especially; ideas, looking at how employees and staff could leave their areas of employment, with the blessing of the employer, for, say, half an hour – not in their lunch break, but given an extended lunch break, so they have got every convenient opportunity to go down and put their X in the box.

Somewhere that is easily accessible is one of the other criteria of that, Vainstyr Loayreyder, and the promotion of all employers throughout the Island, to ensure and remind their staff that they have got a free half hour to go and actually attend a polling booth.

My other idea was to address this situation from the other end, from the Department of Education side, with teenagers of 18 or over, or approaching 18. There should be a better awareness programme of these issues, and anybody who is 18 and still at school, obviously, should be supported to go and vote during the day, and actively encourage their younger peers to participate in the same.

But I think the polling booths is one of the biggest issues and it has failed to have been addressed here, Vainstyr Loayreyder, which I feel sorry about. Areas that are, as I say, easy for people to get to, convenient, they are allowed the time off from work to do it or other ways of promoting and encouraging people – we should have gone for that as well, and I think, then, we would have seen the increase in turnout that we wish to seek.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder.

There are some issues in this legislation which I do not really support, like bringing the date of the election forward. I

think it is going to end up with Members actually canvassing and trying to... (*Interjection*) well, during the summer, and it is going to be very difficult to find people. It is also going to be very difficult to get people out to public meetings and the like, during the summer.

I know there has been a Committee set up, and a Committee has looked at it, but there are other issues which are in this legislation.

I welcome the elections for prisoners, under Human Rights, I think that is a good step forward. The tightening up arrangements of proxy votes, I recognise that as well.

I, also, recognise some of the difficulties with regard to giving votes to 16-year-olds, but I do support it. If we look at what we do for 16-year-olds, at the moment, we allow them to drive! It was not, when it first came in, allowing people to drive at 16, but the power of vehicles now is quite considerable, especially when they are driving their friends, and they have not got the experience and the like. So, we allow them to drive; we also, with parental consent, allow them to marry; but they can, themselves, consent to have sex, legally; they can work full time; and they can pay tax.

So, there are two issues which I believe that we restrict them from doing and that is smoke and enter a public house to drink. I do not think we restrict young people from drinking before 18, and I do not think we restrict them from smoking at 16. I think what we do is we put in, in legislative terms, how we can protect young people.

There might come a time that that will also have to have to be addressed, but I think, at the moment, some of the issues which they are involved with are greater than the issues that we restrict them on, because they are able to, with various routes, enter into these two issues – not that I would want them to, but I know that some do, on a regular basis.

What we have to do is to try and educate young people as to the causes of health problems with smoking and, also, long term, with drinking.

So, I will be supporting this legislation, but with just those few comments.

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

Mr Rodan: Thank you, just a few comments, Mr Speaker.

The Hon. Member for Ramsey, Mrs Craine, talked about the young people and the 'privilege of becoming adult'. I think that was the expression she used, and I well understand quite the widespread feeling that, nowadays – and it has been in the last couple of generations, I guess – children, young people, could be said to be growing up too fast, being subject to the pressures of the world at an earlier and earlier age. I think that is something we just have to accept.

I think we, also, have to accept that, at age 16, young people take on, in a number of cases, the obligations and duties of adulthood, whether they like it or not. Reference has been made to some of these: the ability to sit a test and drive; the ability to have, legally, sexual relations and to marry; to pay tax; to pay national insurance; to join the armed forces – adult activities which are legal at the age of 16.

I accept that, in reducing the voting age and giving those who are obliged to accept such responsibilities at 18 a say in the democratic process that establishes those rights, or constrains or sets the limitations to those rights, and sets the law over them, in doing that, we may well be emphasising other anomalies.

It does not, for example, remove anomalies... I think the Hon. Member referred to the age of criminal responsibility at 17 and legal entry into pubs at 18. These anomalies remain, but it does remove what I consider to be a major anomaly, and that is not giving young people who have certain adult responsibilities at 16 the right to take part in the democratic process.

I think we have to accept that every age has and evolves its own standards and beliefs. For example, I think most of us have forgotten that the age of legal sexual relations was, until 1886, 13. It was raised to 16. Every age is different, views these things differently. I believe our age is ready to look favourably on the notion that certain young people will be capable and mature enough of taking part in the democratic process – not all young people.

I have never, ever claimed that this is an exercise to increase voter turnout. I do not believe it will have that effect, but it will enable those young people who are interested and mature enough to exercise a judgement in the matter, to actually vote at 16. There are certain young people more than mature enough and capable of exercising that judgement at 16 in the same way, as there are people not mature enough at age 18, not mature enough at any age you care to mention over 18.

Some will, some will not and the marvellous opportunity we have, as other speakers have referred to, is actually to put in place, through citizenship education and engaging with young people far more deeply in the school system, engaging a potential life-long involvement and interest in politics and in democracy. I think that is too good an opportunity to miss, at this time.

As the mover of the legislation, Mr Cretney, has said the Isle of Man, at the present time, is leading the United Kingdom, in this regard. The actions that we have taken in this House, in recent weeks, have certainly been noted far and wide and are, to an extent, setting the pace in such enlightened thinking in the adjacent jurisdiction.

Thank you, Mr Speaker.

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

Capt. Douglas: Thank you, Mr Speaker.

I have listened with great interest to the speakers this morning and, in recent times, I have taken the trouble to speak to a lot of young people. I spoke to a number, as recently as Sunday evening, the Southern Explorer Scouts, and they were enthusiastic and very keen. There was at least one budding politician there, who was putting me through the hoop over the Ballamodha. But I feel that we are rushing a little bit headlong. I did vote for it the last time and I still believe that, perhaps, the day is not far off that 16-year-olds should get the vote.

I wonder if the mover could actually confirm that there are no difficulties with... take protection. We have already heard the Hon. Member for Ramsey talking about not naming people in certain instances and are we going to have a hold up in being able to produce the electoral roll? I just wonder if we should not, in fairness to the youngsters, actually be giving better training and explanations of what the right to vote really does mean. There are a lot of things that would change, I think they have already been mentioned. Do we actually up the ante for 16-year-olds for crimes that they might commit?

I do not know, but that has got to be looked at, but there are a considerable number of very important issues that I am not sure that we have entirely addressed. If the hon. mover can actually convince me when he does his reply, then it could be that... I am wavering at the moment, sir, and I do think it is worthwhile, it is something... it has got to be not a reward, it has got to be earned, I think and I am just a bit concerned that we are bringing down the top age of childhood.

So, thank you very much, sir.

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

Mr Rimington: Thank you, Mr Speaker.

I supported the amendment to reduce the age to 16, without having given it a great deal of thought, at the time. I was partly in balance on the matter, but came out in favour. Since then, the matter has, obviously, been much more out there for public discussion. Whereas I am aware, in certain quarters, there are people who still feel that it should not have been, and that has been expressed quite strongly to me, in counterbalance to that, there have been a number of people who most definitely said this is a positive thing.

I, in conclusion, do think it is a positive thing and, like the Hon. Member for Garff has mentioned, this is not about forcing people to vote at the age of 16. Indeed, as we are quite well aware, no-one is forced to vote at any age. It is for those who wish to take part in the democratic process and there are children... indeed, I can think of some children even below 16, but we are not going to go that far. There are children between 16 and 18 who are very interested in the society around them and are very keen on what is going to happen to their future. I think we should have that right to try and influence them.

From my own perspective... sorry, not my personal perspective, but my views in terms of environmental matters, I think the bringing in of children or young people at 16 to 18 will enhance that matter in the body politic, (**A Member:** Hear, hear.) because younger people tend to look more to the future about society, and the direction it is going – what are they going to be left with by us oldies? – and what a good job we are not making of our present society. I think bringing younger people in with that view – and often they feel quite strongly in those areas – will actually help move the body politic in society, to actually taking on board its responsibilities in these wider, social and environmental issues. Often, as governments and politicians, we tend not to, because we are looking at the short term, whereas younger people, I think, generally, would be looking in the election process, at not, ‘What is in it for me?’, which I think is a tendency within our electoral system now, but would be looking at, ‘What is in it for the future?’, which I think would be a positive aspect.

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

Mr Quayle: Thank you, Mr Speaker.

Just a couple of points, really, to do with the Bill. The first thing is I will be supporting the Bill, now that it has been amended, although I am full of reservations in a way about the move of the general election. I would have preferred the election to have been brought forward from November to October. That would have been just in tune with the time

when the clocks changed, and I think that would have been a better time to have had the election, following the summer period, rather than to have it held in September.

The other point is that, as Tynwald Day is in July, the last sitting of Tynwald then, effectively, would be July, and would leave a shorter run-up to the general election, I understand.

The other point I would refer to is about the introduction of allowing the children of 16 then to have the vote. I am very supportive of this, I have been from the start. I think, in recent times, we have heard some excellent contributions on Manx Radio, (**A Member:** Hear, hear.) from some of the young people that have been interviewed.

This is not going to be for everybody. I recognise that, while some people have claimed that this is a measure introduced to try and boost the electoral numbers, it actually can be counterproductive in that respect, because it may well be that the larger majority of young people may not wish to vote. I know full well that for those who are keen and do take an interest in politics, then I feel sure that they will very much welcome the opportunity to contribute to their part in the electoral process.

So, I would just urge Members to hope that they can support the Bill as it now stands, as it is amended, to allow children of 16 to take their part in the electoral process, because I think, for all the reasons that have already been put forward, it is entirely appropriate that we bring the age down to 16, in this respect. I acknowledge the concerns that have been expressed there by other Members of this Hon. House, who, maybe, are feeling that it is not the appropriate time to do it. I very much think it is. I think the United Kingdom is actually almost taking a lead from the Isle of Man now, and I would imagine they will progress to introduce the age down to 16 across the water, as well.

The Speaker: Hon. Member, Mr Cretney, to reply to the Third Reading.

Mr Cretney: Yes, thank you, Mr Speaker.

If I can just address one technical point that Mr Henderson raised. Section 28 of the Act does require employers to afford reasonable facilities to vote, and if refused, they can be fined up to £200. So, there is a requirement in the existing law for that to happen.

If I say, Mr Speaker, I would like to agree with the comment that what we are seeking to do is not force people to vote. What we are seeking to do here is to encourage more people to participate, whether they are 16, 36 or 60, (**Mr Earnshaw:** Hear, hear.) whatever the age. What we need to do is make sure that the system is in place and the mechanics of elections are such that people can participate in whatever way they wish and that is what the prime purpose of this piece of legislation is.

It was good this weekend, Mr Speaker, to hear that others have the same objectives, particularly to ensure that we all have the discipline of an election. Some of us have had, on every occasion and others have not. I, personally, think there has been a complete over-reaction by some in relation to the vote at 16 proposal, I really do. I really think it has been completely over the top and will be seen outside... Whilst I accept that a number of people, in particular older people, have doubts about this particular proposal, I think, when you look at it in the context of other things that are happening, and it has been spoken about by others, whether they can pay

taxes, have sexual relations, join the armed forces, marry, drive vehicles, but, 'No you cannot vote at 16, boys and girls' – sorry, it does not stack up for me, Mr Speaker.

To me, if the education system... The education system, it could be argued, has yet to provide enough, in terms of sexual relations. It has got to do more – and Government as a whole has got to do more – in terms of young people driving, I recognise that. I think I have said lots of times that the biggest issue is young people driving, and we have seen the consequences of that.

So, the more we can do in education, as a Government and as a society, in those regards, the better. Both of those are, potentially, much more dangerous than allowing somebody to come along to a polling station and express a vote. I really fail to see how Hon. Members get so worked up about this.

I was heartened, Mr Speaker, as I think the Hon. Member referred to this week, to hear a group of young people, I think from St Ninian's High School, talking about this. Not all of them – I think one of them said they were not interested in voting – but every other one did say they were interested. I have said before, in this hon. place and elsewhere, young people are interested. They are interested in the environment; they are interested in animal welfare; they are interested in the war; they are, obviously, interested in facilities for young people.

Sometimes they feel, because they do not have the opportunity to have direct input, they are not getting the facilities that they would like to see and so, not only for them, but for those following, because sometimes it is seen, with respect, that some of us in here might be a bit out of touch, might be a bit detached from young people. That has been spoken of in other debates, as well. I do not think it is real, in terms of everybody, but that is something that is spoken of.

Can I just clarify for the Hon. Member for Malew and Santon, that the Attorney General's Office has confirmed that there is no problem with the electoral roll issue, in terms of the 16th birthday. They are perfectly happy and they see no problems with Royal Assent. That is, if we can get the thing through another place, some of whom seem to be a bit unhappy about this suggestion.

In relation to the convenience of polling stations, I could not agree more with the Hon. Member for North Douglas. I think that that is a matter that the returning officers have to consider very seriously. There have been examples at each election, brought to the attention of returning officers, and, again, it is back to the principle of this Bill, that they need to work with us and with the Chief Secretary's Office, to facilitate places which are accessible, which do allow for parking, which are reasonable places for people to go and vote.

I know there have been discussions with the Department of Education in terms of schools, for example, or parts of schools being used. The bottom line here is that we are seeking to open up, seeking to encourage, as many people as possible to be engaged in the democratic process. I think that is what we are here for.

I do hope Hon. Members will support me in this Third Reading.

Mrs Cannell and Mr Houghton: Hear, hear.

The Speaker: Hon. Members, the motion before the

House is that the Representation of the People (Amendment) Bill be now read a third time. All those in favour, say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

FOR

Mr Anderson
Mr Teare
Mr Rodan
Mr Quayle
Mr Rimington
Mr Gawne
Mr Houghton
Mr Cretney
Mrs Cannell
Mr Shimmin
Mrs Hannan
Mrs Craine
Mr Earnshaw
Capt. Douglas
The Speaker

AGAINST

Mr Henderson
Mr Karran

The Speaker: Hon. Members, the motion carries, with 15 votes for and 2 votes against.

Now, Hon. Members, it is an appropriate time to adjourn. Can I advise the House that I propose to take the Disability Discrimination Bill at 2.30 p.m., Hon. Members.

*The House adjourned at 1.02 p.m.
and resumed its sitting at 2.30 p.m.*

Disability Discrimination Bill

Clauses considered

7.3. Mr Rodan to move.

The Speaker: Please be seated, Hon. Members.

Hon. Members, as I advised when we adjourned, we now will move on to the Disability Discrimination Bill in the name of the Hon. Member for Garff, Mr Rodan, and I call upon the Hon. Member to move clause 1 and schedule 1, sir. Clause 1, schedule 1.

Mr Rodan: Thank you very much, Mr Speaker.

In part I of the Bill, part I and schedules 1 and 2 provide a definition of a 'disabled person' for the purposes of this Bill.

In clause 1, this clause provides the meaning of 'disability' and a 'disabled person' and empowers the Department to amend the definition of disability for the purposes of the Bill.

Subclause (1) provides that a person has a disability if he or she has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out day-to-day activities.

Provisions contained in schedule 1 supplement the definition. Paragraph 1(1) of schedule 1 defines a 'mental impairment' as including an impairment that results from a mental illness, only if such illness is a clinically well-recognised illness. Paragraph 1(2) provides that regulations may be prescribed for certain conditions to be treated as an impairment for the purposes of the Bill and for certain

conditions not to be treated as an impairment.

Paragraph 1(3) also provides that regulations may define the meaning of 'condition'.

Paragraph 2(1) explains that the effect of an impairment is long term if: (a) it has lasted for at least 12 months; (b) it is likely to last for at least 12 months; or (c) it is likely to last for the remainder of the person's life.

Paragraph 2(2) provides that an impairment that ceases for a period to have an adverse effect on someone's ability to carry out normal day-to-day activities is to be treated as continuous, if its effect is likely to recur.

Paragraph 2(3) provides that regulations may prescribe circumstances in which the likelihood of effects recurring is to be disregarded.

Paragraph 2(4) provides that regulations may prescribe that an effect that is not long term is to be so treated, and an effect that is long term is to be treated as not having a long-term effect.

Paragraph 3(1) states that a person with a severe disfigurement is to be treated as if the disfigurement has a substantial adverse effect on the person's ability to carry out day-to-day activities.

Paragraph 3(2) states that regulations may prescribe circumstances in which a severe disfigurement is not to be treated as having that effect.

Paragraph 3(3) states that regulations may make provision for deliberate disfigurement.

Paragraph 4(1) lists the day-to-day activities that an impairment is to be taken to affect as: (a) mobility; (b) manual dexterity; (c) physical co-ordination; (d) continence; (e) ability to lift, carry or otherwise move everyday objects; (f) speech, hearing or eyesight; (g) memory or ability to concentrate, learn or understand; or (h) perception of the risk of physical danger.

Paragraph 4(2) provides that regulations may prescribe circumstances in which an impairment is to be taken as having an effect on the ability of a person to carry out normal day-to-day activities and circumstances in which it is not to be taken to have that effect.

Paragraph 5 provides that regulations may prescribe circumstances in which an effect of a prescribed kind is to be taken as having a substantial, adverse effect.

Paragraph 6(1) provides that an impairment that would be likely to have a substantial, adverse effect in the ability to carry out normal day-to-day activities, but for measures taken to treat or correct is treated as having that effect.

Paragraph 6(2) defines measures including medical treatment and the use of a prosthesis or other aid.

Paragraph 6(3) provides that subparagraph (1) does not apply to a person's sight if the impairment is correctable by spectacles, contact lenses or in other prescribed ways or to any other impairment as may be prescribed.

Paragraphs 7(1) and 7(2) deal with people who are deemed to be disabled.

Paragraph 7(3) provides that a certificate of registration shall be taken as conclusive evidence of the matters certified on it.

Paragraph 7(4) provides that a document purporting to be a certificate of registration shall be taken to be valid.

Paragraph 7(5) provides that regulations may prescribe for descriptions of persons to be deemed disabled persons.

Paragraph 7(6) provides that regulations may prescribe that persons who are to be treated as disabled under subparagraphs (1) and (5) are no longer to be deemed disabled.

Paragraph 8(1) deals with progressive conditions. Where a person has a progressive condition such as cancer and as a result has an impairment that has or had an effect that is not substantial and adverse he or she shall be taken to have an impairment that has a substantial, adverse effect, if the condition is likely to result in his or her having such an impairment.

Paragraph 8(2) provides that regulations may prescribe for conditions to be treated as being progressive or not to be treated as progressive.

Subclause (2) provides that a disabled person is a person who has a disability in accordance with subclause (1).

Finally, subclause (3) gives the Department powers to amend schedule 1 to modify the definition of disability under the Bill.

Mr Speaker, I move that clause 1 and schedule 1 stand part of the Bill.

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

Mrs Hannan: I beg to second and reserve my remarks.

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

Clause 2 and schedule 2, Hon. Member.

Mr Rodan: Mr Speaker, clause 2 extends the protection afforded under parts I and II to persons with current disabilities to those who have had a disability in the past.

Schedule 2 modifies provisions of the Bill to cover past disabilities. Future regulations may include provisions for people with past disabilities. Provided that the disability was in existence at the time the act complained of was done, it does not matter that the provisions of the Bill were not in force at that time. For clarity, this clause provides that the relevant time when the person had a disability may be before the Bill was enacted and came into force.

Subclause (1) specifies that the provisions of parts I and II apply to people with current and past disabilities.

Subclause (2) explains that the provisions of parts I and II in respect of people with past disabilities are modified by schedule 2.

Subclause (3) permits regulations or orders under the Bill to include references and take account of people with past disabilities.

Subclause (4) means that, in any proceedings brought under part II, the question of whether and when a person had a disability shall be decided as if the clauses of this Bill or regulations and orders made under it had been enacted and in force at the relevant time.

Subclause (5) specifies that the relevant time may pre-date the enactment of this Bill.

In schedule 2, Mr Speaker, paragraph 1 deals with modifications to the Bill in relation to past disabilities.

Paragraph 2 modifies part II of the Bill to treat references to a disabled person as a person who had a disability.

Lastly, paragraph 3 modifies schedule 1, substituting in place of paragraphs 2(1) to (3):

'(1) The effect of an impairment is a long-term effect if it has lasted for at least 12 months.

(2) Where an impairment ceases to have a substantial adverse effect on a person's ability to carry out normal day-to-day activities, it is to be treated as continuing to have that effect if that effect recurs.

(3) For the purposes of sub-paragraph (2), the recurrence of an effect shall be disregarded in prescribed circumstances.'

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

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

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

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

Clause 3, Hon. Member.

Mr Rodan: Mr Speaker, clause 3 permits the Department to issue guidance about matters to be taken into account in determining whether an impairment has a substantial, adverse effect that is long term. The High Court shall take any guidance into account, if relevant, in determining questions of whether a person is or was a disabled person.

Examples and any guidance may include effects that are to be regarded as substantial and adverse. Further examples of substantial, adverse effect and whether they are considered long term may be provided.

The Department shall consult appropriate people about any proposed guidance and the approval of Tynwald is required before it comes into operation. The Department may revise, reissue or revoke any guidance.

Subclause (1) provides that guidance may be issued about matters to be considered in determining whether an impairment has a substantial, adverse effect on a person's day-to-day activities, or if so whether it has a long-term effect. Subclause (2) provides that any guidance may include examples of effects that it would or would not be reasonable to regard as substantial and adverse and, if so, guidance on whether it would be reasonable or not to regard them as long term. Subclause (3) requires the High Court to take into account any guidance that appears relevant in determining for any purpose under the Bill whether an impairment has a substantial and long-term effect.

Subclause (4) requires the Department to consult persons it considers appropriate before issuing any guidance.

Subclause (5) requires the Department to lay any guidance before Tynwald as soon as practical after it is made.

Subclause (6) authorises the Department to appoint by order the date that guidance shall come into operation.

Subclause (7) provides that the Department may revise and re-issue the guidance in whole or in part and by order revoke it.

Lastly, subclause (8) defines guidance as being guidance issued, revised or re-issued by the Department.

I beg to move that clause 3 stand part of the Bill.

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

Mrs Hannan: Vainstyr Loayreyder, I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the

House is that clause 3 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

I wonder, Hon. Member, if we can take clauses 4 and 5 together.

Mr Rodan: Thank you, Mr Speaker.

Moving on to part II of the Bill, this applies to providers of goods, facilities and services and to persons with power to dispose of premises.

In clause 4, this clause makes it unlawful for a provider of services to discriminate against the disabled person in relation to goods, services and facilities. The clause also applies to discrimination by way of victimisation against a person who is or is not disabled.

Clause 5, Mr Speaker, defines the meaning of 'unlawful discrimination' for a reason relating to a person's disability and sets out conditions that provide justification for less favourable treatment of a disabled person.

I beg to move clauses 5 and 6 stand part of the Bill.

The Speaker: Clauses 4 and 5, Hon. Member.

Mr Rodan: I beg your pardon – clauses 4 and 5 stand part of the Bill.

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

Mrs Hannan: I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the House is that clauses 4 and 5 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 6, Hon. Member.

Mr Rodan: Thank you, Mr Speaker.

Clause 6 sets out the circumstances where a service provider is under a duty to make adjustments if it is impossible or unreasonably difficult for disabled people to make use of a service.

I beg to move that clause 6 stand part of the Bill.

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

Mrs Hannan: I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the House is that clause 6 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Hon. Member, if you can take clause 7 and clause 8.

Mr Rodan: Thank you, Mr Speaker.

Clause 7 makes it unlawful for a person to discriminate against a disabled person when disposing of premises.

Subclause (1) defines that a person with power to dispose of premises unlawfully discriminates against a disabled person by treating that person less favourably: in the terms in which he or she offers to dispose of the premises; by refusing to dispose of the premises to a disabled person; by his or her treatment of the disabled person in relation to any

list of people requiring premises of that description.

Subclause (2) provides that the provisions that prohibit discrimination against disabled people by a person with the power to dispose of premises do not apply to an owner-occupier if he or she owns an estate or interest in the premises or wholly occupies them.

Subclause (3) provides that it is also unlawful for a person managing any premises to discriminate against a disabled person.

Subclause (4) provides that it is unlawful for a person to discriminate by withholding his or her licence or consent to dispose of premises in a tenancy agreement.

Subclause (5) provides that tenancies created before the passing of the Bill are also covered by subclause (4).

Subclause (6) provides the definition of 'advertisement' as to include every form of notice; 'dispose' in relation to premises as to include giving someone the right to occupy the premises and, in respect of premises in a tenancy, to include signing the tenancy and sub-letting or parting with the premises wholly or in part.

Subclause (7) provides that any act that constitutes victimisation may be taken against a person who is not disabled.

I beg to move clause 7 stand part of the Bill.

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

Mrs Hannan: I beg to second and reserve my remarks.

The Speaker: Can I just check, Hon. Member, you did move clauses 7 and 8, did you?

Mr Rodan: Oh, I beg your pardon.

The Speaker: No, it's alright, we will come back to clause 8, then. For neatness, we will just take clause 7. Hon. Members, the motion before the House is that clause 7 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 8, Hon. Member.

Mr Rodan: Yes, this clause sets out that small dwellings are exempt from the provisions of clause 7 in respect of disposal, managing and letting and withholding licence or consent. Small dwellings are defined within the body of the clause, Mr Speaker, and I beg to move, sir.

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

Mrs Hannan: I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the House is that clause 8 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Clause 9, Hon. Member.

Mr Rodan: Mr Speaker, clause 9 sets out the meaning of unlawful discrimination, in contravention of clause 7, as treating a disabled person less favourably for a reason which relates to the disabled person's disability.

Discriminatory treatment is justified if, in the reasonably

held opinion of the person with power to dispose of the premises, the treatment of the disabled person is necessary to avoid a risk to the health or safety of the disabled person or the health or safety of someone else; it is reasonable because the disabled person was incapable of entering into an enforceable agreement or giving informed consent; it is necessary in order for a disabled person or other occupiers to use a benefit or facility or is necessary in order for the other occupiers to use a benefit or facility.

I beg to move clause 9 stand part of the Bill.

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

Mrs Hannan: I beg to second, Vainstyr Loayreyder, and reserve my remarks.

The Speaker: Hon. Members, the motion before the House is that clause 9 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Clause 10 and schedule 3, Hon. Member.

Mr Rodan: Mr Speaker, clause 10 permits a person who believes that a service provider or a person selling, managing or letting premises, has unlawfully discriminated against him or her to bring civil proceedings in the High Court. In addition, if a person who believes that someone has aided an unlawful act of discrimination or who believes that an employer is liable for the discrimination by its employees under this part of the Bill, may likewise bring civil proceedings in the Court.

Schedule 3, Mr Speaker, provides that an act made unlawful by part II of the Bill does not of itself give rise to civil or criminal proceedings other than under clauses 10 and 11.

I beg to move that clause 10 and schedule 3 stand part of the Bill.

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

Mrs Hannan: I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the House is that clause 10 and schedule 3 stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Clause 11, Hon. Member.

Mr Rodan: Clause 11, Mr Speaker, sets out the powers of the High Court to issue non-discrimination orders against a party to proceedings not to commit any unlawful act under part II of the Bill and allows intervention by the Attorney General to refer any matter considered unlawful under part II of the Bill to the High Court.

Before so doing, the Attorney General may require written or oral representations from a party before making an application to the High Court for a non-discrimination order.

I beg to move clause 11 stand part of the Bill.

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

Mrs Hannan: I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the House is that clause 11 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Clause 12, Hon. Member.

Mr Rodan: Thank you, Mr Speaker.

Clause 12 provides that any term in a contract for the provision of goods, facilities or services or any other agreement is invalid if that term has the effect of frustrating the Bill with the exception of settlement of a dispute under clause 10. It empowers the High Court upon an application to modify in any way an agreement subject to the opportunity to make submissions being given to all persons affected.

I beg to move clause 12 stand part of the Bill.

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

Mrs Hannan: I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the House is that clause 12 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Clause 13 and schedule 4, Hon. Member.

Mr Rodan: Mr Speaker, clause 13 deals with alterations to premises occupied under a lease and sets out applicable rights of an occupying provider of premises of services in respect of proposals for the alteration of premises.

Schedule 4 deals with failures of an occupier to obtain consent from a lessor to make alterations to premises, reference to the High Court, joining lessors to proceedings and the making of subsequent regulations.

I beg to move that clause 13 and schedule 4 stand part of the Bill.

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

Mrs Hannan: Vainstyr Loayreyder, I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the House is that clause 13 and schedule 4 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Clause 14, Hon. Member.

Mr Rodan: Thank you, Mr Speaker.

Clause 14 permits the Department to make arrangements for providing assistance in conciliating in disputes under part II of the Bill.

I beg to move clause 14 stand part of the Bill.

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

Mrs Hannan: I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the House is that clause 14 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Clause 15, Hon. Member.

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

Clause 15 describes how a person may be liable for an act of discrimination by way of victimisation. Victimisation is an act of discrimination, where a person A treats person B less favourably than A treats or would treat anyone else whose circumstances are the same as B's, and A treats B in that way because B has brought proceedings under this Bill against A or someone else, or given evidence or supplied information about proceedings brought by someone else or done anything in relation to A, or someone else, arising under this Bill, or has alleged that A or someone else has acted in contravention of the Bill.

It does not matter if the allegation so specifies, or that A believes or suspects that B has done or intends to do any of those things.

I beg to move that clause 15 stand part of the Bill.

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

Mrs Hannan: I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the House is that clause 15 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Clause 16, Hon. Member.

Mr Rodan: Clause 16 makes aiding an unlawful act by another actionable in civil proceedings under the Bill. A person who aids another to do an act made unlawful by this Bill is to be treated as doing the same act as the person doing the unlawful act. If a person aids another to do an unlawful act, in his or her capacity as employee or agent acting for his or her employer or principal, and the employer or principal would otherwise be liable for that act, he or she shall be taken to have aided his or her employer or principal to do it.

This clause sets out circumstances in which a person is to be treated as not having aided another to commit an unlawful act, if the person enacting as he or she does, relies upon a statement of the other person to the effect that the treatment is not unlawful and contrary to this Bill and it is reasonable for him or her to rely on the statement of that other person.

Mr Speaker, I beg to move that clause 16 stand part of the Bill.

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

Mrs Hannan: Vainstyr Loayreyder, I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the House is that clause 16 do stand part of the Bill. All those in favour, please say aye; against no. The ayes have it. The ayes have it.

Clause 17, Hon. Member.

Mr Rodan: Mr Speaker, clause 17 sets out circumstances

in which an employer is held liable for the acts of his or her employees or agents acting on his or her behalf. An employer is to be treated as having done any act committed by an employee in the course of employment whether that employer knew of or had approved the act.

Anything done by a person B acting as agent for a person A, with A's authority to do the act in question, shall be treated as an act done by A. An employer who is potentially liable for an act committed by his or her employee can defend any claim, if he or she can prove that he or she had taken such steps as were reasonably practical to stop the employer either doing the act or doing the act of that description in the course of his or her employment.

Mr Speaker, I beg to move that clause 17 stand part of the Bill.

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

Mrs Hannan: I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the House is that clause 17 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Clause 18, Hon. Member.

Mr Rodan: Mr Speaker, clause 18 creates exemptions to the provisions of the Bill that have statutory authority or are in the interests of safeguarding national security.

I beg to move clause 18 stand part of the Bill.

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

Mrs Hannan: I beg to second and reserve my remarks.

The Speaker: Hon. Members the motion before the House is that clause 18 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Clause 19, Hon. Member.

Mr Rodan: Mr Speaker, this part of the Bill contains miscellaneous provisions including a clause on interpretation.

Clause 19 permits the Department to prepare codes of practice on any matter with a view to providing guidance on matters concerned with the Bill.

I beg to move that clause 19 stand part of the Bill.

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

Mrs Hannan: I beg to second and reserve my remarks.

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

Mrs Cannell: Thank you, Mr Speaker.

The particular clause refers to the Chronically Sick and Disabled Persons Committee. The title of this Committee is established under the Chronically Sick and Disabled Persons Act 1981, section 9(1), which states:

'A committee shall be established to be called the Chronically Sick and Disabled Persons Committee.'

The present Committee membership, which includes Mr Speaker as the Chairman, myself as Vice-Chair, together with other members from all walks of life, agree that the title is outdated, the name is outdated, and having been advised by the Attorney General's Chamber that the title is fixed by an Act of Tynwald and can only be altered by Tynwald, the Committee considered and took the following steps in order to try and get the title, the name changed.

In October 2002, we wrote to the Chief Secretary asking for the title to be changed via a Statute Revision Bill and wished the change to be made in that Bill to enable the Committee's name to be altered in the future by an Order to be appointed by Council of Ministers and Tynwald.

By November of the same year the Council of Ministers agreed the name could be changed and instructed the Attorney General to prepare a Bill. The Attorney General's Chambers responded that a suitable vehicle for a minor amendment of this nature would be the Social Services Bill, as it was likely that the Bill would go forward in 2003-04.

By February 2003, we then looked to the voluntary organisations with whom we meet on a regular annual basis, to ask them to recommend a new title for the Committee. This sparked quite a bit of interest and we had all manner of suggestions coming back. By May 2003, we recommended and the organisations recommended that the title, the name of this Committee be changed to the Tynwald Advisory Council for Disabilities, to which we all agreed.

To date, however, Hon. Members, the Committee has been waiting for the introduction of the Social Services Bill. As we have this Bill before us, and there is reference made to the Committee using its current name, it provided and presented an ideal opportunity for us to seek Hon. Members' support for the change of title for this particular Tynwald Committee.

If Members would support it today then it will move heaven for us, because we have been trying very hard for quite a number of years to get this minor change through in law.

So, I beg to move, Mr Speaker:

Clause 19

Page 19, lines 12 & 13 in clause 19(1): omit the words 'Chronically Sick and Disabled Persons Committee' ("the Committee") and substitute 'Tynwald Advisory Council for Disabilities' ("the Advisory Council").

Page 19, line 18 in clause 19(2): omit 'Committee' and substitute 'Advisory Council'.

Page 20, lines 25 to 29 in clause 24: omit the definition of 'Chronically Sick and Disabled Persons Committee' and substitute –

"'Tynwald Advisory Council for Disabilities' means the Advisory Council of that name established by section 9 of the Chronically Sick and Disabled Persons Act 1981, as amended by this Act, and formerly known as the Chronically Sick and Disabled Persons Committee, and "the Advisory Council" shall be construed accordingly;'

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

Mr Cretney: I beg to second.

The Speaker: Seconded.

Mr Cretney: As a former chairman of the Chronically Sick and Disabled Persons Committee, I do recognise that this is a logical change and something which causes no problem to anybody, but only assist.

The Speaker: Hon. Member for Garff, do you wish to...?

Mr Rodan: Thank you, Mr Speaker.

In respect of the amendment, as mover of the Bill, neither I, nor the Department, have any objection, in principle. I would simply ask that the mover of the amendment indicate: will there be any consequential amendments required to other pieces of legislation, because there are other Acts in existence which make reference to the Chronically Sick and Disabled Persons Committee?

It would be confusing, if there were one body with two titles running at the same time. It would, in that circumstance, I think, render it a little difficult for the Department to undertake its statutory obligation to consult on codes of guidance to the Committee stipulated in this Bill, if there was not that particular clarity. I would hope that would not be the case, but perhaps the mover could satisfy me on that point.

Otherwise, content to support the amendment, sir.

The Speaker: Mrs Cannell to reply to the amendment.

Mrs Cannell: Thank you, Mr Speaker.

I can put the hon. mover's mind to rest that the Attorney General's Chambers have actually cleared these amendments, and they are quite happy with them being inserted into this particular piece of legislation. So, if there was a requirement to then change the name in any other piece of legislation, then I feel sure that they would do it, because that is their job, after all.

The Speaker: Hon. Member for Garff, wish to reply, sir, to the clause?

Mr Rodan: Yes, I thank you, Mr Speaker.

I hear what the Hon. Member says. If I understand her correctly, she is saying that if there is a requirement to make consequential amendments in the opinion of the Attorney General, they will identify such and that will be done. Presumably that would be done at Legislative Council level and I just make that point, Mr Speaker.

If there are no such consequential amendments, I think we are content with the legislation leaving the House. I am always one who is of the view, as I think are many, that legislation should leave this House in as complete a form as possible, without, knowingly, any deficiencies or gaps in it.

Thank you, Mr Speaker.

The Speaker: Hon. Members, if I can ask the Secretary of the House to comment on this issue, as he has been involved.

The Secretary: Mr Speaker, the position is that the legislative draftsman, normally as a matter of routine, will include within the amendment any consequential amendments for other statutes. If perchance they do not, then, obviously, that is not entirely satisfactory, but it can be remedied in the

Legislative Council. That is the position, that this particular amendment was, in fact, cleared with the Attorney General's Chambers.

The Speaker: Okay, Hon. Members, I hope that clarifies the situation for you.

Therefore, Hon. Members, I have to put to the House that clause 19 stand part of the Bill. To that, I have an amendment in the name of the Hon. Member for Douglas East, Mrs Cannell. All those in favour of the amendment, say aye; against no. The ayes have it. The ayes have it.

I now put clause 19 as amended. All those in favour of clause 19, as amended, say aye; against no. The ayes have it. The ayes have it.

Clause 20, Hon. Member.

Mr Rodan: Yes, thank you, Mr Speaker.

Clause 20 allows the Department to appoint advisers to provide advice and assistance on any matters relating to persons who have had a disability. Advisers may be paid allowances or compensation for any loss of earnings.

I beg to move that clause 20 stand part of the Bill.

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

Mrs Hannan: I beg to second and reserve my remarks.

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

Mrs Cannell: Thank you, Mr Speaker.

I am pleased to see this particular clause. In fact, I am pleased to see all the clauses that are contained within this piece of legislation, (**A Member:** Hear, hear.) but particularly pleased with this one, because it says:

'The Department shall appoint such persons as it thinks fit to advise or assist it in connection with matters relating to persons who have had a disability.'

I just wonder though, in appointing such a person, in which way will it be undertaken? Will it be such as is the practice with many other consultation groups that come together from time to time to advise the Council of Ministers or a Department? Will it be advertised asking for appropriate people? Could it possibly include somebody who has got a disability? Or does the Department keep a register of such persons that it could draw upon to consult with from time to time?

The Speaker: Hon. Member for Garff to reply to the clause.

Mr Rodan: Thank you. I thank the Hon. Member for her questions.

The Department, in the day-to-day operation of its responsibilities, does work very closely with various persons from the voluntary sector. It has very good long standing working relations with such organisations and individuals. I feel certain that, in the first instance, there is on hand a ready source of advice available to the Department. If the Department judged that it wished further advice, perhaps of a more specialised nature, it has, I think, sufficient contacts with various spheres to allow that to happen and if advertising were the appropriate mechanism, I am quite sure we would do the same there, as well.

Thank you, Mr Speaker.

The Speaker: Hon. Members, the motion before the House is that clause 20 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Now, I wonder, Hon. Member, if we can take clauses 21, 22 and 23 together.

Mr Rodan: Thank you, Mr Speaker.

Clause 21 extends the jurisdiction of the Bill to the Crown and to the Department.

Clause 22 extends the jurisdiction of the Bill to Tynwald.

Clause 23 sets out the Department's powers under the Bill to make regulations which require Tynwald approval.

I beg to move that clauses 21, 22 and 23 stand part of the Bill, sir.

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

Mrs Hannan: I beg to second and reserve my remarks.

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

Mr Corkill: Thank you, Mr Speaker.

I apologise to the mover for not having raised this with him before, but it is something I have just read, as I have been re-reading the Bill. I am more than happy for him to comment at the Third Reading.

I will be supporting the clauses, as written, but in comparing the three clauses, in clause 22, in relation to this legislation applies to Tynwald, the Clerk of Tynwald is specifically mentioned as the person in subparagraph (2) of clause 22. Yet in relation to clause 21, where reference is made to applying this legislation to the Crown, it is non-specific, there is no person referred to.

Obviously, the Crown appoints a number of people within the Island, from the Lieutenant-Governor to Deemsters to the Attorney General. So, in the event of, say, the Isle of Man courts, this legislation applying to those environs, in the same way as, in clause 22, it is applied to our environs here, I just wonder why there is no specific reference to any individual as there is in relation to ourselves here?

So, it is a comparison I have made, as I have been reading these clauses and I just wonder whether the mover has got any comment to make on that. It just says Crown non-specifically, so who takes the Crown to task and what individual is taken to task in the event of non-compliance of this important legislation?

The Speaker: Mr Rodan to reply to the clause.

Mr Rodan: Yes, thank you, Mr Speaker.

Obviously, the writ of the Crown does not apply to Tynwald Court or its precincts, which is why the nominated person accountable would be, as the provider of this service, under the terms of this Bill, the Clerk of Tynwald.

As to the corresponding answer in relation to agents of the Crown or Government Departments or Statutory Boards acting on behalf of the Crown, it is correct, as the Hon. Member points out, that there is no specified person accountable for the service in question. I do not know the legal reason for that. I shall certainly find out and advise the

House, at the Third Reading stage.

The Speaker: Hon. Members, the motion before the House is that clauses 21, 22 and 23 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Clause 24 Hon. Member.

Mr Rodan: Mr Speaker, clause 24 is the interpretation clause and provides a definition of key words in the Bill.

I beg to move clause 24 stand part of the Bill.

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

Mrs Hannan: I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the House is that clause 24 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Clause 25, Hon. Member.

Mr Rodan: Mr Speaker, clause 25 provides that Tynwald shall bear the costs of any financial provisions. Tynwald shall pay for expenditure incurred by a Department under this Bill and any increase in other monies caused by the Bill in monies to be paid out under any other enactment.

I beg to move clause 25, sir.

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

Mrs Hannan: I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the House is that clause 25 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Clause 26 and schedules 5 and 6, Hon. Member.

Mr Rodan: Clause 26 specifies which enactments are amended under schedule 5 or repealed under schedule 6.

Subclause (1) states that those enactments specified in schedule 5 are consequentially amended.

Subclause (2) that those specified in column 3 of schedule 6 are consequentially repealed.

I beg to move that clause 26 and schedules 5 and 6 stand part of the Bill.

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

Mrs Hannan: I beg to second and reserve my remarks.

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

Mrs Cannell: Thank you, Mr Speaker.

Yes, again, Members will have before them the amendment that I am proposing within clause 26 which will affect schedules 5 and 6:

Clause 26

Schedule 5

Insert a new paragraph 3:

'3. (1) For section 9(1) substitute –

(1) An Advisory Council shall be established to be called the Tynwald Advisory Council for Disabilities (in this Act referred to as “the Advisory Council”).;
(2) For “the Committee” wherever it occurs in section 9 substitute “the Advisory Council”;
and renumber the subsequent paragraphs as 4 and 5.
Insert a new paragraph 6:
‘6. In section 16, omit the words “the Committee” and substitute “the Advisory Council”.’.

Schedule 6

In the reference to the Chronically Sick and Disabled Persons Act 1981 in the third column omit the words ‘the Committee’ and substitute ‘the Advisory Council’.

Again, it is to reflect the earlier decision taken, on the previous amendment, to actually change the name from the Chronically Sick and Disabled Persons Committee to the Tynwald Advisory Council for Disabilities.

I beg to move, Mr Speaker.

Mr Cretney: I beg to second, Mr Speaker.

The Speaker: Mr Cretney seconds.

Hon. Members, the motion before the House is that clause 26 and schedules 5 and 6 do stand part of the Bill. To that, we have an amendment in the name of the Hon. Member for Douglas East, Mrs Cannell. All those in favour of the amendment, say aye; against, no. The ayes have it. The ayes have it.

I now put clause 26 and schedules 5 and 6 as amended. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 27, Hon. Member.

Mr Rodan: Yes, thank you, Mr Speaker.

The final clause provides the title to the Bill and the process for it coming into force by Appointed Day Order. In moving clause 27, can I thank the House for their kind consideration of this quite complex legislation and for the support they have given to the clauses up to this point.

I beg to move clause 27, sir.

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

Mrs Hannan: I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the House is that clause 27 do stand part of the Bill. All those in favour, say aye; against no. The ayes have it. The ayes have it.

Hon. Members, that concludes consideration of the Disability Discrimination Bill.

Insurance Companies (Amalgamations) Bill

Clauses considered

7.2. Mr Teare to move.

The Speaker: We now move on to the Insurance Companies (Amalgamations) Bill. Hon. Member for Ayre, Mr Teare, clause 1, sir.

Mr Teare: Thank you, Mr Speaker.

This Bill represents an enabling framework and will require more detailed regulations to be brought into effect in order that the legislation can become operational.

Clause 1, ‘Orders in respect of the amalgamation, reconstruction etc of insurance companies’: clause 1(1)(a) empowers the Treasury to make orders concerning the amalgamation of two or more insurance companies and in respect of any insurance company continuing from the amalgamation process.

Clause 1(1)(b): under the Island’s Companies Acts, companies within the same group which are amalgamated as part of a group reconstruction may apply for a reduction in their corporation tax, by way of merger relief. This section empowers the Treasury to make orders concerning merger relief relating to amalgamations under this Bill.

Clause 1(2): an order made under this section may cover all aspects relating to the amalgamation of insurance companies, including the power to amend the provisions or any subprovisions thereof, insofar as they apply to insurance companies of the Companies Acts 1931 to 2004, the Insurance Act 1986 and the Limited Liability Companies Act 1996.

Clause 1(3)(a) and (b): an order made under this section may empower the Insurance and Pensions Authority in specified circumstances and for specified purposes to make regulations and give directions as required to give effect to this provision. Similarly, the Insurance Supervisor may also be empowered to give directions in this regard.

Clause 1(3)(c): an order under this section may prohibit any action or activity in connection with any matter, regulated by such an order, except as authorised by the Insurance Supervisor.

Clause 1(3)(d): an order under this section may make provision for enforcement and, in particular, may include the creation of offences punishable by a custodial sentence and/or fine.

Clause 1(3)(e): an order under this section may make provision concerning the liability of officers and others in respect of offences committed by a company.

Clause 1(3)(f): an order under this section may make provision for the review of decisions of the Insurance and Pensions Authority and the Insurance Supervisor acting under powers conferred upon it for him by the Treasury in accordance with this Bill, regarding applications for amalgamations.

Clause 1(3)(g), (h) and (i) set out certain matters for which provision might be made by an order, but also provides that any other matters may be included as deemed necessary by the Treasury to give effect to its orders and that these may contain consequential, incidental, supplemental and transitional provisions.

Clause 1(4) specifies that any order made under this clause must be laid before Tynwald as soon as practicable after it is made, and if it is not approved within two sittings, it shall cease to have effect.

Mr Speaker, I beg to move clause 1, sir.

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

Mr Earnshaw: Thank you, Mr Speaker. I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the

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

Clause 2, Hon. Member.

Mr Teare: Thank you, Mr Speaker.

Clause 2, 'Amendments', makes changes to schedule 3A of the Insurance Act 1986, concerning the transfer of insurance companies between domiciles, a process termed 'redomiciliation'.

This clause extends the type of insurance company that may utilise redomiciliation provisions to those providing insurance to third parties. It also transfers the authority to approve the redomiciliation of insurance companies to the Insurance and Pensions Authority. This is consistent with the amendments made in the Insurance (Amendment) Act 2004 in respect of other regulation-making powers under the Insurance Act 1986.

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

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

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

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

Clause 3, Hon. Member.

Mr Teare: Thank you, Mr Speaker.

Clause 3, 'Interpretation', clarifies the meanings of certain terms used in this Bill.

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

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

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

The Speaker: Hon. Members, the motion before the House is that clause 3 do stand part of the Bill. All those in favour, please say aye; against, no. The aye has it. The aye has it. *(Laughter)*

Hon. Members, we go on to clause 4, Hon. Member.

Mr Teare: Thank you, Mr Speaker.

Clause 4, 'Short title', provides for the Bill, when passed, to be cited as the Insurance Companies (Amalgamations) Act 2006.

Mr Speaker, I beg to move that clause 4 stand part of the Bill.

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

Mr Earnshaw: I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the

House is that clause 4 do stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Hon. Members, that concludes the Insurance Companies (Amalgamation) Bill for Second Reading.

MOTION

Windy Corner Deferment of DoT works until autumn Amended motion carried

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

That this House requests the Department of Transport to defer the works at Windy Corner until the autumn of 2006 by, if necessary, rescheduling other work.

The Speaker: Hon. Members, we now go on to Item 8.1, Windy Corner. I call on the Hon. Member for Ayre, Mr Teare, to move your motion, sir.

Mr Teare: Thank you, Mr Speaker.

I would hope that the Hon. Minister for the Department of Transport would not consider this motion which I have placed before this Hon. House today as representing an interference into the internal works of the Department. I feel sure that, after the Question which was posed by the Hon. Member for Ramsey, Mrs Craine, at the sitting of this House on 14th February 2006, he appreciated that there was considerable concern within this House and the wider community regarding the Department's proposals to close Windy Corner for a maximum of eight weeks.

I have to say that, whilst I appreciate the difficulties under which the Minister is operating, I feel that he has not acknowledged the pressures that this will place on the northern community, the people of Laxey, Michael and, indeed, the people of Onchan and Douglas. The original Question elicited further clarification from the Hon. Minister, but there are other issues outstanding and I feel that the matter has not been properly debated in the public arena.

I am led to believe that the Department is to delay the closure for a week to allow time for a temporary surface to be laid in Laxey. I assume that the works in that area will be put on hold or scaled down until completion of the Windy Corner work.

This will delay the completion of the work at Laxey until well into the summer season, and some work will still be underway during this year's TT festival. Work at Laxey will still be underway during the summer season and we await clarification as to the potential effect on the Manx Electric Railway.

The transport of slabs of concrete for the new prison from Douglas via the TT course to Jurby will increase congestion on the other only route into Douglas. The *Manx Independent* of Friday, 17th February, carried a public notice advising that the transport of pre-cast concrete slabs to Jurby would – and I repeat, *would* – involve considerable inconvenience and disruption. This is likely to result in more road users preferring Laxey as their alternative route. Traffic will be proceeding over a temporary road surface and the situation will be far from ideal.

The reason given by the Minister for undertaking the work at Windy Corner at this particular time of year was that it has been scheduled in the Department's work in progress and has been for some time. He has mentioned that the Department has plans to undertake major works at Braddan Bridge during the autumn. The case has not been made as to why the work at Windy Corner is essential and why, if it is deemed to be so, it cannot be deferred, at the earliest, until this coming autumn or indeed 2007.

To undertake the work at a time when there is congestion on the other routes, and when there is also a major risk the road will be closed for a protracted period through bad weather, is, to my mind, a high risk in itself, sir. One does wonder how the UK Highways Authority is able to undertake major work upon the UK's motorway system when the motorways are still open for traffic and, indeed, are able to complete major projects within a relatively short period of time. What alternative measures have been considered on a temporary basis?

I feel that by making this corner faster, we will merely move the problem down the road, if you pardon the pun, sir. The work undertaken at Quarry Bends in Sulby, some years ago, did result in an increase in accidents, as the roadworks enabled traffic to travel at a faster speed. To me, this latest proposal is déjà vu.

I was disappointed that the Minister, when he spoke on 14th February, did not confirm that he had sought tenders from the private sector for the work involved. It would seem to be a logical approach, if the work is considered to be urgent. His response was that the Department had the men available. One would have thought that the cost would be benchmarked, at least, against the private sector.

Additionally, this would give an opportunity to check whether the timescale, in terms of man days, was realistic. In terms of cost, I would assume that the Department will face extra costs when it suspends work at Laxey. How much are these extra costs going to be?

We were told the cost of the Windy Corner alterations would be £200,000. How much will the total cost of the revised Scheme be? To truncate the timescale, will the Department be working seven days a week?

I understand that the European Union is shortly to publish guidelines aimed at improvements upon the safety of roads within the European Union. Would it not be better to delay this work until these recommendations have been published, as we are regularly told that Government follows best practice? Do we not run the risk of having to revisit the work at a later date with further additional costs?

I will be interested, as I am sure this House will be, in the Hon. Minister's comments, but I would urge him to reconsider the Department's proposals and, at the very least, to defer the work on Windy Corner and the road closure order until the autumn of 2006 at the earliest.

In some respects, I would suggest that the work will be better cancelled altogether. If the Minister does have men available and cash in the Department's budget, I am sure that most, if not all, Hon. Members in this Chamber would be able to point him in the direction of essential work within their own constituencies, sir. **(Several Members: Hear, hear.)**

I beg to move sir.

The Speaker: Hon. Member for Ramsey, Mrs Craine.

Mrs Craine: I beg to second and reserve my remarks.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I wish to move an amendment at this particular juncture, which should just about be in the process of being circulated to Hon. Members. The amendment is self-explanatory and fairly straightforward. It does nothing to alter the substantive motion, but tacks something onto the end of it, which I will explain to Hon. Members now.

I, too, share the concerns that have been expressed by the Hon. Member for Ayre, Mr Teare. I cannot justify, in my own mind, the expenditure of £200,000 for road works at Windy Corner for all the reasons that the Hon. Member has just illustrated. As far as I can tell, Vainstyr Loayreyder, if you make the bend faster, the traffic is going to drive round it faster, and there is still going to be a risk of an accident, whether it be actually on the bend, above it or below it.

As Mr Teare has illustrated, the example of Quarry Bends is something I had in my notes to illustrate to Hon. Members. The faster, newer road stretch has tempted drivers to drive faster and, certainly, race faster on road-closed events and we have, unfortunately, experienced the tragic consequences of what has happened at Quarry Bends over the last few years.

I do not see any reason why the same thing is not going to happen round Windy Corner. We say we are going to take the camber off the road and it will make it safer. All I can see, Vainstyr Loayreyder, is that it is just going to make it faster and the problem will still exist.

To that, Vainstyr Loayreyder, I would say that I have to support the view that we should attempt some interim measures at the minute, just to see and assess what that would do, as opposed to expending £200,000.

The other thing that has driven me to produce the amendment, Vainstyr Loayreyder is the fact that we have just been through the Department of Health cuts/savings debate, where the Department has had to re-examine itself and look at ways to be more efficient and so on. I think, given the climate of Departments looking at themselves to be more efficient and look at what monies they are expending, prioritising and examining the projects that they have on the stocks at the minute, then I think, really, what we should be doing here is – and I will use the phrase that I often use – we are attempting a 'double Rolls Royce' solution to something that may not require that level high grade of project work.

To that, Vainstyr Loayreyder, my amendment reads:

After the words 'rescheduling other work' on the last line add –

'and when such works are re-visited in the autumn of 2006 that in the first instance and for a trial period of six months, and before any major scheme is implemented or large amounts of money spent, that double white lines be placed at Windy Corner, appropriate signage and a 40-mph speed limit be implemented at Windy Corner for this period and then evaluated to assess the effectiveness of such measures and as to whether £200,000 of work is actually necessary.'

I think that is pretty fair, Vainstyr Loayreyder. It gives the Department a chance to look at alternatives, without spending the money, and evaluate it accordingly from that. I feel, certainly, that more appropriate signage and chevrons

on the shoulders of the corner etc will actually help and caution drivers to a better degree that Windy Corner is or can be dangerous, if you are driving at speed.

That is the problem: people are attempting to get round there at 60 or 70 miles an hour, or worse, in some cases. The fact of the matter is that you cannot get round Windy Corner without effecting advanced driving techniques or 40 miles an hour. That is about the top limit I would put on it; otherwise, you are into advanced driver techniques.

That is the problem, Vainstyr Loayreyder: people are misjudging the corner or thinking they can rally car round it. Unfortunately, I do not feel it has got much to do with the camber. It is to do with people's ideas and notions of how they get round and what speed they can take it or show off, in some cases, as we found out. More adequate warning would firmly put that message in a driver's mind and I think it is worth evaluating.

I would also say, Vainstyr Loayreyder, that much has been made that, possibly, a private contractor could do it a lot cheaper and so on, I think we need to steer away from the notions of private contractors. Whatever the outcome of this, or whatever work has to be done, there is one thing for certain: I do know that the DoT teams, when they do a project, it is done to an acceptable high standard and to the proper standards, certainly as evidenced in my constituency earlier, with the St Ninian's realignment of the road and the new roundabout at Willaston corner. Contractors will always be able to undercut prices, because they can cut corners and do things to a lesser standard.

So, I would put that as a cautionary note back to the DoT that, in examining expenses, if we are having road works schemes, we are quite happy for the DoT teams to undertake the construction, because we know the standard that they can work to. When they have finished a job, it is usually well done and a safe project.

So, it is actually a false economy, if you are looking at private contractors sometimes. I can go on *ad nauseam* to illustrate certain private contractor jobs, that have actually... yes, they have been able to cut the price, but the quality has been cut as well, Vainstyr Loayreyder. So, that message needs to go back to the DoT and without further ado, Vainstyr Loayreyder.

I think the amendment is fairly self-explanatory. I hope somebody will feel able to second the amendment for me, so we can get it on the floor for debate.

Gura mie eu, Vainstyr Loayreyder.

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

Capt. Douglas: Thank you, Mr Speaker.

I am overwhelmed at the knowledge and the experience and expertise of the people in this Hon. Court, as far as the highways are concerned. (**A Member:** Hear, hear.) I thank them all for their comments, so far.

May I, first of all, say, Mr Speaker, that our priority within DoT is the safety of the people, the public who use the roads of this Island, first and foremost, number one.

Mr Speaker, I stand here in place of the Hon. Phil Braidwood, who is unable to be here today, and I think that Hon. Members last week received a briefing paper updating them, regarding the Department's revised plans for highway improvements at Windy Corner. I would like to elaborate on that paper.

The Windy Corner Improvement Scheme has been in the Highways Division programme since 2004, for the stated objective of removing hazards that are identified as contributing to accidents. The Department's objective is to reduce road and traffic accidents, particularly fatal and serious accidents, by at least 2 per cent per year. In order to achieve this objective, sir, we continually target the worst 30 locations where accidents regularly occur.

Windy Corner is currently the second worst site for road traffic accidents and, I would remind Members, that is 27 accidents, in the period from 1st January 2002 to 31st December 2005. That, of course, has been added to, in the last few weeks.

Further investigations have revealed that the corner is currently adverse – that is, a negative camber – and that the radius is not consistent. Although the Hon. Member for Ayre disagrees, his water test at Windy Corner against the professionalism of highway engineers who utilise a theodolite for topographical surveys would say otherwise. This adverse camber has undoubtedly been a major contributing factor in many of the accidents.

The improvements will provide a safer bend with positive camber and a constant radius, with enhanced signage and road markings. The Police have advised that the accidents at Windy Corner last month would have been less likely, had the new improvements been in place.

The Improvement Scheme received planning approval in 2005 and was included in the Highway Division's budget for 2005-06. It was not considered practical, due to the exposed location of the site, nor cost effective, due to the short daylight hours, to construct the Scheme during the winter period.

The works had been planned to start on 6th March. However, additional works to the MER crossings in Laxey agreed with the Department of Tourism and Leisure, to take advantage of the closure of the MER, due to the Summerland demolition, have extended the period of operation of the traffic signals at New Road and Mines Road.

This overlap was an unfortunate consequence of this work which the DoT had programmed for this winter. However, the DTL had promised a winter service for the MER. This will now alleviate the requirement for a further road closure in Laxey at the end of this year. So, you are talking about two closures for Laxey in one year, otherwise.

The Department had taken account of the concerns of motorists who would be diverted to the coast road from the Mountain Road during its closure. Due to good progress in Laxey, we have been able to adjust the programme of works in Laxey to enable the removal of the traffic signals by 13th March. However the contract will continue to work on site, on pavements etc, but off road.

The road closure of the Mountain Road has, therefore, been delayed until 13th March. There will be no disruption of traffic due to the road works in Laxey until the Windy Corner Scheme is completed, at the latest by 28th April. Works will continue in Laxey to enable handing back the two rail crossings to the Department of Tourism and Leisure, to enable the re-opening of the MER for the summer season.

The Department of Transport will then recommence reconstruction of New Road, including the installation of a new pedestrian crossing, with the programmed completion of all works in July, which is two to three weeks later than the proposed mid-June finish. The Department remains fully aware of the inconvenience caused to motorists and

businesses of road closures, but delaying the Windy Corner Scheme until the autumn has no advantage, now that the conflict with the road works in Laxey has been removed.

Mr Speaker, I would also like to emphasise that the Department cannot carry out the work at Windy Corner after the Manx Grand Prix (MGP) in September, as it is fully committed to the highway improvements at Braddan Bridge, which are due to commence on 4th September for eight months. It would be impractical to employ a private contractor on the Windy Corner Scheme, as a high proportion of the cost is wages, which has been included in the Department's revenue budget requirements for the year 2006-07.

Last week, the Hon. Member for Ayre threw a few red herrings into the debate, regarding the problems which we will be experiencing in Laxey during TT week, with the two way traffic signals in operation. I can advise Members that it was always the intention to remove these lights in Laxey during TT week.

The Hon. Member also mentioned the transportation – he has repeated it again – of the prefabricated concrete units to Jurby, which he said would cause congestion on the highway to Jurby. I can advise Members, sir, that the arrival times at the prison site in Jurby are 7.30 a.m., 11.00 a.m. and between 2.30 p.m. and 3 p.m. If a further trip is required, this is scheduled for 4.30 p.m. The times are arranged to cause minimum disruption to traffic and the end of the school day.

Mr Speaker, at this juncture, I would like to move an amendment, which I think is just about to come round, which I believe has been circulated, signed by the Minister, which reads:

Delete everything after 'House' and replace with 'endorses the actions of the Department of Transport in reprogramming their works in Laxey to remove conflict with the diverted traffic whilst the Windy Corner scheme is undertaken'.

I believe the Department has taken on board the views of various MHKs and the travelling public from the north, over the last few weeks, and have endeavoured to find a solution. The various meetings with designers, engineers and contractors to review the programmes of both the Windy Corner and Laxey schemes considered a number of options. The decision taken was to delay, by a week, the start of Windy Corner, to enable the highways work to be completed near Captain's Hill and the traffic signals to be removed in Laxey. Mr Speaker, this reprogramming will reduce inconvenience to the public.

However, the Windy Corner project is all about improving road safety at an accident black spot. There is no practical alternative to closing the road while this important work is carried out.

At this point in time, I would like to record my appreciation for the work carried out by the Department staff on the Island's roads and at the airport during the recent severe weather conditions. (A Member: Hear, hear.) The work is not only arduous, but is often dangerous, as was realised last Friday, when a Department gritter was involved in an accident on the Mountain Road. I am sure Hon. Members would agree with these sentiments and join me in wishing the two men involved a speedy recovery from their injuries. (Several Members: Hear, hear)

Finally, I cannot emphasise more strongly that the Department considered all options to try to keep the Mountain Road open during the highway improvements at Windy Corner. However, because of Health and Safety reasons, it was considered impractical due to the construction methods being used, restricted site and access, storage of materials and plant, site compound and cabin requirements and time constraints. It was not practical to allow traffic through the site.

I would urge all Members here to support the Department of Transport's amendment and put the interests of road safety above all other considerations.

Thank you.

The Speaker: Just to clarify, Hon. Members, that the amendment which is circulated, whilst it has Mr Braidwood's signature, is, in fact, moved in the name of Capt. Douglas. Hon. Member for Onchan, Mr Earnshaw.

Mr Earnshaw: Thank you, Mr Speaker.

I am in a similar vein to earlier speakers this afternoon: the Hon. Member for Ayre, Mr Teare, and the Hon. Member for North Douglas, Mr Henderson. I, too, want to question the need for this at all.

I think there are thousands of people, every day, go round Windy Corner and they go round quite happily, with no problem at all. I think there are a great many residents who would join me in questioning the need for this project. They are quite content, quite happy with the way Windy Corner is. It is just a corner like lots of others and I think a lot of people feel the money would be far better spent elsewhere.

The Minister recently presented a statement to us all. I do not recall it being circulated to Members. I cannot, in any case, recall the statistics precisely for the accidents, but I think we have had some subsequent information following his initial statement. I am not sure whether the problem is in the direction of Douglas to Ramsey or Ramsey to Douglas, because I do not think that was included in what was given to us.

Mr Speaker, we are told Brandish and Windy Corner are the Island's number one and number two accident blackspots; but, surprisingly, there are no signs whatsoever to that effect saying, 'accident black spot'. I think there are other places around the Island which say, 'accident black spot', but at those two, which are identified as number one and number two – and I have been up there and checked – there are no signs saying, 'accident black spot'.

So, my first question for whoever is going to respond on behalf of the Department is, why is there no signage, if it is such a dangerous place? I do know a lot about these corners, because I marshal for the TT races at Brandish Corner, and I marshal for the Manx Grand Prix races at Windy Corner. I have spent hundreds of hours at those corners, far longer than the engineers from the Department of Transport. (A Member: Hear, hear.)

Dealing with Windy Corner first, the Minister informs us that there is no camber. Well, I would say that he is seriously mistaken.

Mr Houghton: That is no surprise.

A Member: The voice of experience.

A Member: Put your money there.

Mr Earnshaw: The Hon. Member for Malew and Santon refers to his theodolite. I have not got a theodolite, but I did go up there to conduct a little scientific experiment myself, armed with a golf ball and Isaac Newton's theory. I stood on the side of the road where the marshals' shelter is, let the ball roll freely and it went to the other side of the road in about six seconds. That is a speed of about four feet per second, so it is quite quick for a flat surface.

I am quite prepared to offer the Minister a cheque for £100 for his favourite charity, if he can roll a golf ball from west to east on that piece of road. I do not feel that he is giving us accurate information regarding the camber. I do not think there is anything particularly wrong with the radius.

Turning to the question of visibility, this must be the most visible corner in the Isle of Man. There is a huge range of sight both ways. Vs in the bend will not make it safer in my view, but it certainly will make it faster. The Department's declared intent, around the Island, is to slow things down, so this just does not stack up.

My view, Mr Speaker, is that the Department are doing this to be seen to be addressing a perceived problem and, fair enough, they are acting or reacting to statistical information. I think it is going to provide a truck load of disruption to many, many people in the north of the Island, as well as in Laxey and in Onchan for probably no benefit. It is the usual plan of – I think it has been referred to by the Member for North Douglas – finding a Rolls Royce solution to a Ford Escort problem.

I would challenge the Department to look again at the problem and try thinking outside the box. I think they should leave the corner as it is, rather than making it faster. If they want to make it safer for a cheaper option, there is the opportunity to increase the gravel trap that is on the Douglas side of things and put another gravel trap on the Ramsey side of the corner. They can replace the walls with a fence. They could rebuild the marshals' shelter about 20 feet to the north of the existing shelter. That would be a fraction of the price that they are proposing to spend at the moment. They have the materials there and it is a lot cheaper than what they have got proposed. Also, they could put up warning signs which I referred to earlier. For all of this work, there would not be any need to close the road and there would be no disruption.

If the Minister or the Department want to bounce this back on me, be it on my own conscience if nothing is done, they can. I am not troubled by it. I am quite content my solution will be safer and slower than the one that they propose. I am quite certain that a faster bend will lead to more accidents.

I hope the Minister and his Department will go and look again, and I will go with him, if he likes. I am of a view, Mr Speaker, that the Department have other greater priorities than this, regarding the highways round the Island – places like Douglas Promenade and Peel Road are an absolute disgrace, and I think they should get on with these.

I have an amendment, which I think has been circulated to all. It is a very simple one, Mr Speaker, which I will read out:

Delete all the words after 'to' and insert in their place, 'abandon their plans to reprofile Windy Corner'.

I hope I can find a seconder for this. I beg to move.

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

Mr Rimington: Thank you, Mr Speaker.

I would like to second the amendment by the Hon. Member for Malew and Santon, Capt. Douglas.

I appreciate that this is causing a lot of people to have fairly wide-ranging views on the matter, but I can put it from the point of view that we have a road safety authority, which is the Department of Transport, in the same way as we have medical authorities who advise us on medical matters and we have regulatory authorities in other areas who advise us on such matters.

From time to time, we need to address those regulatory issues in a broader sense and question, are their policies right? Are we spending too much money in this direction or not enough money in a certain direction? We do not come in and start cherry picking on the particular items we like or dislike of what the professional people have made.

From my point of view, the Department of Transport has identified this particular section of road as one of its high priorities, in terms of road safety, and this is their recommended solution. It is not, really, in my view, the place of this Hon. House to try and overturn that or, indeed, in another place, in Tynwald. (*Interjection by Mr Karran*) (**A Member:** Hear, hear.) In a sense, you have to accept that there are judgements being made by professional people on road safety issues. That is important – this is road safety, it is accidents, it is potentially people's lives. Obviously, in the statistics that we have been given, one of those is down to excessive speed and the conditions.

Their recommendation is the measures that they would take to improve the safety of that corner and reduce the level of accidents. Indeed, as we have had the cost widely publicised of road accidents – what an individual accident or accidents in general may cost – it is not just about that particular isolated incident. There is a wider economic effect on the Health Service and on the families, etc, of any accident, then, in fact, £200,000 is quite a reasonable figure to reduce what are a consistent number of accidents on what is a dangerous piece of road. I think they are quite right to seek to do that.

They have, obviously, taken on board the concerns about disruption, especially through Laxey and so on, and have done all they can to minimise that disruption. I do not have cause to go on that road particularly, very often, because that is not where I live, but, from time to time, I have the pleasure of going up north. I do travel on the Mountain Road and I have independently, and before this issue came into the public arena, regarded Windy Corner as a dangerous corner.

The traffic along the Mountain Road moves, in general, fast. We are not talking about speedsters – people who are deliberately going at excessive speeds – but the nature of the road is a fast road. People are travelling from the Douglas conurbation to the north in a speedy manner, because it is a road without traffic lights and many impediments, and it does move fast and going round Windy Corner suddenly...

I have noticed the camber is wrong and there is a tendency – I have noticed it – to travel over to the other side of the road, because of that camber. My vehicle is not an excessive speed vehicle, I do not drive it at excessive speeds and, at 13 years of age, it is not a speedster type of vehicle. But, certainly, I have found that corner unsafe, and I was actually concerned going round it.

I believe what the Department of Transport is planning to do is right and that no amount of golf balls and bowls of water or whatever, in my mind, are going to countermand

the professional knowledge on the design of roads by people whose job it is and do it all the time. We should, in fact, be congratulating the Department of Transport in seeking to address this issue, because road safety on the Isle of Man and the number of accidents is a big concern.

If they have identified this as a key target, a key area for the purposes of safety, we should not see this as an opportunity to have a go at the Department and play politics and give them a good kicking; we should, actually, be congratulating them on getting on with the job which they are empowered to do and got the responsibility to do.

Therefore, I support the amendment.

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

Mr Houghton: Thank you, Mr Speaker.

I rise to second my hon. colleague, Mr Henderson's amendment, because, in addition to what has been said – and I am not going to repeat that in my speech, Mr Speaker – if time is given, it does two things. One is that the 40-mph speed limit was mentioned in the Hon. Member's amendment, and the double white lines can be properly evaluated. My hon. colleague has made good and comprehensive account of that.

I am also concerned, Mr Speaker, that in closing this road, which is stage one of the Department's mountain project, there is also a further road closure to be had in the future: that of Brandish Corner. (**A Member:** Hear, hear.) Although Brandish Corner is not up on the mountain, it is on the Mountain Road, which will mean a further road closure of the same arterial road.

I have spoken with the Hon. Member for Malew and Santon about this matter, who tells me that, currently, they have not got the plans in order to begin works on Brandish Corner and the appropriate land purchases etc.

So why do they not get on with the plans for Brandish Corner, see how they go on in the Hon. Member's amendment for trying this alternative situation? Then if it is deemed... after all of that second opinion and second view on Windy Corner, run them both together, so we have one single road closure, two jobs done. (**Mrs Craine:** Hear, hear.) Did the Department of Transport think about that? (*Interjections*)

Did they think about that, because killing two birds with one stone...? (*Interjections*) I live on the right side of Ramsey, as we say. (*Laughter*) I just feel so sorry for the residents of Ramsey and the north of the Island who have to traverse the TT course and all the dangers therein, and then a lot of the time go through Laxey and other ways, of course.

I happen to exercise my dog, Mr Speaker, in view of the long snake of traffic coming down the mountain from 7.30 in the morning, to come into work over the mountain. So, if we are going to cause or we have good reason for road safety – which we are all in support of, to a single person in this House – if we are going to do that, let us kill two birds with one stone and give the Hon. Member, Mr Henderson, good reason to see whether that could actually have a far greater effect, as far as that is concerned, than the cost of the £200,000.

Then give the £200,000 to the Hon. Member for Garff, Mr Rodan, who, rather than have a double headache that he has, at the moment, will have only a single headache, because he will have £200,000 for the Health Services, which I am

sure we would all support, and he would not have all that traffic going through Laxey, either.

Mr Rimington: What about Agriculture?

The Speaker: Hon. Member for Ramsey, Mrs Craine.

Mrs Craine: Thank you, Mr Speaker.

I think we need to stop and consider for a moment as to where all of this has come from. Going back to the very initial proposal that we had before us, of the road closure and the works at Windy Corner, and the reaction that that provoked and the reaction has come from the 3,500 traffic movements that people in the north and Ramsey make each day of the week, in getting to their place of business and home again, I have to say that I have had an overwhelming amount of correspondence on this matter and telephone calls – more than I have had in relation to section 38 or the Public Health (Tobacco) Bill. I think it is indicative of the anxiety that people have about this proposal.

When the proposal was first put before us, Mr Speaker, there were a number of unanswered questions, not least anxiety about how people were going to be able to travel through Laxey, with the road closures that were in place there. I am thankful to the Department of Transport that they have assured us that that issue would be resolved.

There was, in addition, no provision, at that stage, for the emergency services to be catered for. I was most anxious that, where we had a road closure in Laxey or a traffic lights system going through Laxey during rush hour, how would our emergency services access Douglas in a hurry? Thankfully, I am grateful, once more, to the Department of Transport that that issue has been recovered.

Mr Houghton: So, they had never thought about it, had they?

Mrs Craine: But we still have a situation where there is, nonetheless, a huge amount of disruption to people travelling to and from work. Where I think the Department has fallen down is that they have not explained to us the costs of putting in a lane alongside the work that needs to be carried out, to enable a one-way system or a traffic light system to enable traffic to travel to and fro.

We have been told the cost of the business itself. We have been told that it is impossible for the work to be carried out, for the safety of the workmen, whilst cars are travelling north and south. I appreciate and understand the concern that the Department has for its workers; but it remains a fact that many of us who travel across go up and down the motorways, where there are persistent road works –

A Member: They are three lanes wide!

Mrs Craine: – and they are managed.

The issue here is this does not seem to be a situation that the Department are prepared to attempt to manage. We have, and I have, had much correspondence and comment from the Ramsey Town Commissioners about whether this work actually needs to be carried out. (**Mr Earnshaw:** Hear, hear.) To that, I would say, we can all have our own opinion, (**A Member:** Hear, hear.) but our opinion has to be guided by professionals. I do believe that if they say the work needs to be carried out, then it needs to be carried out.

What I am concerned about is the manner in which it is being carried out and the timing that is being proposed. Despite the assurances that we have had from the Department of Transport, we still are faced, as we were on Monday during the snow, with people trying to get to work.

I was approached by one of the members of staff here yesterday who said it took her an hour to get to work from Ramsey; what on earth is it going to be like when we have the road closure? Yes, it is going to be a huge inconvenience, but we do not have the information, I do not feel, from the Department as to the elimination of the other alternatives. I do think that is where the Department has fallen down and given itself some criticism.

In referring to the safety of workers, there are also the issues of the safety of children who are being taken to school on those roads. The children of the Dhoon School, the children of Laxey School and all the villagers who live there. (**Mr Teare:** Hear, hear.) The additional pressure of traffic is, in fact, going to create a further safety issue in those areas.

I turn to my hon. colleague from Douglas North, Mr Houghton, and his comment about Braddan Bridge – that it is scheduled for September, and it would not be possible to reschedule that. I do not actually think that anything is impossible. His comments also that, in the not-too-distant-future, of course, the works at Brandish Corner have to be done. I wholeheartedly agree with him that, if we are going to close the Mountain Road and we have knowledge from the Department that the road is going to have to be closed again, surely this matter ought to be postponed until such time as the two sets of work can be done together.

This is where I do not see that the Department is relieving itself from criticism, because if we are going to... Once again, I am not disputing that, if the Department says the work needs to be done, then it needs to be done, but it is a question of timing and lack of inconvenience. I do feel that, if we are going to be facing a situation where Brandish is going to be closed in the not-too-distant future, please, can this be reconsidered and the two projects tied together? (**Mr Houghton:** Hear, hear.)

Thank you, Mr Speaker.

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

Mr Shimmin: Thank you Mr Speaker.

Like yourself, I am a bit battle hardened to some of these debates. I was the Member responsible when we did the work at Road Island roundabout and, for all of our friends from the south of the Island, they know what that was like, for about a nine-month period – not only the people from the south. That always affects the people coming in from the west, because, inevitably, any pressure at Quarterbridge, the primacy of the travelling public is coming from the south. Therefore Peel were backed up as far as Union Mills, and people from the south were backed up Richmond Hill, and it was a painful nine months.

At the end of it, you have a modern facility which actually takes a lot more traffic in a different direction to avoid and take some pressure off Quarterbridge.

Those of us living in and around Douglas have seen the total road closure around the roundabout on Ballanard Road-Willaston Corner, where, once again, we closed the road entirely for a four-week period, in order to do some

major excavation works to create the roundabout. The chaos that was going to be created there was untenable. Yet it was managed in a way which actually, once the pain was over, then people see a benefit of actual safer travelling movements.

I remember, one time, I was told that we were going to have to close Onchan village Main Road for up to a month, to do some 40-odd manhole covers that had been delayed for a number of years, because this is a main arterial route into Douglas and it was going to create chaos.

Mr Houghton: That is what we try to do.

Mr Shimmin: All of those, at the time, at a personal level were awful. The level of lobbying from individual Members and the public and the common sense or lack of, as perceived by the public, to do these things, the Department of Transport, at times, can get a little bit hardened to some of the criticism. That was a problem whilst I was there, and I am sure it still is on occasions: that they have a job to do, they have a limited timetable to do it and, therefore, some of the issues that all of us would like to see in the management could always be improved.

One of the biggest concerns I had, in the Department of Transport, was the amount of our budget that was spent on the TT course. People of this Island are here 52 weeks of the year. Every one of you in this Chamber will complain on behalf of your constituents about the quality of the roads. Yet, we have a 37-mile course which has to be done to a high standard for the four weeks of the year when the racing takes place. It is a totally disproportionate amount of the money in the Highways Division budget to go on the TT course.

I can assure you that the Department of Transport are fully aware of every one of the applications from all Hon. Members to try and improve their little part of the world. There is a budget there which is allocated in order to try and spend it as wisely as possible. Therefore, the priority will always be for those areas that have safety problems. Those are always the ones that have the biggest volume of traffic. It goes together, hand in hand, that the greater the number of vehicle movements, the greater the probability of potential accidents.

The Hon. Member for North Douglas, Mr Henderson, makes a plausible argument, but we are not talking about people who are driving around Windy Corner for the first time. As the Hon. Members for Ramsey will point out and agree, nearly everybody who travels on that road, Monday to Friday, has done so dozens, hundreds, maybe thousands of times. They are familiar with the road; yet, we still have a high incidence of accidents.

Putting signs and line marking there would be a lovely idea. It is the reality that most of the accidents on our Island are caused by poor driving. Speed is an element, the conditions are an element, but it is poor driving for the conditions that are pertaining at the time.

One of the often forgotten aspects of the Department of Transport was on the Castletown Road at Sunny Orchard, one of the major areas for accidents. What did the Department do? They engineered a safer solution which cut down a large number of accidents to nil. For a number years, there were no accidents at that location, when previously it had been a regular occurrence. That is because you have the ability to engineer safer roads which will acknowledge that vehicle drivers will make mistakes, but in a properly engineered road,

they are more forgiving, so that you can get away without it creating an accident so frequently.

I consider it extremely unfortunate and damaging to the economy of Ramsey and the people travelling from Ramsey that the roadworks have to be done. I feel sorry for every person who is affected by the roadworks, whether it be Laxey now or anywhere else, but you want it all ways, Hon. Members. There is a limited budget. We could spend all of that budget on dealing with potholes and minor issues, or we can actually make roads safer.

The junction at St Ninian's has taken a long time and been expensive, but it actually has the ability of moving traffic more smoothly through the St Ninian's traffic lights. Whenever you are coming in from Ramsey, over the mountain particularly, as pointed out by the Hon. Member for North Douglas, Mr Houghton, what happens? They come over the mountain at rush hour and then they line up in traffic for half an hour, trying to get through a bottleneck at Governor's.

That is where the delay is on the mountain, because the delays are always caused by bottlenecks, whether it be Quarterbridge, whether it be St Ninian's as was, whether it be Governor's Bridge, whether it be coming through the village of Onchan. As much as it will delay or add time by travelling another route, in reality the travelling movements from the north end up racing in order to get to a traffic jam at Governor's Bridge.

I do not know how many other Hon. Members went out over the roads on Saturday, hopefully not too many of us. What was happening up beyond Creg-ny-Baa with the road closed because of the conditions? We had 4x4 vehicles going up through the road closed signs, past the children on their toboggans, because it was good fun for them to go further up and see what it was like on the mountain. We cannot cater for everybody to do the sensible thing.

The road closure is necessary for safety. That has been acknowledged. The timing of it is necessary because, as the Hon. Member for Malew and Santon has already pointed out, eight months around Braddan Bridge area. You do not get a period longer than that in between the Grand Prix and the TT. The DoT's life is governed, to a great extent, by the timing of the races and the conditions.

Obviously, I am supportive of it. I do acknowledged that there are difficulties in managing these sort of schemes. I do not underestimate the concerns of the people involved, but I am afraid, one day, we are going to have to make a choice. The money that is given in to the DoT for revenue schemes is limited and we cannot, either on the workforce or on the money being allocated, carry out too many of these major schemes each year.

The Hon. Member for Treasury, Mr Teare, has talked about going out in the private sector and, certainly, the Department do, on occasions. We have a workforce which is paid their salaries annually, and we have to fully utilise them. If we bring in a private contractor, we have got a double hit. We have still got all the payment for the wages. We have still got to employ them doing something else, so that is just extra money. We have a workforce to do it. Their safety is required. The road can only officially be done by a closure, and I am afraid you are limited on the amount of times you can do it.

As much as play can be made about my compounding the problem with the prison vehicle movements, I am afraid, nowadays, as evidenced by the *Isle of Man Examiner* this

week, there are delays on all of our roads. It is no longer somewhere that you can move quickly in any direction, because you will always come up, if not alongside a prison vehicle, a tractor, a learner, a bus, a heavy goods lorry that has got nothing to do with the prison. There are not that many areas on the Island where you can get up and clearly have a faster moving level of speed to get you there any quicker.

I would urge Hon. Members to acknowledge the Department needs to look at its management of these schemes. Give it the opportunity to get the job done. Try and see a reduction in the number of accidents in this location and actually see that it is in the best interests of our public to do this work, not for fun, not for Rolls Royce solutions, but in order to safeguard the welfare of our people which, when I was Minister, and I believe the Department still holds as being the most important priority of the road safety area.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder.

That is a point I was going to make, made by the previous Member. The Department of Transport is not doing this for fun. It is not doing it to cut Ramsey off. It is not doing it to cause disruption. It is not doing it to cause accidents. In actual fact, it is doing it to try to prevent accidents, taking a practical measure to solve an issue which causes many people a very great deal of upset in regard to accidents.

You would think this was the only road that was going to be closed. You would think that no other roads had been closed. It is not as if Ramsey cannot get to Douglas by another road. You have only got to look: eight months for Braddan Bridge, not eight weeks. So, the traffic from the west to get into Douglas will be held up and it will, maybe, have to find another route and there may be a debate in this particular House that it should not go ahead.

If you are going to start off with an issue such as this and you are going to say that this should not go ahead, when it has been recognised as being an accident-prone area, and the engineers have recognised that something needs to be done to correct the faults in the road which have caused a problem for a number of people travelling on that road, whether they knew the road, whether they were regular users, whether it was for everyday use or whether it was for fun or travelling to work, the issues around this have to be addressed. I think we would expect that from a Department which is responsible for issues such as road safety.

The Member for Douglas North suggested – and I am sorry he is not here at the moment – that the £200,000 that is used on this could be spent to offset health cuts. Well, I am sorry, but that money would go nowhere, if there was another accident in this particular area, because the cost of accidents is quite exorbitant to the public purse. The sooner, I think, we recognise that, the better. There is also a disruption to people when there have been accidents. I think we should recognise that particular issue.

How do we deal with issues such as road safety? One of the biggest cause of deaths, especially to young people and children, is through motor vehicle accidents. I think the sooner we recognise that if we can do something to stop that carnage, then the better.

When I mention carnage, one of the international reactions, especially in the media, is to anything that happens in the Isle of Man on our roads because they just love to make a big issue of that. I think we would be in default ourselves,

if we did not recognise that fact, as public representatives.

It was said that it would take an hour to get from Ramsey to Douglas, or it would because the mountain was closed. I can honestly say that it has taken me, on a number of occasions, an hour to get from Peel to Douglas – when you meet a traffic hold-up at Union Mills and it is very slow because you have got all the other routes coming into the Quarterbridge and into the Peel Road.

I have to say that the travelling public sitting in a line of traffic are extremely...

Mr Anderson: Patient?

Mrs Hannan: No, not patient.

Mr Cretney: Single? Alone?

Mrs Hannan: – allowing people to get into and out of and round and through. Sometimes it just drives me mad, because they sit there and let people go and I am thinking, 'Go, go, go.' I see it at night when I go home. I usually go along Alexander Drive and people at the traffic there let people in on a regular basis and I just think that a majority of people driving today are very patient and will support others driving, as well.

I am just saying, you get into a traffic hold-up at Union Mills, and then it takes you half an hour to get through there. I do think that there is much more we can do with driving. One of the biggest complaints is that, 'my son or my daughter went to get their driving test and did not pass and they have been at it I do not know how many times.' Yes, it is a concern. I just breathe a sigh of relief, because that was how I felt about it, if they did not pass.

I think there is a lot more to do, but my conscience will not let me support this motion that is on the table today, and I will be supporting the Member for Malew and Santon.

The Speaker: Member for Garff, Mr Rodan.

Mr Rodan: Yes, Mr Speaker. I just want to make a few comments.

Quite frankly, in the years I have represented the people of Laxey, I have to say their patience is rapidly coming to an end. Whether the Mountain Road is closed for one day, one week or seven weeks, as is proposed in this instance, Laxey simply cannot cope with the tripling of vehicles through the village –

Several Members: Yes, that is right.

Mr Rodan: – whether that be through the village proper, where we have had roadworks since last September and were it not for recent pressure, the proposals to do away with single line traffic, I am quite sure would still have been in place, when the work was going on at Windy Corner. I am sorry to have to say that. I know that the long called for traffic calming, such as sleeping policemen, ramps on Old Laxey Hill and on Minorca Hill went in 10 days ago. That will help, but it will also, by deterring the through traffic from the north down those single, at best narrow lane, highways – narrow lane because of parked vehicles – all the traffic from the north will be channelled through the centre of the village, virtually single traffic because of parked vehicles.

The impact on both tripling of traffic past Dhoo School,

where, yes, there are traffic controls which are welcome, but in the case of pedestrians, both on Minorca Hill going to Laxey School and through the centre of the village, will be immeasurable.

There is a constant road safety issue whenever that Mountain Road is closed. I do not think the Department fully have taken the impact on board of that. Road safety is obviously a prime consideration for doing the work at Windy Corner in respect of the operatives there, but I do not believe, until recently, according to the evidence, anyway, that road safety of people in Laxey has been fully taken into account.

Having had all this disruption since last September, the Department is now proposing a delay of this week: the work was due to start yesterday. It is delayed until next Monday by one week to allow two-way traffic – or traffic-light-free passage of vehicles, shall we say – to go through the centre of the village. Now, that is welcome.

I am not convinced that the Department has said that the works would have gone on beyond TT, in any case, and into July. I do not believe that was necessarily the case, in view of the progress being made. It certainly will be the case now. Perhaps the Member could just confirm that again, but I am equally torn, because the motions, of course, with the exception of the one about abandoning the plans altogether, do envisage the closure of the Mountain Road sometime and if it is not to be now, it is to be in the autumn.

Well, quite frankly, that is going to prolong the agony, as far as we are concerned in Laxey. It will prolong it to almost a year. I can think of nothing worse than a seven-week closure again, after all this and after the summer virtually continuous. So, with all respect to my friend from Ayre moving the motion, I do not think that will solve my difficulty.

I know the difficulty remains of disruption to everyone travelling from the north and the case has been well made by the Hon Member for Ramsey, Mrs Craine, and the Hon Member for Ayre. The disruption and the inconvenience that will cause will be there whenever the Mountain Road is closed; it will certainly be there for the people of Laxey whenever it is closed.

On balance, my judgement is get the pain over now, rather than have a fresh bout in the autumn.

Thank you, Mr Speaker.

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

Mr Corkill: Thank you, Mr Speaker.

I found today's debate very interesting, because it has actually confirmed something that has been on mind now for the last year or so, which is that the infrastructure of the highways of the Isle of Man is definitely a rising political priority. It is something that the Treasury needs to get its head round, that in the years ahead there is going to be a requirement for considerable amounts of money. (*Interjection*) So, it is quite curious to me that the contributions from Members of Treasury today have effectively highlighted that to me, and I am not just playing politics with that.

I have thought for a long time that we have spent millions of pounds on a number of infrastructure issues throughout the Isle of Man, on a number of basic things, and highways is a basic infrastructure. It has fallen behind the standards that people consider to be acceptable, and why do they consider that now? It is because when you leave this Island, and you go to other places, you find brand new EU-funded highways

all over the place, and to some extent the Isle of Man has fallen behind in this particular area.

In many areas, the Island has shot forward from a position that we were 20-odd years ago, in terms of our economy, in terms of our infrastructure and what we deliver, but the one thing that has been left behind in my view that is now beginning to stand out and that is why I say it is a rising political priority, that of under-investment in our highways. I think the people of this Island are telling us, the representatives, that.

The fact that we have actually got this debate today: yes, it is about a specific issue on the mountain, but it has brought out the wider debate and, if you believe in democracy, we have got a message coming through here, Mr Speaker, coming from the people through us. I hope Treasury and the Isle of Man Government and the Council of Ministers are listening to that, because it is not going to go away.

The mover of the motion talked about pressures on the community and, yes, there is no doubt about it that this road closure will do that, and we have heard a lot about Laxey. I am one of the Members for Onchan. I could stand here and argue exactly the same for the main road of Onchan, for people trying to get off the bottom of School Road and the end of Ballachrink Drive, trying to get up off Royal Avenue, when you have got this tremendous flow of traffic coming through the village, which is a tremendous flow every morning and becomes even more so when the Mountain Road is closed. You get that when, recently, we have had the closure due to bad weather, and it is so very noticeable.

So, I am one of those people that come through that main road, trying to get down School Road. What do I do, Mr Speaker? I set off 10 to 15 minutes earlier, when I know the Mountain Road is closed. That is pressure on the community. It means I have to set the alarm clock a bit earlier. But people do adapt and most people, I am sure, can manage that. It is inconvenient and the Department of Transport understands that, Mr Speaker.

What has concerned me in recent weeks and months is that the DoT is being portrayed a bit as the bad guy, portrayed as the villain in all of this. One of the things that is very important, I think, to understand is that the DoT works in partnership with other Government Departments and other agencies of Government, it works in partnership with local authorities and we work around some of their issues. I hope that the Department of Tourism and Leisure understand that there are issues to do with this that are a knock-on effect, but it has been an attempt to facilitate the work and the functioning of other Departments.

So, I do not want the public in relation to this debate to think that the DoT does everything in isolation; it does not. It spends a lot of time talking to local authorities on road safety issues, and one of the things I remember, not so long ago, was that Ramsey Commissioners were being very politically active about road safety issues on the Mountain Road, because of certain tragic circumstances, but highlighting the need for safety improvements on the mountain. That was the Ramsey Town Commissioners, but it is backed up by data.

Even one of the Members who has talked against this today, or supporting that we do not do this project, my colleague from Onchan, Mr Earnshaw, actually said in his speech... well, he admitted that the logic of this Scheme was based on statistics. Well, it is. It is based on safety statistics, and so we are responding in a logical manner and it may not be, the decisions that flow from logic sometimes are not that

palatable, but we have to get on with them sometimes, and I think this is one of those.

Certain comparisons have been made with motorways by the mover of the motion and also by the Member for Ramsey, Mrs Craine. I have to say it is completely unreal to make a comparison between a UK motorway and our Mountain Road. True, we have drivers who drive up there as if it was motorway, but it is not. It is effectively a B-road, if you compare it to UK standards.

In terms of our workforce, I do not, as a Member of this House – forget Health and Safety regulations, they are there to followed – but as an individual, I do not expect our guys to be working up on the Mountain Road in the middle of winter, when it is not necessary, in the dark, when you have only got a few hours of daylight and it is not so safe. I certainly do not think we should have single-line traffic and people moving through, when, in fact, we have got a situation recorded in the Department of a road-working area where there was a 20-mph restriction because of roadworks and someone was clocked doing 100 miles an hour plus through it. Our workmen deserve more than that, in terms of safety.

It is a very restricted corner and I think my colleague, Mr Earnshaw, has got a valid point, when he says there are no accident black spot signs up there and maybe that is an omission that the Department (*Interjections*) could look at more, but Capt. Douglas says that they cannot be used. Of course, there is a very important sign up there, which is, 'Welcome to Onchan', (*Laughter*) because that is the boundary of Onchan.

What I was curious about in terms of this debate, Mr Speaker, is that certain alternatives have started to emerge and we are having a generic debate, but it is the very debate that the Department of Transport has already had internally. We had a list of other priorities surfacing, like the marshalling hut being moved, and other solutions being put forward, but none of them are costed. Yet DoT is being accused of not costing correctly, but, in fact, the costings are all in the Pink Book.

So, I think it is unfair to criticise us on the costings point, when, in fact, uncoded suggestions are being put forward on the floor, on an *ad hoc* basis.

Mr Henderson: A marshals' hut will not cost too much to move.

Mr Corkill: So, I think the amendment in the name of Mr Henderson is quite a challenge for those who are, perhaps, not wanting to follow the DoT line on things, because it will be the first time a speed limit has been introduced on a formal basis on the Mountain Road. I just wonder what sort of headlines that will attract in the TT press, and it is certainly something that, I think, those who are considering supporting Mr Henderson's amendment might want to consider, the impact of that. His argument, really, was: if you had a 40-mph limit everywhere throughout the Island, then you would not have to do any roadworks anywhere, if you take that logic further along the line.

There was another point, that Mr Earnshaw said, that the Minister had not circulated a briefing paper. Well, I got one on my desk. I do believe the briefing paper was properly circulated, but I think that should be put on the record.

Mr Earnshaw: Apologies for that.

Mr Corkill: The Hon. Member said it is a corner like

any other, or a corner like others, but the Police and the Highways engineers are saying it is not. They are saying that the curve and the camber are *not* normal, and I think Mr Rimington pretty much said that in his contribution. I was quite impressed that a car that runs on LPG can actually get up that high, (*Interjections*) but there you go. (*Laughter*)

I think there is this issue of emergency services, too, that the Member for Ramsey, Mrs Craine, mentioned. I was a bit concerned about that because, within the Department, it was always my view, when we started to be told about this road improvement scheme, that the emergency services had always been catered for and built into the scheme. So, I was a bit concerned to hear that, perhaps, that had not been the case.

Mr Speaker, there are two things that have really come home to me in this debate so far, and that is that this is all about safety. It is only driven by that and we have to manage everything else around that.

The other thoughts that come to me is what I have already mentioned, and that is that we will need to expend greater amounts on the highways. I was very interested to hear the mover of the motion talk about using private contractors to do this work as an option, and I think Mr Shimmin has said what the problem is, in relation to that, that we have a workforce and we pay that workforce and the majority of the cost is wages. We would be hit twice, in relation to that.

But if the Treasury was to seriously engage with the DoT, in relation to improving the highways infrastructure, we can continue to give all the work that we can to our own workforce, but there may be the opportunity to do a major capital scheme, over and above that, and get twice the work done, but not instead of our workforce. I think that that is an interesting thing I hope the Minister and the Treasury will take further.

Certainly, when I speak to the Minister on his return to the Island, I will be encouraging him to up the ante, as it were, because of this political interest. I think there is public sympathy for more money on roads, and I think that is what I will be recommending to the Minister on his return.

The Speaker: Capt. Douglas to reply to his amendment.

Capt. Douglas: Thank you, Mr Speaker.

I would like to thank all the people who contributed to this debate.

I thought my parrot was long dead on my shoulder – sorry, I should say this shoulder, Mr Speaker – but I have two today to contend with.

I think I am speaking to the –

The Speaker: You are replying to any comments to your amendments, sir.

Capt. Douglas: To my amendments, yes, thank you, sir.

Mr Cretney: Was it a Norwegian Blue?

Capt. Douglas: Acknowledging Mr Teare's comments, one good thing that has happened really, probably as a result of Mr Teare and the Ramsey Members being rightly vociferous on behalf of their constituents, is that it encourages us, I suppose is the word – if you call a kick in the pants

encouragement – to look even more at the situation. We have given it a good looking at, but we tried even harder, because that was the message that was coming out of this Hon. House. We do think outside the box and, in fact, there are plenty of boxes left over in the Department, if anybody would like some. We can arrange to have them sent to them.

Seriously, when you hear the concerns, you have to listen to them. We are not here – well, not down in Transport, particularly in Highways – having a séance round a crystal ball and saying, 'Where is the next golf ball going to come from or the next shell?' But it did make us think even more about the situation that we find ourselves in and we are charged – and it is the number one thing in Highways – with the safety of our people, all of our people, on the roads, the highways and the byways, of this Island, all of the time.

We cannot cherry-pick. We have to prioritise and we have prioritised. We have priorities and, of course, every now and again, they can be changed. In fact, there was quite a swift movement – I suppose, that is the best way of describing it, sir – up the priority list of Windy Corner and 27 accidents, amongst all the other accidents, on the Mountain Road... And it is not just the Mountain Road that has the accidents; 72.6 per cent of all accidents happen on the TT course, not just on the mountain.

But there is a reason. Douglas to Peel, from Quarterbridge to Ballacraigne, that is part of the TT course and it is the main route through to the west of the Island and back to Douglas. It is the same from Ballacraigne, through Kirk Michael, etc and that is just the way it is. The Mountain Road is a main route down through the Island to Douglas, so it is not surprising that we have a lot of accidents on the road, because it is used an awful lot and it is a good road.

Just picking up Mr Shimmin's comment, we do worry at the amount of money that we spend on the TT course, but it is a necessity, I suppose.

So, Mr Teare, I think, had, as I say, some good points. He made a point about not debating it in the public arena. Well, we did: we talked to people, we talked to our partners, and I suppose, if we have to do that, if we lose this motion, then we will be debating from now until Kingdom come. I certainly, for one, would not like to remain in the Department of Transport, because nothing would get done, if that is the case.

We have professional engineers and we are charged with looking after the safety of the roads and the people that use them. I suppose I should say that we have always invited people in. I know Mr Teare has been down at least once to the Department to talk about different things. Mr Earnshaw certainly has and there are a number of other Members who are more than happy to talk to people. I hope that long may it be that way.

I put a note down here when the Hon. Member for Ayre was talking and it says 'skyhooks', sir. We used to have a great supply of skyhooks at sea! When we could not move things around, we got skyhooks, and by a miracle, things got moved, but I am afraid I have not got any skyhooks in this case, and certainly not one big enough.

The UK highways: there have been comments made by a couple of Members about motorways etc. Yes, they do seem to get on with it, they work at night, they are three lanes wide, but I bet they do not listen to the people, as we listen to the people, which we do. Going out to tender has already been touched on, I think, as well. Mr Teare, if we go out and get extra people in, it is a double-hit for us and Mr Henderson

did, in fact, mention that when our chaps do a job, he was kind enough to say they do a good job.

Mr Henderson: They do. Excellent.

Capt. Douglas: Thank you.

I think if I move on next to my good friend, Mr Henderson, he says he wants to go home, but he is here till I get finished, I suspect. I will try and be as quick as I can, sir, but he made comment that we cannot justify the £200,000 expenditure. The latest figures now show that a fatal accident anywhere, here or on the adjacent islands... I believe we worked on figures of £1.3 million per fatal. It is a lot more than that now, we are told, so £200,000 to save a fatal – or that is the equivalent of three ordinary accidents, £67,000 each – is not a bad investment. We would be in profit after three crashes, I suppose.

Could I kill one myth? Mr Henderson has mentioned, and other people have, not only today but previously in this House, it is not to make the people on that road go faster. In some cases, people say the road is faster: well, our roads are glued to the earth's crust, sir, they do not move; it is the vehicles on them that move, and if I can just get acceptance for that, I would be quite pleased.

It may have been said outside of this Hon. House, sir, that two or three seconds will be knocked off the lap record. That might be the case, these boys are racing on completely closed roads and that might be a by-product of what we are doing. The fact of the matter is that road... our engineers tell us, it is not a good surface on it. Yes, you can go through that road on a motorbike. I would have to ask the Hon. Minister for Tourism, but I suppose, if you have got an open road and you are on a bike, you can go through at quite a high speed. I certainly would not like to go through it. Certainly, you can get round it at 30 miles an hour quite safely, if you are coming from Ramsey, but you try going round that corner towards Ramsey at 40 miles an hour, and you will soon find you are on the wrong side of the road.

Putting interim measures in, for the moment –

Mr Henderson: Hence my amendment.

Capt. Douglas: Well, putting interim measures in, for the moment: look at the cry we got, when somebody thought we were going to put – and we are still under consultation – 70 miles an hour on the Mountain Road. But here is a Member who is going to put 40 miles an hour on part of the Mountain Road, so you might get transferred to Highways, Bill!

Mr Henderson: I look forward to it!

The Speaker: Hon. Members, it would be helpful if, in fact, Members would refer to the Chair, and it is the Member who is addressing the House.

Capt. Douglas: Sorry, my apologies, Mr Speaker.

We cannot attempt a rolling programme, we have to work by priorities. We do have an accepted equation which has been developed by the officers within the Department. It took us quite a while to fine tune it, but, certainly, I know the Members of the Department are convinced that the equation that we have does work properly, and we do get a proper prioritisation.

Putting signs and chevrons etc, yes, that is an answer, but

then we have to contend with the TT Safety Committee, who say you cannot put a sign up there or you cannot put double white lines. That creates a difficulty for us, sir, (*Interjection by Mr Karran*) because we are using it for 48 or 50 weeks of the year, so we have to put up with problems like that.

Mr Cretney: You should not blame the TT for this.

Capt. Douglas: I suppose it is better if we can get the message across that we are doing this for road safety, (**Mr Cretney:** Hear, hear.) and I will probably mention that again and again and again, sir.

I thank Mr Henderson for his kind comments about the DoT team. It is possible contractors can undercut us, but our chaps, I think –

Mr Henderson: They will not do it to the standard.

Capt. Douglas: They will not do it to the standard, you said it, all through you, Mr Speaker, for us all. Thank you for that, Mr Speaker.

The debate seemed to be pretty humorous on occasions, here. I could hear chuckling and muttering etc, but this is a serious debate. It is probably one of the most serious debates that we have had in this House, since I have been here. It is about the one and only thing that we all treasure most of all: our lives and the lives of our families. There cannot be anything more serious than that, so if anybody thinks otherwise, well then, I will make no further comment, sir.

The Hon. Member for Onchan, Mr Earnshaw: yes, I acknowledge that he spent many hours sitting looking at the road. I am sorry that that seems to give you the feeling that you are probably better than our engineers, or as good as our engineers. I did have a vision of the Hon. Member sitting there looking in a crystal ball with, I think he mentioned, golf balls, I was not sure – some kind of balls, anyway, sir (*Laughter*) – but there are thousands of people, no doubt, as we have heard mentioned, going round that corner with no problem. They are not the problem: 85 per cent of all the people all of the time obey the rules and drive properly; it is just the odd ones that do not.

If I can mention about the reference to Mr Earnshaw, we are told that they do not use the accident black spot symbols now – that is the triangle with the black spot in the middle. They have gone, there are other methods of signage. Mr Earnshaw is probably right, it is the most visible corner in the Isle of Man. Well, how do you explain, if that is the case, all the people who end up in hospital? How do you explain that is the case? I do not know.

We have comments about the Rolls Royce solutions. Well, I like to think that, in the DoT and Highways, we try and do a Rolls Royce solution for every job – not all Rolls Royce solutions cost a lot of money. It is the care that comes into Rolls Royce solutions that I think is the important bit.

Mr Earnshaw mentioned about replacing walls. I have been up there with him, replacing the marshals' shelter and replacing walls. Those that think that is a gravel track to catch vehicles, that is not the case. It does work that way, sir, but it was not put there for that actually. It was to quickly fill in a hole in the ground on one occasion when they were hurrying up to get the TT course ready for the races, but it does the job and I am pleased about that.

Mr Earnshaw: If it works, do another.

Capt. Douglas: If I go to the Hon. Minister for DoLGE, Member for Rushen. I thank you for seconding the amendment, sir. You made some very good points, I think, we are the road safety Department and we cannot cherry-pick. We have to listen to what our engineers say, we listen to what Members say. If they say there is a problem, well, yes, it gets a fair looking at, but if it becomes a recommendation by our engineers to us, as the political Members, then we would be very foolish to ignore them, and I would suggest, sir, that anybody else who thinks it is worth ignoring our engineers' advice, then, please, think again.

I have mentioned, as the Minister mentioned, costs of accidents. He made a good point about taking on board the concerns of the disruption at Laxey – although the Member is not here – and I thank him for that, because we recognise that, as well. The camber is wrong, believe it or not, and that is why we want to do part of that job to set that straight. *(Interjection)* We cannot be playing politics with safety, and I would ask if people would let us get on with the job.

Mr Houghton, Hon. Member for Douglas North, seconded Mr Henderson's amendment. I do not think putting just a speed limit on and putting an interim measure on is going to work. It has got to be a little bit more than that.

He mentions Brandish Corner, about the plans. Well, I think he might have misheard me, I will forgive him for that, but we do have plans. We have three different solutions – four, actually – for Brandish Corner. We cannot move because we are compelled to own the land, when we start doing things like road widening. We have to make sure, in whatever means they use, that we actually own the land, so that is really disappointing to us, because we did even look at that. I think the Hon. Member for West Douglas seems to have a sore hand. Thank you.

Mrs Craine, thank you for your... She is not here, but I thank her for her comments. It ranged from... my emotions were up and down. I thought she was against, then she was for, but she made a good speech, and I thank her for that. But it is our own people on the Mountain Road that are killing each other, and that is a terrible, terrible thing.

A couple of comments here: she said if the professionals say it needs to be carried out, then it should be. I quite agree, but she makes a comment about the snow. That is a huge inconvenience, but we were not responsible for the snow. I have tried to control the weather for a long time, in my other life, but failed miserably.

Certainly, it is a good point to make that, if there is additional traffic at the Dhoon and Laxey schools, yes, the children can be in danger, but who are they in danger *from*? They are in danger from us. They are not in danger from the DoT – although we were in danger one day, sir, when our road safety officer had the wing mirror whipped off the side of her car, when she was parked outside Dhoon School. The lady who did it came back 10 minutes later and picked it up and still drove off.

Anyway, on to Braddan Bridge and Brandish Corner: yes, we will probably have to cancel Braddan Bridge, but I think, at the end of the day, I am hoping that good sense will prevail here, sir.

Mr Shimmin: I thank him for his very sensible speech. Other people have to put up with it elsewhere. The south have had more than their share over the years of delays and, again, I reiterate, we do not do it on purpose to annoy people; we do it because we have a job to do, which is called road safety. We can always improve, nobody is perfect, but

I would say there were some very good comments made by Mr Shimmin, and I thank him for that.

'Safer roads are more forgiving' is one phrase that comes out of it, and I do thank him very much for all his comments. I think they are very valuable, and I do appreciate what he said.

Mrs Hannan: thank you for your comments, Hon. Member for Peel. It is a practical job we are doing, and when you have accidents at that spot, or any other spot, it does give a great deal of upset to a lot of people, and if you start stopping safety, if the engineers are correcting faults and ask us to address them, and we do not address them, then that is not a particularly good way of doing things. Of course, DoT are expected to keep safety in mind all of the time.

I have mentioned costs of accidents. The biggest cause of death for young people – as the Hon. Member for Peel pointed out, and I thank her for that – is to do with vehicle crashes of whatever type. That is awful and the international media do make a big issue, of course, a couple of times a year, when something happens on our TT course. So, I do thank her for her support.

The Hon. Member for Garff, Mr Rodan: I am sure it is very irritating for the people in Laxey. They seem to get problems all of the time. It is one of the faults, I suppose, of living in an Island surrounded, as we are, by lots of water, but we do not have towns in the middle. All our towns and little villages are on the coast, so that brings with it... Its problems are virtually three sided, if you think about it.

He criticised the DoT for Laxey traffic delays. He does not believe that we have taken on board the impact of closing the mountain and throwing the traffic into Laxey. Well, I would disagree with him, but then, I would say that, wouldn't I, sir?

So, we just hope that we can get on with the job. We have a confidence in our men, although we are talking about the road being closed into the last week of April. I have a suspicion it will be opened a lot longer, because we have a very good workforce, and they are well aware of the situation. I hope that they will do as good a job as they did at the bottom of Johnny Watterson's Lane, at the junction with Ballanard Road. That was a real plus, and I think we got a pat on the back, at the time, for that, so I am looking for a pat on the back, if we manage it in a lot quicker time.

Mr Henderson: And your speech.

Capt. Douglas: Yes, okay, well, you have your share, you get on and say yours. Thank you, Mr Speaker. I am coming to a close.

It is – he is quite right, the Hon. Member for Garff – prolonging the agony with Brandish Corner. I have explained that, and I would be happy to talk some more with him on that matter.

The Hon. Member for Onchan, Mr Corkill gave his usual common-sense speech with great clarity. He made an appeal to Treasury: 'art thou listening, Treasury?' It is a point –

A Member: No, they are not!

Capt. Douglas: No, the Treasury are not here! Oh, yes, there is a Member here. Thank you. *(Laughter)*

I would like you to pass on through you, Mr Speaker, to Treasury our good wishes that they would listen, because we have an infrastructure second to none, with our banks and

our new buildings etc. It is time to get the roads sorted out. We have shot ahead, as Mr Corkill says, but highways have been left behind and so we would be looking for some capital support there. There are a lot of good things that he said.

With an eye behind me to the clock, (**A Member:** Hear, hear.) I would like to just say a couple more things, sir, that we do not do things in isolation and, again, we do it for road safety. Ramsey Commissioners: Mr Corkill is quite right. He did say that Ramsey Commissioners came out in favour of highlighting road safety on the mountain. I hope that they remember that, and we can see some improvements, because it is terrible to lose anybody up there.

I would like to just say that, in closing, Mr Speaker, this debate has been all about safety, not speeding and anybody – and I would include the media in this – if they think it is a debate about speeding, they are so wrong, sir. It is about safety first and foremost, and if this action at Windy Corner is done for nothing else, let it be done in the memory of those killed, because we are killing ourselves in the Isle of Man. That is awful, and we just need to be alert all the time. It is the second most dangerous corner.

I would, in closing, like to say, sir, that I salute our workforce, all of them, every man jack of them, and there are some ladies, as well. They work very hard. We are all grateful for them, when they come out to attend emergencies, along with the Police, and they deserve our recognition. I think this motion is safety-driven, very much, sir.

Thank you.

The Speaker: Hon. Member for Douglas North, Mr Henderson, sir, do you wish to speak to your amendment?

Mr Henderson: Yes, Vainstyr Loayreyder, I shall be as quick as I can.

The first comment I have got to say, Vainstyr Loayreyder, is that I am totally astonished, if not astounded, with some of the comments from my colleague opposite, Hon. Member, Mr Corkill, for his observations on my input and his special reference to the observations he made on the 40-mph suggestion. I would draw on the fact where he was illustrating something about the TT races.

Well, I think the sound voice of reason has actually almost, if not, committed political suicide with what he was insinuating there. What the Hon. Member has really highlighted is that if we have a 40-mph speed limit at Windy Corner, something terrible is going to happen to the TT, and God help us and so on. But, if you read between the lines, Vainstyr Loayreyder, what the Hon. Member has almost indicated is that we should not have a speed limit there, and we should let bikers rip round there at any old speed they like, whatsoever.

That is the problem, and that is the issue I have been highlighting as part of my amendment, Vainstyr Loayreyder, because if you go at any... unless you are in the actual TT races themselves, on a closed circuit, but any other time, if you attempt that corner, it does not matter whether you come from the Douglas side or the Ramsey side, I have found out, over many years, and many years living in Ramsey, that anything over 40 miles an hour and you are into advanced driver techniques. So, obviously, the Hon. Member is promoting private motorbiking over that bend and advocating the use of advanced driver techniques to get round that bend, and I think that is appalling.

The whole point of my amendment, Vainstyr Loayreyder,

was the fact that people are not respecting the bend. They are not aware of the actual sharpness of the bend, and they are not aware of their vehicle, when it enters into the bend. That is why, really, you need more signs and double white lines, etc, to give them a better reminder of what it is they are actually entering into, and to step on the brakes a little, and to be aware of their car. If it starts to move then, of course, you apply the brakes a little and drive round it properly at a speed that the car can safely get round the bend. That is what is lacking, Vainstyr Loayreyder.

The other point of the amendment is, if you put the £200,000 initiative in there, you make the corner faster. I take on board the thing about roads running faster, and it is the vehicles really, but I think everyone knows the point there. The drivers will be tempted to go faster round something that is more race-track prepared, such as the illustration of Quarry Bends, and that is what my point is, Vainstyr Loayreyder.

The other thing is my amendment allows the DoT to have all the safety measures they want, but let us assess it first, with some interim measures, to see if that helps the statistics, which I think are based on four years, rather than the one year that has been sent round by the Minister or gives the impression, so we need to be careful of that.

That is, in essence, what I am seeking, and I take on board that people are killing themselves on our roads, but why are they doing that? It is not a case of the roads; it is a case of people think that they can rally-drive and so on, and they have not got the advanced driver sense that they need really, and the awareness that they need.

So, let us try a little common sense here. If the Hon. Member for Malew and Santon's statistic rate still goes up at the end of it, then we still go on with the programme, obviously. But as I say, my amendment is applying a little common sense into it, Vainstyr Loayreyder.

The Speaker: Hon. Member for Ayre, Mr Teare, to reply to the debate.

Mr Teare: Thank you, Mr Speaker.

I would like to thank everybody who has participated in this debate today. It has been very varied, very many different interesting views, looking at the same problem from a different perspective.

What I would like to make clear is that I take safety seriously and I am not disputing that safety is the over-riding concern and issue here.

I would like to refer back to the Department's own statistics. Over four years, 27 accidents, a tragedy, but set that in context: over that four years, 7,300,000 traffic movements. So, it is not an inconsiderable number of traffic movements over that time. This is on some of the best-maintained roads on the Island, where we are told that 72 per cent of the Island's accidents occurred.

This, to me, is a good illustration that expenditure on well-maintained and high-class roads is not as effective as it might be, and yet, we are planning on more expenditure on another corner, for all intents and purposes, to make it go faster.

We are told here, again, that these accidents have taken over Windy Corner, but we have not been told whether the accidents which have occurred in these statistics occurred on the section that the Department is going to work on. Windy Corner is a generic area, but we are not told on the actual section that they are working on, how many accidents have occurred.

Let us go back to where we came in here. Trying to get information from the Department, up until this became a public debate, has been like trying to extract teeth with your bare hands. They would do Del Boy a credit: they have been ducking and diving, bobbing and weaving, and it is only since we put this motion down, and tried to move matters forward, that they suddenly clarified their thinking. I commend them for thinking, but it has taken a heck of a long time!

I would hope that they will learn something from this, that they need to consult with the community. I hear and I understand that they have spoken to some members of the community, but from the debate round here and the discussion, it does not appear that Members of this Hon. Chamber have been fully informed.

I think that Mr Henderson's motion has a lot to commend it. What he is saying, in effect, is let us try plan B first. Let us see how that works and let us, in effect, minimise our expenditure.

As I said before, expenditure does not necessarily improve safety, so his proposal has definitely got a lot going for it and, also, bringing forward both measures at the same time, and having a single road closure, which will encapsulate the work on Brandish and also Windy Corner, has a lot to commend it and to bring forward, in effect, two separate proposals at two different times, to me, does not seem to be logical.

I do not claim to be an expert. I have, as I said before, been unable to obtain facts, and what the Department is proposing does not solve the problem of disruption during TT week, in the other areas of the Island.

From my point of view, I feel that the Department should have consulted more. It is not an ivory tower, it is dealing with things that affect people's lives and the way forward.

Turning to Mr Rimington, he used the analogy of medical authorities, but surely, in medical circumstances, if you do not agree with the initial assessment, you get a second opinion. I would say that the Department has not got a second opinion here. They seem to be treating Members of this Hon. House as cannon fodder – we will agree with it, it will be alright. Talking to them has been like a dialogue of death. It is only when they see the whites of our eyes that they suddenly do something, and I feel, personally, that we have been treated with a certain amount of contempt here.

Mr Anderson: You get used to it.

Mr Teare: No doubt I will get used to it, if I get a chance after November, but I have to say it is frustrating, Mr Speaker.

I agree there has been a very strong public reaction here, which is the point brought out by Mrs Craine, the Hon. Member for Ramsey, and I feel that her comments illustrated flawed lack of planning on the part of the Department and I feel that the Department must manage its flow of information better and the way it undertakes tasks.

I agree with Mr Shimmin that the management of the Department can be improved, and it appears, from his comments, that he feels we are spending too much on the TT course already. I certainly agree, and this has come out on a couple of other occasions that the state of the Island's roads is concerning.

The point has been made that Treasury control the purse strings. Okay, Treasury might do, but we can only allocate the resources available, and we can only act within the

constraints laid down upon us, and the spending priorities determined by the Council of Ministers. It is almost like being in charge of a moneybox. We are told what to dole out, to whom and when – nothing more than that, so I would just like to put that one to rest, Mr Speaker.

Mr Corkill mentioned logic. Surely, again, it is more logical to undertake all the major work on a particular section of road at the same time, not to subject the people of this Island to an equivalent of the Chinese water torture. I would also make it clear, too, that I am not advocating privatisation, when I mentioned going out to the private sector and getting costings. It was just to benchmark the costs, and also to determine whether the timescales were realistic, nothing more than that. I did mention that in my opening statement.

So, Mr Speaker, to sum up, I think this debate has been a very useful exercise, it has raised a lot of issues. I must admit, I am still not comfortable with the Department's proposals. I think that, whilst they have moved forward, they have taken quite a few of the concerns of this Hon. House into mind.

They have not addressed the key issues, in that there is going to be further disruption at Laxey, over the TT period and, indeed, over the early part of the summer, and then they are going to come back again and have another bite, when they undertake the work at Brandish. To me, it does not seem to be a well-managed Department, and I realise it is easy to criticise the way that somebody else does a job, but from the outside looking in, it is not a pretty sight.

Turning to the Council of Ministers, it is interesting to see how few Members are currently in the Chamber. I feel that, whilst I may not win the count, as it were, I have won the moral argument.

Thank you very much, Mr Speaker.

The Speaker: Hon. Members, the motion before the House is that in the name of the Hon. Member for Ayre, Mr Teare. To that, we have two amendments, one in the name of Mr Henderson and one in the name of Capt. Douglas. I put to you, first, the one in the name of the Hon. Member for Douglas North, Mr Henderson. All those in favour of the amendment in the name of the Hon. Member for Douglas North, say aye; against no. The noes have it.

A division was called for and voting resulted as follows:

FOR

Mr Teare
Mr Houghton
Mr Henderson
Mrs Cannell
Mrs Craine
Mr Karran
Mr Earnshaw

AGAINST

Mr Anderson
Mr Quayle
Mr Rimington
Mr Gawne
Mr Cretney
Mr Shimmin
Mrs Hannan
Mr Corkill
Capt. Douglas
The Speaker

The Speaker: Hon. Members, the amendment fails to carry, with 7 votes for and 10 votes against.

I now put to you the amendment in the name of the Hon. Member for Malew and Santon, Capt. Douglas. All those in favour, say aye; against no. The noes have it.

A division was called for and voting resulted as follows:

FOR

Mr Anderson
Mr Quayle
Mr Rimington
Mr Gawne
Mr Cretney
Mr Shimmin
Mrs Hannan
Mr Corkill
Capt. Douglas
The Speaker

AGAINST

Mr Teare
Mr Houghton
Mr Henderson
Mrs Cannell
Mrs Craine
Mr Karran
Mr Earnshaw

FOR

Mr Anderson
Mr Quayle
Mr Rimington
Mr Gawne
Mr Cretney
Mr Shimmin
Mrs Hannan
Mr Corkill
Capt. Douglas
The Speaker

AGAINST

Mr Teare
Mr Houghton
Mr Henderson
Mrs Cannell
Mrs Craine
Mr Karran
Mr Earnshaw

The Speaker: Hon. Members, the amendment carries, with 10 votes for and 7 votes against.

I now put the motion, as amended. All those in favour of the motion as amended, say aye; against no. The noes have it.

A division was called for and voting resulted as follows:

The Speaker: Hon. Members, the motion, as amended, carries, with 10 votes for and 7 votes against.

Now, Hon. Members, that is an appropriate time to adjourn. The House will stand adjourned until 2.30 p.m. tomorrow afternoon, Wednesday, and we will deal with the remaining Item on our Order Paper.

Thank you, Hon. Members.

The House adjourned at 5.25 p.m.