

REPORT OF PROCEEDINGS OF TYNWALD COURT

Douglas, Tuesday, 4th December 2001
at 10.30 a.m.

Present:

The President of Tynwald (Hon N Q Cringle). In the Council: Hon Mrs C M Christian, Messrs E A Crowe, D F K Delaney, J R Kniveton, E G Lowey, Dr E J Mann, Messrs J N Radcliffe and G H Waft, with Mrs M Cullen, Clerk of the Council.

In the Keys: The Speaker (the Hon J A Brown) (Castletown); Mr D M Anderson (Glenfaba); Hon A R Bell and Mr L I Singer (Ramsey); Mr R E Quine OBE (Ayre); Mr J D Q Cannan (Michael); Mrs H Hannan (Peel); Hon S C Rodan (Garff); Mr P Karran, Hon R K Corkill and Mr A J Earnshaw (Onchan); Mr G M Quayle (Middle): Messrs J R Houghton and R W Henderson (Douglas North); Hon D C Cretney and Mr A C Duggan (Douglas South); Mr R P Braidwood and Mrs B J Cannell (Douglas East); Hon A F Downie and Mr J P Shimmin (Douglas West); Hon D J Gelling (Malew and Santon); Messrs J Rimington, Q B Gill and Mrs P M Crowe (Rushen); with Mr M Cornwell-Kelly, Secretary of the House.

The President took the prayers.

Apologies for Absence

The President: Hon. members, as you will have gathered from the fact that I have read prayers this morning, the Lord Bishop has sent his apologies for absence from today's Court because he is still recovering from the operation he had last month. I am pleased and glad to say that the news is that he is now home, he is doing very well and should be with us soon.

Also, hon. members, we have apologies today from the learned Attorney-General, who is off the Island on government business.

Introduction of the New Speaker

The President: We then turn, hon. members, to the introduction of the new Speaker and I invite the sponsors of the newly elected Speaker of the House of Keys to escort him to the chamber, please.

Mr Cretney and Mr Gelling escorted the new Speaker to the chair.

Mr Cretney: Mr President, I have the honour to present the Speaker of the House of Keys.

The President: I have pleasure, hon. members, in welcoming Mr Speaker to this Tynwald Court this morning and, Mr Speaker, I would be grateful if you would take your chair and the members resume their seats, please.

Mr Speaker, I welcome you to the Tynwald chamber this morning in your new role, and congratulate you on your election to this distinguished office by your peers in the newly elected House of Keys. You are, of course, no stranger to the working of the House and Tynwald, having served as member for Castletown for many years. However, now as presiding officer of the House of Keys you share with many parliamentary Speakers the responsibility of ensuring that the varied and honest differences of opinion held by the elected representatives are heard in open debate. Successful leadership from your chair will allow the decisions that flow from that debate to serve our Island well. I wish you, sir, every success as you discharge the duty and the responsibilities that lie ahead.

The Speaker: Thank you, Mr President, and thank you for your kind words and congratulations to me in my new role. I am greatly honoured and proud to have been elected to the position of Speaker of the House of Keys and I am very conscious of the importance of this most prestigious position, and I will endeavour to uphold the integrity of the post. I look forward to undertaking my

new role as Speaker and, as I said in my acceptance speech in the House last Tuesday, I will carry out my role in the House with impartiality and without fear or favour.

Mr President, within Tynwald Court I look forward to continuing to put forward my views and in participating in debates in this hon. Court in my usual forthright manner on behalf of those whom I represent - that is, the people of Castletown. I would like to take this opportunity to express my sincere thanks, especially to the people of Castletown and also to the many people from across the Island who have, since my appointment as Speaker, kindly written to me, sent cards, phoned or spoken to me or my wife and have extended their congratulations and good wishes to me and my wife Rachel on my appointment. We have been extremely touched and genuinely overwhelmed by the number of good wishes and kind remarks that we have received.

Finally, Mr President, it is indeed a great honour for me, an honour which I know is shared by my town, to serve the Island as its next Speaker of the House of Keys. Thank you, Mr President.

The President: Thank you, Mr Speaker.

Papers Laid before the Court

The President: Now, hon. members, I call on the learned Clerk to lay papers.

The Clerk: Mr President, I lay before the Court:

Written statements in compliance with the Council of Ministers Act 1990 section 2(2B) from -
Hon. member for Onchan, Mr Corkill

Hon. member for Ayre, Mr Quine.

Welcome to the New Members and Chaplain

The President: Now, hon. members, I wish to extend also to all the newly elected members of the House of Keys my congratulations on your success in the recent elections and I wish you all well in the parliamentary endeavours for the future.

It is, hon. members, also a matter of regret that Canon Dennis Baggaley, the re-elected Chaplain of the House of Keys, is not able to be with us today because of a close family bereavement, but I congratulate him also on his re-election to that important office.

Chief Minister Nominated

The President: Now, hon. members, we turn to item 2 on the order paper, the nomination of the Chief Minister. As hon. members are aware, following a nomination by this Court, the successful nominee will, in accordance with the Council of Ministers Act 1990, subsequently be appointed by His Excellency the Lieutenant-Governor.

The nomination of the Chief Minister is governed by the Council of Ministers Act of 1990, section 2, and the standing orders of Tynwald, those pertinent being standing order 1.5, standing order 2.4A and standing order 3.17A. Section 2 of the 1990 Act provides that the nomination of the Chief Minister shall be made by a resolution of a majority of the members of Tynwald present and voting and that they shall vote as one body.

To comply with this requirement in standing orders I intend to adopt the following procedure: two proposals for the nomination of members as Chief Minister have been received and I will take these in the alphabetical order of the nominees. I will therefore invite the proposal and seconding of the nomination of the hon. member for Onchan, Mr Richard Corkill, followed by the proposal and seconding of the nomination of the hon. member for Ayre, Mr Edgar Quine. It will be my intention to allow the hon. member proposing and seconding the nominees to speak in support of their nominee, but not to allow other speeches. The Council and the Keys will then vote together as one body by ballot.

If one candidate attracts the majority of the votes of the members present and voting I will put the motion that the candidate be nominated as Chief Minister and it will be voted on in the usual way. However, if neither candidate attracts a majority of the votes of the members present and voting, a second ballot will take place. If, after balloting for a second time neither candidate receives a majority of the votes of the members present and voting, I will adjourn the Court to allow fresh proposals for nomination to be made, which may of course include the hon. members proposed for nomination at this sitting.

Hon. members, there is one further matter to which I should make reference, and it concerns the question of spoiled ballot papers, in regard to which I circulated a note to members yesterday. For the sake of clarity I will now repeat the substance of what I said then. The question has been raised in several quarters about the manner in which the majority is required by the legislation and standing orders should be calculated in the event of there being spoiled ballot papers. As I have indicated, the overall structure of the election is laid down in standing order 3.17A, namely that there is first a secret ballot or two secret ballots if the first does not produce the required majority, followed by the motion that the successful member be nominated and, if requested, an open division. In relation to the open division there is no particular difficulty. Standing orders provide that all members present when the division is called shall vote either for or against.

The question which has been raised is that there is a possibility that in the secret ballot there may be invalid ballot papers. Section 2.2 of the Council of Ministers Act 1990 provides that the nomination of Tynwald for the Chief Minister shall be made by a resolution of the majority of the members of Tynwald present and voting, who shall vote as one body. Standing order 3.17A deals with the voting procedure for the nomination of the Chief Minister, and paragraphs 2(b) and (c) evidently refer to this statutory requirement. In other words, the secret ballot stage, which comes first, is additional to the statutory requirement and is the basis upon which Mr President puts to the Court the motion for the nomination of Chief Minister. That motion, as is customary, can either be carried by the acclamation of members or on a division. Either way, the majority of members present and voting is ascertained. Since standing order 3.18(1) provides that every member entitled to do so and present in Tynwald when the motion is put shall vote, only the votes of members absent from the chamber when the motion is put would not be included in the calculations. With regard to the earlier ballot stage, a simple calculation shows that out of 32 members present and voting, the majority would be 17. If two of the 32 ballot papers are invalid - for example, because they did not comply with standing order 536 by containing a greater or lesser number of votes than there are candidates for the vacancies to be filled, there are two possible analyses: (a) the two spoiled ballot papers could be deducted from the total number of members present and voting leaving 30, of which the majority would then be 16; or (b) those present and voting could be considered to be all those who have filled in ballot papers which, as I have noted, means all members present in the chamber, in which case a majority would again be 17.

In none of the last three elections for Chief Minister has this question, as far as I can ascertain, arisen. Nonetheless, I am satisfied that practice in relation to all ballots has always been to regard the majority required on a ballot as being calculated by reference to all the ballot papers submitted, whether valid or invalid. It is, of course, fundamental that Tynwald Court itself is the sole arbiter of its own procedure, and the question which I have referred to in relation to the ballot is one such and does not affect the interpretation of section 2.2 of the Council of Ministers Act 1990 which relates only to the open division which follows the ballot. My ruling in relation to spoiled ballot papers, if there are any, is therefore that all the ballot papers are to be taken into account when calculating the majority of members present and voting. I now call upon the hon. member for Douglas West, Mr Downie.

Mr Downie: Thank you, Mr President. I rise to propose the hon. member for Onchan, Richard Corkill, for the position of Chief Minister.

Mr Corkill was first elected to the House of Keys in 1991. Since then the Island has enjoyed a period of much progress and investment both on the domestic and international fronts and, along with a good number of past and present members of this hon. Court, he has worked extremely hard to deliver many of the objectives enshrined in government policy. Mr Corkill has played his part well and always given 100 per cent commitment to whatever he does. He has been Treasury minister for the past five years and he supports the broad approach outlined in the 2001 Policy Review.

At the age of 50 he has the political will and stamina to lead the government for the next five years and he has proven ability to successfully introduce legislation and policy, both through the House of Keys and Tynwald. The recent taxation strategy is a good example. His current role has included the privilege of representing the Island both at local and international level. Whilst it is certainly true that he has established good working relationships with many businesses and financial institutions, his priorities, as well as broadening our economy, are clearly stated to include that of housing, low incomes, equitable care for the elderly, health and education. He is a former Minister for Home Affairs and has been a member of two other government departments. This, coupled with his Treasury experience, has given a good working knowledge and insight across the breadth of government and, as we all know too well, continuity and stability are essential components in Manx politics.

Creating more international confidence in the Island, building on the very important foundations laid in recent years and being seen as a co-operative jurisdiction, is an ongoing necessity for the years ahead. Mr Corkill will be extending that platform which he has helped to establish. He has a strong social conscience and intends to promote and encourage anti-discriminatory legislation.

Having had a successful business and professional background and now having received the support of the electorate of Onchan for the third time, I feel the time is right for Mr Corkill to be given an opportunity to play a full and major role in our government as our Chief Minister. I know he is keen to involve all members of Tynwald within government and also remove some of the mystique and artificial barriers that currently exist between the Council of Ministers and the members on the back benches. His management style is that of team work and of carefully assessing the facts before coming to a decision that people can respect and abide by.

Mr President, hon. members, by electing Richard Corkill to the position of Chief Minister today I believe we are entrusting the good government and ultimate future of the Isle of Man to an experienced and safe pair of hands. Mr President, I beg to move.

The President: Hon. member for Malew and Santon.

Mr Gelling: Yes, Mr President, I rise to second the nomination of Richard Corkill to the position of Chief Minister. The hon. member Mr Downie, in proposing Mr Corkill, gave a summary of the qualities of the man, and I can concur with that and will therefore not repeat the statement made. However, Mr President, it cannot be said too often that we do need stability within our government, we need stability within this Island and I believe that Richard Corkill will continue and support the broad approach of the past administration which has put this Island in the excellent shape it is today. Therefore, Mr President, I have pleasure in supporting the nomination of Richard Corkill, member for Onchan, to be the Chief Minister of our Island government.

The President: I call upon the hon. member for Council, Dr Mann.

Dr Mann: Thank you, Mr President. I have the honour this morning to propose the hon. member for Ayre, Richard Edgar Quine, for the post of Chief Minister.

Edgar Quine was born in Andreas in 1934. He was educated at Ramsey Grammar School, a school that has produced many valuable and outstanding exports at a time when opportunities on the Island were limited. He later was to attend the Civil Service College at Sunningdale. After military service he entered the Royal Hong Kong Police in 1954. During the next 30 years he was to

have a distinguished career, finally reaching the rank of senior assistant commissioner of police. He acted as deputy commissioner of police for a considerable period, a leader chosen by his peers.

Edgar Quine has an immense experience in assuming serious responsibility over long periods without failing. It has been said of him by his superiors that his steadfastness throughout and firm handling of many difficult and often dangerous situations played a significant part in the restoration of law and order. This comment related to an extended period of political upheaval, but the same qualities could apply to the management of the Council of Ministers from time to time.

During his service he undertook official visits, representing Hong Kong Police to America, Canada, Germany, Denmark, Holland, France, Italy, Singapore and Japan, not to mention the UK and China itself. This latter visit involved the sensitive matter of cross-border controls. He represented his force at EXPO 70 in Japan and the Interpol General Assembly in Manila. This wide international experience is not achieved easily and is so important for a future Chief Minister of the Isle of Man, especially in the coming years.

He has particular experience and expertise in traffic and transport, having been a member of the National Traffic Advisory Committee and also Immigration Control and Law and Order. During his service he was honoured with the OBE, the QPM and the CPM and has been elected a Fellow of the British Institute of Management; he had, in fact, reached the top of his chosen profession.

Edgar Quine was, during his service, a senior member of a highly organised and efficient administration that presided over the development of one of the largest and most influential financial centres in the world with all the attendant dangers of corruption and criminal activities, and succeeded. He did not forget or cut himself off from his Island home during these years. At every opportunity he was spending his leave at his house in Sulby. His children were largely educated in the Island. This stood him in good stead on his return, and any of the traditional distrust of those who had been away to further their careers was soon dispelled as Edgar Quine rapidly became involved once again in the Manx community.

Within a short period of time he became Commandant of the Isle of Man Army Cadets and Chairman of Relate. Within two years he entered the House of Keys. In 1986 he became a member of the Board of Education and the Department of Education, the Civil Service Commission, the Whitley Council, the Department of Health and Social Security and he was Chairman of the Medicines Commission. He was elected a member of the Public Accounts Committee in 1986 and continued that involvement for the first five years and returned again last year. Membership of this committee, demanding as it is in time, has given him a detailed insight into the imperfections of many of our systems of government and legislation. He firmly supports the extension of the remit of this committee, as agreed by this Court but as yet not realised as a means of greater involvement of members in determining the balance of developing government policy.

He was, of course, made Minister of Local Government and the Environment in 1996, a position he held for almost three years and subsequently continued as a departmental member until now. His work in this department has been immense, both in terms of time and devotion to the work in hand and in the sheer drive to achieve the end results in spite of all obstacles. Although at times this was difficult, he has always kept rigidly to the policies decided upon democratically by this hon. Court and no other. Whilst holding this portfolio he found time to preside over the Mann 2000 Committee, which was a universal success, and evidence of this will remain for many years to come on this Island.

I can personally vouch for his tolerance and unswerving loyalty within the confines of the Council of Ministers, not always an easy task. I have worked closely with Edgar Quine over the last 10 years. We have spent many hours with others exploring and assessing policy options and producing policy papers on a range of subjects where we thought that progress should be made for the good of this Island. I have been deeply impressed by his ability and energy. He has a particular insight into the needs of the Manx people.

I have no doubt that the hon. member, with your support today, would lead a government of progress as clearly set out in his statement of policy, drawing on the ability of all of you here in this chamber. As most hon. members are aware, Edgar Quine is well versed in parliamentary and government procedures, having been in Tynwald now for 15 years, and he is an eloquent and effective communicator.

The next five years are not going to be plain sailing for this Island or any other jurisdiction. There is a right time and a right place for the right man. We have, I feel, the right man here in Edgar Quine and I think this is the right place and the right time. Again, it has been said of him by his superiors whilst in Hong Kong that he maintained a high standard and set an example for others to emulate. You have a clear analytical mind and an imperturbable personality. You are regarded as an able leader with a strong sense of discipline who gains universal respect and confidence.

Let us now show that we share that opinion by giving him the support that he deserves this morning. I personally am leading that support now. I beg to move.

The President: Hon. member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr President. I am pleased to second the nomination of the hon. member for Ayre for the position of Chief Minister. The hon. member of Council, Dr Mann, has spoken of Mr Quine's exemplary record of public service and, more particularly, his qualifications and experience. I would simply state that by any objective evaluation, the case for his appointment to Chief Minister has been well made.

However, I would wish to draw hon. members' attention to the statements of intended policies which have been circulated by the two candidates. Mr Quine has spelt out in clear and unambivalent terms those issues which he considers require attention and how they should be addressed.

Most hon. members of the House of Keys have been deeply involved in the general election and on doorsteps and at meetings have expressed a view, taken a position or made a commitment in relation to those issues. The starting point in seeking to address those issues is inherent in the selection of the next Chief Minister and the path which he intends to pursue. I would invite hon. members to pay particular regard to those statements of intended policies, of the two candidates, both in terms of the ground covered and matters left unsaid. In this regard, at this level of policy-making, this is the best opportunity, probably the only opportunity, that hon. members will have during the lifetime of this parliament to square the circle.

For the foregoing reasons I strongly support Mr Quine's candidature and invite hon. members to do likewise. Thank you.

The President: Now, hon. members, two candidates having been nominated, we will now have distributed the ballot papers and when all hon. members have ballot papers in their possession I will call upon the learned Clerk to confirm the nominations.

The Clerk: Hon. members, the persons nominated are the hon. member for Onchan, Mr Richard Corkill, and the hon. member for Ayre, Mr Edgar Quine.

The President: Hon. members, the Court will now ballot on those nominations and when the ballot papers have been collected I will call on the hon. member of Council, Mr Lowey, to act as teller of the Council. Mr Speaker, would you nominate someone from the House of Keys, please?

The Speaker: Yes, Mr President. I nominate the hon. member for Rushen, Mr Gill.

A ballot took place.

The President: Hon. members, the voting of the ballot has been: Mr Corkill, 21 votes; Mr Quine, 10 votes, and one spoiled paper. Hon. members, I declare that Mr Corkill has attracted a majority of the votes of the members present and voting and I will now put the motion that the

candidate, Mr Corkill, be nominated as Chief Minister. Those in favour please say aye; those against, please say no. The ayes have it. The ayes have it. Mr Corkill.

Mr Corkill: Mr President, it really is a great honour that Tynwald Court has bestowed on me this morning and I think I am under no illusions about the task of being Chief Minister. Perhaps that will change when the job gets under way, but I have a great task to follow my predecessors and also, I believe, the expectations of this hon. Court.

I wish to take the opportunity to thank the hon. member for Ayre for a straightforward contest with regard to this election - elections are just that. I would also, I think, Mr President, wish to congratulate the now former Chief Minister, Mr Gelling. (**Members:** Hear, hear.) The way in which he has led the Island over the last five years, I think, is exemplary. He has worked very hard at it and it has been a privilege for me to have been part of his team for those five years, and I thank him for that.

Those are the words I wish to say. I thank Mr Downie and Mr Gelling, who nominated and seconded me this morning. I thank hon. members for their confidence. I hope I can repay that tenfold over. I certainly wish to endeavour in that respect. I think for now I would just like to say thank you very much to the Court of Tynwald and I will do my best.

Members: Hear, hear. (*Applause*)

The President: Hon. members, the name of Mr Corkill will, of course, under the Council of Ministers Act, be submitted to His Excellency the Lieutenant-Governor for such action as he sees fit.

Now, hon. members, the Council will now withdraw and leave the House of Keys to transact such business as Mr Speaker may place before them.

I could remind you, hon. members, that at 12 noon there will be a carol service at St George's for those who wish to attend, and I hope as many members as possible may wish to attend that service. Mr Speaker.

The Council withdrew.

House of Keys

The Speaker: Hon. members, the House will now stand adjourned until next Tuesday, 11th December, here in Tynwald Court at 10.30 a.m. Thank you, hon. members.

The House adjourned at 11.11 a.m.