

REPORT OF PROCEEDINGS OF THE HOUSE OF KEYS (LEGISLATION AND OTHER MATTERS)

**Douglas, Tuesday, 18th March 2003
at 9.45 a.m.**

Present:

The Speaker (the Hon. J A Brown) (Castletown); Mr D M Anderson (Glenfaba); Hon. A R Bell (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); Mr J R Houghton and Mr R W Henderson (Douglas North); Hon. D C Cretney and Mr A C Duggan (Douglas South); Hon. R P Braidwood and Mrs B J Cannell (Douglas East); Hon. A F Downie and Hon. J P Shimmin (Douglas West); Capt. A C Douglas (Malew and Santon); Hon. J Rimington, Mr Q B Gill and Hon. P M Crowe (Rushen); with Mr M Cornwell-Kelly, Secretary of the House.

The Chaplain took the prayers.

Items Considered

Legislative Council – Election of Mrs Clare Margaret Christian and Mrs Pamela Mavis Crowe

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**Legislative Council –
Election of Mrs Clare Margaret Christian
and Mrs Pamela Mavis Crowe**

The Speaker: Hon. members, the item on our order paper today is to elect two persons to the Legislative Council to serve as members for a period expiring on 29th February 2008, and also to elect one person to the Legislative Council to serve as a member for a period expiring on 28th February 2005.

In accordance with the statutory requirements in section 2 of the Isle of Man Constitution (Elections to Council) Act 1971, I called for nominations on 4th March to be made, and those on your order paper resulted. All nominations were accompanied by the required statements of qualifications and reasons in support, and were circulated to hon. members by the Secretary, as also required by the Act. I confirm that the sitting of the House today takes place no sooner than 10 days after the close of nominations.

Now before we proceed, I would remind hon. members of the advice I gave in the House on 4th March 2003 in relation to the text of standing order 209 which applies to this election, and I confirm that the same procedure is to apply. I have therefore asked the Secretary to prepare ballot papers showing simply the names of the only candidates upon whom the House may now vote.

Under the Act a successful candidate needs not less than 13 votes in his or her favour. If it happens that the candidate obtains a majority of the votes of members present and voting, but the total is not at least 13 votes, then standing order 209(1)(l) allows a second round of voting. In the second round, a total of 13 votes is still needed for the candidate or candidates to be elected, just as in the first round.

Failing a candidate obtaining 13 votes in the second round of voting, then I will call for fresh nominations to be made by 5.00 p.m. on 21st March. There will then be a further ballot at the sitting of the House to be held on 1st April.

I would advise that the procedure for hon. members voting is covered under standing order 209(1)(g). This standing order requires, and I quote: 'Each member may vote for any number of candidates up to the number of vacancies to be filled and a voting paper which fails to comply with this requirement shall be disallowed.' As I advised the House at its sitting on 4th March 2003, standing order 209(1)(o) applies to this election in that the person or persons receiving the greatest number of votes meeting the statutory requirement of at least 13 votes shall fill the vacancy for the longer term of office. Therefore, the person with the lowest number of votes, but who has received the requisite of at least 13 votes, shall, if the vacancies for the two terms ending on 29th February 2008 have been filled, be deemed elected for the vacancy expiring on 28th February 2005.

Finally, for the avoidance of doubt, I would advise that standing order 209(1)(a) provides that only the proposer and the seconder shall speak to a nomination.

I intend to invite each candidate to be nominated in the order they appear on today's order paper.

Hon. members, I now call upon the hon. member for Douglas East, Mr Braidwood, to speak to his nomination of Mr T St John Bates. Hon. member.

Mr Braidwood: Thank you, Mr Speaker. Hon. members have in their possession a detailed description of the academic qualifications and experience of Professor St John Bates, and I do not intend to refer to them this morning. The Legislative Council's primary rôle is considered to be a revising chamber and St John Bates is eminently suitable and qualified to scrutinise legislation. His experience and knowledge will be invaluable, not only to the Council, but to Tynwald. Mr Speaker, I have no hesitation in proposing the nomination of Thomas St John Neville Bates as a candidate for election to the Legislative Council.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. I beg to second, sir, and in doing so I would just like to ask hon. members to take into account that this is an exceptional application, it is a genuine application and it is from somebody who is willing to be flexible and to work as a team player to serve this House and Tynwald in the best fashion that he possibly can. Thank you, Vainstyr Loayreyder.

The Speaker: Thank you, hon. member. I now call upon the hon. member for Rushen, Mr Rimington, to speak to his nomination of Mrs Clare Margaret Christian. Hon. member.

Mr Rimington: Thank you, Mr Speaker. In nominating Mrs Clare Christian I believe we have a capable member who has already served the Island well in her position. I do not wish to expand at length because I think all the arguments have been made quite clearly on a previous occasion. Mr Speaker, I would, if I may, just like to say that I will be using all my three votes in this election because I believe the constitution of the Isle of Man should not be held in disrespect.

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

Mr Gill: Thank you, Mr Speaker. I beg to second that, and there is very little I can add, other than to reiterate that I believe Mrs Christian to be an extremely competent minister, a very talented parliamentarian, she is a hard-working, insightful and positively committed member of another place. As I say, I have very little to add, other than to opine that her loss, if she failed to be returned today, would not only be a loss to government but, more importantly, would be a loss to Tynwald and, indeed, the Isle of Man.

The Speaker: Thank you, hon. member. I now call on the hon. member for Onchan, Mr Corkill, to

speak to his nomination of Mrs Pamela Mavis Crowe.
Hon. member.

Mr Corkill: Thank you, Mr Speaker. I am pleased to nominate Pamela Crowe, hon. member for Rushen, to serve as a member of the Legislative Council. Mrs Crowe is a loyal servant of the hon. Court of Tynwald and this House. My observation is that she is a member willing to give of her best, whatever her rôle. Be it as a minister, chairman or select committee member, this hon. member always gives 100 per cent effort. She speaks her mind without fear or favour, and has the ability to scrutinise with a blunt common-sense approach. She leaves no stone unturned, a healthy attribute when representing the people of the Island.

I have a view that members of the Legislative Council should be of independent mind and spirit. They should have a track record of loyalty to the people of this Island, that they should have involved themselves in the social and business fabric of our society for a number of years and that they should care about the interests and wellbeing of the people in general. I feel that Pam Crowe has demonstrated these attributes in a very genuine way, without fear or favour, and these qualities would stand her in good stead in the upper house.

The hon. member is well known and what you see is what you get. Her motivation is public service, something all members of this House can surely relate to, and so I am very pleased to formally nominate Pamela Mavis Crowe and respectfully ask hon. members to give consideration to my nomination, sir.

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

Mr Houghton: Thank you, Mr Speaker. I am very happy to second the nomination of the Chief Minister for the hon. member for Rushen, Mrs Crowe. I would support everything which he has said this morning about Mrs Crowe. Mrs Crowe is a tireless worker in the Department of Local Government and the Environment and I can truly support everything that has been said this morning, sir. Thank you.

The Speaker: Thank you, hon. member. I now call upon the hon. member for Douglas West, Mr Shimmin, to speak to his nomination of Mr John Raymond Kniveton. Hon. member.

The Speaker: Mr Speaker, hon. members, it gives me the greatest of pleasure to nominate Mr John Raymond Kniveton as a candidate for election to the Legislative Council. I believe Mr Kniveton combines the skills he learnt as a successful businessman, has experience of being both an MHK and an MLC and has a genuine desire to help people in the community. With his strong work ethic he is an excellent team player, with the drive to achieve results. He has considerable motivation to see delivery of many schemes started under his stewardship and, like me, he believes he has still much to offer and contribute to the workings of Tynwald and government. Mr Speaker, I

have no hesitation in recommending him wholeheartedly as an ideal candidate for the election and hope that members will offer him their support, sir.

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

Mr Gill: Thank you, sir. I rise again to second and in doing so would, rather than repeat the words that the proposer has made, simply opine that, in my experience of Mr Kniveton, which is probably less than many members of this House, but I have always found him to be an extremely hardworking and unassuming man who quietly gets on with the task – this is the reputation that he enjoys throughout the civil service and I hope that hon. members will allow him the opportunity to continue in that way, sir.

The Speaker: Thank you, hon. member. Now, hon. members, that is all the nominations put to the House. I now ask the Secretary of the House to have nomination papers circulated, please.

Whilst the papers are being circulated, can I welcome the visitors to our House, and especially the staff, parents and pupils of Kirk Michael School. I hope you enjoy your experience.

Several Members: Hear, hear.

The Speaker: Now then, hon. members, just to read out the nominations before you. The nominations are: Thomas St John Neville Bates; Clare Margaret Christian; Pamela Mavis Crowe and John Raymond Kniveton.

Nomination papers will now be collected, and I call on the hon. member for Middle and the hon. member for Douglas South, Mr Duggan, to be our tellers.

Whilst we are sitting here, waiting for the results, may it would be helpful to explain to our visitors, especially as there are young pupils here: what has happened now is that the voting is by secret ballot, so as I indicated, all the members of the House have been circulated a paper with the names on. They then vote in a secret way so that their vote is theirs, and they can vote for up to the number of seats that are vacant – there are three seats vacant. Now the two members that I asked to act as tellers have gone out to scrutinise the vote with the Secretary of the House of Keys, and they now, in private, will count the votes. Then they will return to the House and I will announce the results of those votes. Okay? (*Interjections and laughter*)

A first ballot took place.

The Speaker: Hon. members, the result of the ballot is as follows: Mr St John Bates, 8 votes; Mrs Christian, 14 votes; Mrs Crowe, 12 votes; and Mr Kniveton, 11 votes. Therefore I announce that Mrs Christian has successfully received in excess of 13 votes and is therefore elected to the Legislative Council.

Mrs Crowe has a majority of those present and voting and therefore we will ballot on her again this morning, and Mr Bates and Mr Kniveton are deleted from the election as they have been unsuccessful. I ask the Secretary to reissue nomination papers.

Hon. members, the only name before the House for voting is Pamela Mavis Crowe. The hon. member for Middle and the hon. member for Douglas South, Mr Duggan, to act as tellers again, please.

A second ballot took place.

The Speaker: Right, hon. members, the result of the ballot is as follows: Mrs Crowe received 14 votes and is therefore duly elected to be a Member of Legislative Council. There were 9 spoilt papers.

Now then, hon. members, I declare that Mrs Clare Margaret Christian and Mrs Pamela Mavis Crowe have been duly elected to the Legislative Council this morning. Hon. members, that means that we still have one vacancy for the period ending 28th February 2005. I therefore invite nominations in accordance with the statutory requirements in section 2 of the Isle of Man Constitution (Elections to Council) Act 1971, and I therefore call for those fresh nominations to be made, in the terms as the Act requires, to the Secretary of the House by 5 p.m. on Friday, 21st March. All nominations must be by a member of the House in writing and be supported by a statement of the candidate's qualifications and experience and the reason why the proposer considers that the candidate would be suitable to be elected to the Legislative Council. A person nominated need not be a member of the House. The election following those nominations must take place not less than 10 days later and it will therefore appear on the order paper for the sitting to be held on 1st April 2003.

Hon. members, that concludes the business of the House. The House will now stand adjourned until Tynwald Court at 10.30 this morning.

The House adjourned at 10.06 a.m.
