

**Electoral Reform Bill 2011  
For Second Reading  
Referral to Joint Committee proposed**

2. Mr Callister to move:

*That the Electoral Reform Bill 2011 be now read a second time.*

**The President:** We move on to Item 2, the Electoral Reform Bill 2011, and I call upon Mr Callister to move the Second Reading, please.

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

Nineteen weeks ago, on 14th June, seven Members of the Council who were present gave their unanimous support to the First Reading of this Bill. The Lord Bishop and the Hon. Member, Mr Lowey, were not present on that occasion.

A number of queries were raised then, which I will attempt to deal with shortly but, in view of the time that has elapsed since the Bill was last considered, I will just summarise again its main provisions.

It would bring about the creation of eight electoral constituencies to replace the present 15. In each of the eight constituencies, three Members would be returned to the House of Keys and one Member to the Legislative Council. The eight constituencies would be drawn up by a boundary committee and their report and recommendations would be considered by Tynwald. The elections to both Keys and Council would continue to take place separately and on the same five-year terms that presently exist. From the year 2013, election to the Council would cease to be carried out by the House of Keys and instead, for the first time, would be by public franchise. In 2013, four seats on the Council become vacant. Elections for these vacancies would take place in four of the new constituencies and these would be chosen on a reasonable geographical basis to provide Islandwide representation. In 2015, the remaining four seats become vacant and elections for these would be in the remaining four constituencies. I believe that it is most important to retain continuity on the Council, and by staying with the existing dates this would be achieved.

Madam President, the next House of Keys election is due to take place in 2016, and this would become the first in the newly formed eight three-seat constituency election for the Keys. The situation where some voters have three votes, others have two and others one must now be overdue for revision, and by a move to eight constituencies the problem would be solved.

Passing this Bill would not change the working responsibilities of Legislative Council Members, but it would, without dispute, make them available for ministerial office. This, I know, has become a bone of contention with some Members here.

The question comes, then, why do we need to change and what is wrong with the system that we have now? Firstly, it would make the Island a complete democracy, rather than a partial one, and there would not be public representatives voting on policy and financial issues who have no public mandate. Maybe more importantly, Madam President, in a month or two from now, it is more than likely that, when the next election takes place to fill the vacancy left by your good self, Madam President, the majority of Council Members by that time could become a non-Keys Members – that is to say that they will not have moved from the Keys to this House, and therefore will have no public mandate. This already applies, of course, to four of the voting Members and in view of the fact that the newly elected House of Keys Members have a good five years ahead of them, they are very unlikely to exchange that for what will be little more than a year or more. So the probability is that, shortly, a majority of five in this Council will sit here with no public mandate and that majority could conceivably grow in 2013, depending how many of the retiring Council Members do not seek re-election.

Madam President, many Members may think that this should not be a matter of concern. I personally think it could be, I think it is, and I think it would well become a much more important public concern. If we think back to the days of people like Roy Macdonald, Percy Radcliffe, Geoff Crellin, Victor Kneale and Ian Anderson and so on, they came to this Council... (*Interjection by Mr Lowey*) and Mr Lowey – and Mr Downie! They came to this Council with a vast experience of Tynwald and the House of Keys, and of legislation and taking Bills through. So they came with different qualifications, and they came with a vast amount of public support in the whole series of elections that they had had in the past. Mr Kneale was in the House of Keys for 22 years, I think, and Mr Anderson and others 14, 15 or 16 years. They would not have been elected the number of times that they were elected, had they not had public support. So a big change is happening, Madam President, and if the demand for proper representation is not there at the moment, I think it will come in the future.

If I just turn to some of the matters that were raised in the First Reading, I begin by pointing out some comments made by Mr Crowe, my seconder, who referred to Mr Lowey's Constitution Bill 1999. That Bill was not dissimilar to the Bill we are now debating. Mr Lowey proposed five constituencies rather than eight. Mr Crowe pointed out that the Council Members at that time gave it a unanimous Third Reading. The House of

Keys, though, did not take kindly to it and, although they liked the idea of public popular election, the problem they seem to find is that they do not like, or have not liked so far, the systems that have gone before them.

In relation to Mr Braidwood's comments at First Reading, I do need to make it perfectly clear that my Bill makes no provisions for the voting in Tynwald. That was a comment that I made as to how it might change, but that would be for Tynwald of the future to decide if they wanted to change the voting system.

Mr Braidwood also raised the matter of Council Members having to deal with constituents. This would be about the representation of the people and it would come along with a territory, but Mr Braidwood has had a good deal of experience, I am sure, dealing with constituents' matters, and although we do not have constituents as such in the Council, we do get asked for help, we get letters, we get e-mails, we get telephone calls, we get plenty of people from the public asking for assistance in one way or another.

Mr Braidwood also said that if the Bill gets through to the Keys they will reject it. Well, he may be right about that, but he may not. He is already on the record, I am sure, as a supporter of a publicly elected Legislative Council, (*Interjection by Mr Braidwood*) and he certainly acknowledges that.

So I believe, from that point of view, this Bill should be given a chance to go to the Keys to let them decide. The main measure in this Bill, to reduce the electoral areas to eight, is really a matter for the Keys before the Council. It would make a major impact on Keys' Members and I think it would be sensible to allow them to debate the proposition.

As we know, Madam President, the Boundary Committee is already in being and is due to make its proposals shortly. Just suppose the Boundary Committee also proposes eight three-seat constituencies. If that turned out to be the case, it would certainly make sense for the Electoral Reform Bill to be through its Readings in the Council and into the Keys.

Madam President, when you were just but a humble Member of the Council, back in the days when you had a vote, you also made a number of interesting comments about the Bill. In particular, referring to the unintended consequences, one of which was that a publicly elected Council would want the same as powers as the Keys. Well, I see this Bill giving the Legislative Council the same powers as the Keys. We have powers of Keys that are very similar now, apart from when it comes to a crunch period and we cannot agree, except we do not have a guarantee that Members of the Council could be given a Minister's role. If you were to become a Minister in the Council, Madam President said, why would you not want the power to vote on legislation, rather than revise it? But surely, if you were a Minister in the Council, there should be no reason why a Bill from your Department as a Minister should not begin in the Council. It has happened before and it would need a more enlightened approach to the way we do things, but there is no reason why it should not happen.

Madam President, you also suggested that, by approving this Bill, it could lead ultimately to a unicameral system which was echoed by other Members at the time as well and if you examine the basics of this Bill, it only does two things. It creates eight three-seat constituencies to replace the present and gives an opportunity, the best opportunity I can see, for the public to elect the Legislative Council rather than the Keys.

Coming to Mr Butt's comments at First Reading, I was pleased to see in *Hansard* he still supports the popular election of the Council, while pointing out that, at present, the Council Members do have a mandate of sorts, being elected by the Keys and we can only agree with that.

Mr Butt also suggested that Council Members do not have to look over their shoulders to ensure they are not offending their constituents and that we take an all-Island view and I accept that, but surely everyone in Tynwald should be taking an all-Island view. They represent constituencies first but, of course, they also represent people of the whole Island, not only their own patch. As far as offending constituents, you cannot keep all your constituents happy all the time. There are some who will be pleased and some who will be upset and I suppose, for evidence of that, you just need to look at the six changes that were made in the most recent Election.

Mr Turner felt that there should have been more consultation on the Bill. I believe, Madam President, the time to consult would come as a matter of course if it gets to the stage where the Boundary Committee begin to work and this will logically and practically be the best benefit for the Bill and for the public at that stage. Those on the front line for consultation at an early stage were Members of the House of Keys. They were all consulted on. I also sent drafts of these proposals that I intend to bring forward to a number of former Tynwald Members and persons from the legal profession, to get a broad view, perhaps. While I admit there has been no wide public consultation, there is plenty of time for that, dependent on how the Bill progresses.

Mr Turner also felt that there would be conflict between the Branches if this goes ahead. I do not see where that conflict would come from. If this Bill were approved, it would only alter the constituencies and give equal voting powers for the public and to change the way the Members were elected to the Council. As a side benefit, though, it would allow for ministerial appointments within the Legislative Council, and that would provide the future Chief Minister greater freedom of choice. It would also take away the 'no public mandate' issue.

Then if I turn to my good friend, Mr Downie's, comments, he stated:

'If I was elected under this new regime, I would expect to have a bit more clout than a Member of the House of Keys, probably because I could argue that I would have had a bigger mandate. If there is only one of me and three of them I am in a much stronger position, I would have thought.'

I was very sorry to read that, about a 'them and us' situation, because certainly in the present circumstances, it is not very good to be talking about 'them and us', as far as the Island is concerned, and I do not think we are really here to score points from the House of Keys and *vice versa*.

We have a vote. We all have a vote. We all have one vote and that is the thing that counts.

Under this Bill, the position of the Council Member in relation to constituents would actually be no different to the other three Keys' Members. You might as well say that the person who tops the poll in the Keys would have a bigger mandate than the one that comes last. It just does not make sense. It certainly does not happen that way now. There is no reason why it should happen in the future.

Also, at First Reading, Mr Downie said he was of the view that this Bill should go to a combined committee of Keys and Council. Well, we might see something about that in the future.

So just referring to the Bill itself, Madam Speaker... Madam President, I beg your pardon – the Bill has just four clauses. The first clause would write the short title. Clause 2 makes provision for all the amendments that are required to be made to the Representation of the People Act 1995. Clause 3 makes minor amendments to other enactments and clause 4 lists the Acts or sections of Acts that would be repealed.

I beg to move that the Electoral Reform Bill 2011 be read a second time.

**Mr Crowe:** I beg to second, Madam President, and reserve my remarks.

**The President:** The Hon. Member, Mr Lowey.

**Mr Lowey:** I wonder why they all waited for Eddie Lowey? I suppose, as an author of a Constitution Bill representing the Council in the year 2000, we had spent... I have put on all Members' desks a copy of that Bill and the debate that ensued from it – just for information, for nothing else.

Mr Callister's Bill, really, as he rightly says, is not new. Each of the component parts have been discussed by both Branches, and regrettably no consensus has been forthcoming to date. The three seats have been debated in another place at another time and it has been rejected. So again I have to say that there is nothing new in the Bill that is being proposed by Mr Callister today that has not been tested in the legislative branches and rejected. What is new now? Why should they vote for something which has already been rejected in the past? That is too negative, and I believe that there is a need to get the constitution on an even footing and to try and lance this boil once and for all.

I do not, as Hon. Members know, subscribe to the belief that we are not elected: we *are* elected. We are elected in a constitutional way that the Isle of Man actually has provided. So I have fought I do not know how many, four or five, maybe six elections to this Council every five years, just like Members of the House of Keys, so I *am* legitimate. I do not subscribe to the view that I am illegitimate.

In political terms, I do, too, share the view that the Bill, as printed and proposed to go forward, has got unintended consequences. Mr Callister's belief is that they will sort themselves out later. It will be like Humpty Dumpty: let him fall off the wall and then we can pick up the pieces and put them back together and he will be perfect again. I doubt that very much.

If I can take the last point that he dealt with, regarding 'them and us': I do not subscribe to 'them and us'. We are all in this... to paraphrase modern terminology, 'all in this together'. We have always been in this together. We do not act, we know our limitations and we act... Our vote is not the same. Mr Callister suggested that we all have a vote. Yes, we do, but we know our vote is circumscribed. The engine of Government is in the Lower House, the directly elected House, as it should be. All we can do is curb and hold for a little while but, at the end of the day, the elected House has that right to impose its will. That is number one.

How would that be affected by an election? Well, it would be affected by an election. I regret Mr Callister puts his Nelson touch – his telescope to his bad eye – and says it would not happen. It would. It happens everywhere where you have an elected Upper House. I am going to use the United States: the Senate is the powerhouse, not the House of Representatives. That is based purely on the numbers of people who vote for senators, as opposed to those who vote for the House of Congress. That can be replicated anywhere you like.

I do not think that is the main purpose of Mr Callister's Bill, but I think it would be a consequence, but that is further down the line. My view is simple: if people want us to be popularly elected, I have no objection to that – no real objection at all – although I do not hear a clamour from ordinary people on the street. I do hear a clamour from what I would call small vocal groups – maybe not so small, but vocal groups. But it is not the volume of the argument that I examine; it is the quality of the argument. I can find holes in that many times.

I am a great believer in the constitution and our constitution – let me remind Hon. Members of this Council – in another place, in Tynwald Court before the General Election we decided to set up three Standing Committees of Tynwald. What is the role of Tynwald? Tynwald, really is to vote for finance, on financial matters and policy.

We set up three Standing Committees. One of those Committees has a specific remit to look at the constitution and therefore it seems strange to me that one branch of the legislative arm of government... and the Keys is legislation. I think the ordinary man in the street does not understand – that is not the fault of us politicians for not explaining it more forcefully than we do, but the House of Keys is a legislative, first and foremost, a legislative body; the Council is a legislative body. Tynwald Court is where we meet – this is our uniqueness – and decide on policy. We have just set up Standing Committees to look at specific problems. If ever there was a problem that could, and should be, referred through Tynwald to a Standing Committee to deal with the problem, this is one of those occasions.

Regrettably, our Standing Orders also prohibit a subject being discussed in Tynwald, that is before the Branches. So we have this Bill before us. It will prohibit us moving. I had this conversation with Mr Callister briefly over the summer, that I would be minded to move a resolution... that had been this issue of election to the Legislative Council and associated Members' matters should go to this Select Committee, but we have got this Bill before us.

There is another way around that, too. I am trying to unravel the Bill and trying to make it as acceptable as I can without being negative. One thing we cannot afford, Hon. Members, is to be debating our working relationships and our set up, examining our own navels in effect, when we have an economic crisis, the size that is facing the Isle of Man and the rest of the world and our place in it. So I would want to get this out of the way as quickly as we possibly could and put to bed, one way or another. To that extent, I do think that one Branch trying to tell the other Branch how it should be divided up – and I know Mr Callister said we are not going to do that, his Bill does not do that. It would be for the Boundary Commission to decide – if you will pardon the crudity – the carve up of the position, but the end result will happen and he knows, as well as I know, that the problems arise in constitutional matters when you start to divide the constituencies and break up historic connections. That is when the trouble will really hit – it will fall; it will fall.

Mr Callister may say to me, well, we will have to wait and see whether that happens. I do not believe, like the Charge of the Light Brigade – you do not go down a valley when you know there are guns all the way round you and you are going to be blown out of the water. That is a mismatch, there was no water in the valley, but you know what I mean.

Therefore I am going to propose an amendment to this Bill, which will not surprise, I think, Mr Callister, but my amendment and I have had it circulated and Members will have it. Has it been circulated?

**A Member:** It is a motion.

**Mr Lowey:** It is a motion, not an amendment and I will tell you why I am going to do this. I would move:

- (i) That the Council desires to refer the constitutional principles raised by the Electoral Reform Bill 2011 to a Joint Committee under Standing Order 4.7 of Tynwald Court;*
- (ii) that a message shall be sent to the House of Keys informing it of the Council's desire for a Joint Committee and requesting its concurrence;*
- (iii) that the Council shall appoint three members to the proposed Joint Committee; and*
- (iv) that if the concurrence of the House of Keys is given, the Joint Committee shall be given powers to take evidence and to summon the attendance of witnesses pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876.*

It is a bit premature: but I think we could actually say we wish to get this show on the road and have both Branches having an input into the principles that are enunciated in Mr Callister's Bill. I think it is a positive move, not a negative move, and I would urge Hon. Members to give it consideration.

I do not believe in Mr Callister's Bill. If this Bill... if my motion cannot receive... so I will be voting against Mr Callister's Bill, because I do not believe that one Branch should impose itself in constitutional matters on another. As I say, the case for direct elections; Mr Callister made a great plea in his opening remarks that the Council could be full of non-elected Members. They are, in my view, elected Members, all of them. Whether they have had experience or not, they have had experience of life and I would remind Mr Callister and the general public that the people that we have elected... and it is not a new phenomenon, bringing in people from outside. In my time, we have had retired ambassadors to Egypt, Sir Rob Stevenson; we have had retired judges... Remember, I sat in this Council, and when I came in, Madam President, the Lieutenant Governor sat in your seat, and the Deemsters – First and Second Deemsters – sat on this Council, and I have been spending my political life removing them from those positions.

But I come back to the modern Members who have been elected: they have been *elected*, and elected by the Keys. *It was their choice*. That is the constitutional position and I do not accept that they are any less a Member, because they have not had any experience in the political field. It may be a weakness, but that is a weakness that was recognised by the electoral college when they voted them in the first place.

So, I do not accept that, somehow, the democratic choice of the Keys has been influential or makes them illegitimate. It does not. I think their contributions, throughout the years, have been quite remarkable. Although we got rid of the Deemsters, I would remind Hon. Members that we actually invited a former First Deemster back into this Council to sit here and he sat here. That is the late Deemster Luft.

I worked with Deemster Luft, and he was invaluable in the contribution he made, not as a Deemster, but with his legal training and his view on life and his support for the arts and for sporting processes – in other words, the rounded man, not the specific.

So, Madam President, I could go on. I think I have done enough talking, I think I have made the case, where I believe both Branches should be involved in the constitutional development of the Isle of Man, and this is a vehicle which would allow that to take place. Therefore, I would move that the electoral reform committee be sent... It should go to a Joint Committee of both Houses. That is the resolution I have before you, and I would hope that I would get a seconder.

**The President:** Hon. Member of Council, Mr Butt.

**Mr Butt:** Thank you, Madam President.

I am not going to second this at the moment. I would like to hear the debate before we move on to that, but I think there will be a seconder for it because it does seem an idea that is worth pursuing.

I would just like to say that, referring to the 1999 Bill – which was debated in here, went back to the Keys and was rejected eventually – in my first weeks in here in 2005, we had another Constitution Bill, the Constitution Bill 2005, where we spent weeks with a fine tooth comb, honing it down to a workable Bill for the election of people to the Legislative Council. In my view, that was a workable Bill that would have been sufficient for the public and for the Keys and for the Legislative Council but, again, that was rejected in the end by the Keys. More recently, another Bill has been through before us – I think Mr Martyn Quayle was one of the people behind it – and that again went to the Keys and again has been rejected. It is possible to make a system that works, but it does not get accepted by everyone.

There has been much talk about the unintended consequences of constitutional reform and also the unforeseen consequences. We have had talk about the disparity in the power of the Members if they are voted in as Legislative Council Members and if they are Keys Members etc.

There is one way to avoid all of that, and this is what I think should happen. If we are genuinely interested in reform, it should be real reform. It should be one person, one vote. It should not be, as Mr Callister says, one piece... you could have a single vote, two votes or three votes. It should be one person, one vote. The constituencies must be amended to allow that to happen, but mostly what we should do, if we are genuinely going to reform, we have to abolish the House of Keys and we have to abolish the Legislative Council. If we tinker with the Bill with the constitution as it is, we will eventually end up with a single Chamber, so let's bite the bullet and let's have proper reform and have one Chamber, dismantle the Keys, dismantle Legislative Council.

The Council, really, when you look back on its history is a feudal throwback to when the Lords of Mann, or the Governor in later years, had the great and good around them to support them, like the House of Lords in the UK. Again, that is exactly the same. It comes from the feudal and baronial times when the monarch and his friends had their friends around them to make sure that they maintained their power and privilege. That is what we are, in historical terms. I am not saying it does not work. I think that actually the system as it is works very, very well and I have had my eyes opened since I have been here as to how effective Legislative Council can be, particularly in reforming and amending legislation and in working in Departments for Government, as well, outside of parliament.

I really think, Madam President, if we are to do something with this, we should not tinker with the constitution. We should start properly. We should have a clean sheet and imagine we are a modern democracy with a clean sheet and have one chamber elected by the public. When we get in there, if everybody gets back in there as members of the new chamber, then you can, within that, have scrutiny of legislation as part of the systems in there, part of committees etc. We do not necessarily need the system we have now.

We would throw away a lot of history, obviously, and that, I personally think, would be a bad thing, but if the public really do have a clamour for reform and a constitutional change to a true democracy, as they call it, if they really do have that clamour, then they have to accept that history will go as well. If we are going to tinker with the constitution, let us do it properly and reform it totally and dismantle the House and this Council as they stand at the moment. I am not saying that is the way forward, Madam President, I am just saying that is the only way to deal with constitutional matters.

Thank you.

**The President:** Hon. Member, Mr Downie.

**Mr Downie:** Thank you, Madam President.

First of all, could I start by saying that I fully support the motion in the hand of Mr Lowey, that the Council refers this matter to a Joint Committee. I think it is entirely futile that we should be sitting here today trying to do what this Council has done over the years, trying to put together a formula, with a knowledge that when it does actually go to the other place, it will not be found to be acceptable.

I would just reiterate the remarks of my hon. colleague, Mr Butt, who said that he would prefer a one-person-one-vote scenario. Well, I think that is going to be almost impossible to achieve downstairs because, historically, we have had single, two-seat and three-seat constituencies. The Isle of Man does not very easily divide itself up into 24 single seats. That is a fact of life. Over the years we have come up with a compromise and where areas of the Isle of Man are heavily populated, there has been an opportunity there to have three seats, two seats and then in the rural areas, one seat.

I do not personally find a problem with this because, at the end of the day, I think the people of the Isle of Man are very well represented in House of Keys and, to that end, we are expecting the Report that comes along every now and again from the Boundary Commission. We know in our own minds now that there are some constituencies which, in real terms, would not justify a single Member of the House of Keys, and yet there are other single seats where it is apparently obvious, with development over recent years, that they should really become two-seat constituencies and there might be a possibility of amalgamating them. This is always a matter which brings some objection in the House of Keys and it is a very difficult one to deal with. But in moving this matter to a joint committee, I am fairly hopeful that it can be properly aired. There are some new people now into the House of Keys. Their views on this might be slightly different from some of the long-standing Members.

One of the issues that Mr Lowey raised was about membership of this Council and I have been around the block, like Mr Lowey, a few times and I would say it is far harder, in my opinion, to get elected to the Legislative Council by a majority of your colleagues in the other place, than it actually is to get elected at a General Election by members of the public. Members of the Council are here, because mainly they are fairly well known to the people in the House of Keys. They have to be scrutinised by them before they are elected and, in my opinion, all the people I have worked for in Council, whether they have come up through the ranks of the House of Keys, or they have come in from the outside, I think they have all made a valuable contribution. Therefore I would aver that the Members of the Keys actually know what they are doing and what they want when they bring a person into Legislative Council. I would say that it is completely wrong for the media on occasions to belittle or undermine the work and value of the Council, and I take issue that when Manx Radio, *our* national radio station, refer to us as ‘the unelected Members’... I never hear the BBC referring to the House of Lords as the unelected Members, so I think there is an issue there that needs to be resolved and I think it is about time that there was some respect shown to the work that this Council actually does.

I have been here long enough to have looked at unicameral systems. If we are going to have some sort of a Legislative Council that is popularly elected, democratically elected, the issue that Mr Callister raised about ‘them and us’ – you will create a ‘them and us’ – if you have got a three-seat House of Keys constituency and then, a year later, you are asking nominations to come forward for one person to represent that three-seat constituency, the person who will be elected to that one seat for the Legislative Council will have a much larger mandate than anybody who represents the Keys on a normal basis, one of the three. It has got to happen and, given the politics and the personalities that abound in this place from time to time, it is going to create a ‘them and us’.

Perhaps one of the proposals that came before us two or three years ago was to have everybody elected together, and then, when the election was over, it was decided who was going to sit on the Legislative Council, and who was going to deal with the House of Keys matters but, really, if we are going to continue in our present vein, you still need an Upper House and... well, a Lower House and a revising chamber of some kind.

I was heartened on Sunday morning, when I listened to the Manx Radio politics programme: when a Speaker of the Canadian Parliament visited the Isle of Man, one of the remarks that he made was that he thought the system that we have in the Isle of Man was one of the best he had seen, it worked very, very well, and his view was that they should not be trying to fix that which was not broken. It did need to be tinkered with.

Finally, I would just like to say that I think what we are doing now and putting this before a joint committee is probably the best way forward. I do not think change is going to come overnight. I think it is going to be a long drawn-out process, particularly if we are going to include in it the Report from the Boundary Commission as well, which is a logical step and, basically, I just want to support the comments that were made by my hon. colleague, Mr Lowey.

**The President:** Mr Braidwood.

**Mr Braidwood:** As Mr Callister pointed out when he was going back to what had been said in this Council a few months ago, he was quite right: I do support a popularly elected Legislative Council. I actually had that in my manifesto of 2006.

I also have to agree with Mr Lowey in that, speaking to some of the people who have been elected, it was not a matter which was raised on the doorstep – of the Legislative Council. It is certain people, vocal opposition to having a Legislative Council elected by their peers from the Keys because it is only in the last few years where the election of the Legislative Council has come into disrepute and the reason being was again the electoral reform of how the election proceeded.

Years ago, when there were the four Members of the Council coming up for election, the Keys had to vote for four people. You could not vote for one, two or three, otherwise it was a spoiled paper. When it was changed where they could plump vote for one person, or vote for two, or vote for three, that is when the problem occurred and that is when I would have had... and it is in the papers, on the radio, 'Oh, they can't even elect one member to the Legislative Council', and it goes on for weeks and weeks and weeks. I think that brought it into the public's eye.

I think Mr Downie mentioned single seat constituencies and, if my memory is correct – and I was not in the House of Keys – I think the former Member for Michael, Mr Cannan, actually proposed 24 single seats and it got to a 12-12 vote, it was split, and it was only on the casting vote of the Speaker that it failed. So you would have had 24 single seats in the House of Keys. I was always in favour of 16 two-seat constituencies and again, I think Mr Butt was quite right, it would have lead definitely to a unicameral situation.

The only view I have about Mr Lowey's motion to put it through to a joint committee is that I would not like to see this thrown into the long grass. That is my view. Are the House of Keys going to say, 'Yes, we need to have electoral reform,' already? They have only just been elected. As Mr Lowey said, there are more pressing matters for this administration in the next couple of years, particularly on our financial situation. So it could meet, it could go on for another couple of years, three years. There is no time limit on for this joint committee.

So, Madam President, I will go along with the committee so that Members of the Keys can be involved. We have had plenty of Bills coming through for electoral reform and none of them have actually succeeded. As Mr Callister said, if it had gone through and had its Third Reading and gone down to the Keys, I am near enough absolutely positive that it would have been rejected by the House of Keys, having eight three-seat constituencies. (**Mr Lowey:** Undoubtedly.) I am positive it would have been. Two seats might have gone through, but not the eight-three, because it has been proposed... It was one time proposed eight times four, and that was one of the Bills coming through where, then, from the Members who were elected, it would go to a revising Chamber. Eight Members would go to a revising Chamber and 24 Members would be left in the House of Keys.

So, in reality, this Bill is very similar to that, in that it is just that you split the election so you have a Member of the Legislative Council elected in that constituency and, no matter what Mr Callister says, I think it would have been divisive, in that the Member who had been elected for the constituency as one against three... I am absolutely positive that would come through, although we are all trying to work together in the Council and the Keys.

**The President:** Lord Bishop.

**The Lord Bishop:** Thank you, Madam President.

I do not have any issue in this matter concerning constituencies and although a lot of people think that the Bishop is simply appointed from on high, he is actually elected by a process that involves more than 24 people, but I am also the new boy on the block that maybe can see a bit more of the game sometimes, occupying, oddly enough, the oldest office in this whole parliamentary setup. So I suppose I am just going to nail my colours to the fence, but I think there are two issues which we are not thinking through hard enough.

The first one is the nature of how democracy has to work. We hear little bits of jargon that say, well, the present system for the Legislative Council is not democratic. The fact is that no-one can do everything. We know that in everyday life. We have to find the appropriate level at which we do things. We cannot be good at everything, so we employ a plumber or an electrician or a builder or an accountant, or whatever, to do things for us. It is a basic fact of life and our democracy works in much the same way.

We do not work on a delegated democracy system, whereby we say to our Members every single thing that you are going to discuss over the next five years, we want you to put before us before we elect you.

**Mr Lowey:** Can't do.

**The Lord Bishop:** Of course not, you cannot do that. What you have to do is to say I have a certain number of principles as a candidate in an election and those are the principles on which I will make my decisions,

having listened to the various debates in the process, and that is the way a representative democracy works. So in other words, we trust decisions to elected members.

It is absolutely impossible for the electorate to have a decision about everything. They cannot; not possible. So you have a body called the Council of Ministers, which is a representative body, elected through various processes out of the popular electorate. It comes from the popular election, but it is moderated at several stages. Tynwald itself entrusts legislative consideration and amendment to this body. This body in a sense – in a very real sense – is a reflective part of the democratic process, which begins when someone goes into a polling booth and elects a Member of the House of Keys. That is the way the system works. It is not ‘not democratic’ at all. You cannot possibly have a referendum for everything, otherwise you end up with a delegated system.

What you have at the moment is what seems to me, looking at it from only three and a half years here, an exceptionally well operated and functioning system – something that the United Kingdom ought to learn from – in which we recognise that powers – that is, the authority to act in certain way – are reserved in certain other people, so that different Members of the House of Keys, different Members of the Legislative Council, different Members of Tynwald, have powers which are reserved in the system, to enable the system to work. That is democracy and democracy has to work that way.

Now, we may want to make the democracy work in a more delegated way. That is up to you. I have to be agnostic about that, but I simply want to say, my first comment is that accusations that the system is not democratic simply means they have not thought it through carefully enough.

The second point that I want to make is that it is almost impossible for people who are not working in one of the two Chambers of Tynwald to distinguish between the two roles. You have got to work in a parliamentary system – and whether that is this system or the American system or the UK system – to distinguish between how the two Chambers work. I think it would be very, very unlikely if, within two decades, we did not move to a unicameral system, if we go simply to the idea of a popular vote, because the distinction between the two Houses may be maintained by the Chambers, but will not be maintained in the popular mind. We will go, I guess, to the systems which are operating in the UK provinces, with local constituency members elected and regional members elected, which is exactly what happens in Wales and Scotland, for instance, and nonetheless those members come together in a single chamber. I would be very surprised if that does not happen, if we go this way.

So I have a lot of sympathy for the proposal, but I think that the Hon. Member, Mr Lowey’s, proposal is the more sensible at this stage.

**The President:** Hon. Member, Mr Crowe.

**Mr Crowe:** Thank you, Madam President.

My history on electoral reform is that I have no objection to electoral reform and to a popularly elected Legislative Council. I was here in 1999 when the Bill was in Mr Lowey’s hands and it was supported then. Council debated this at great length and came up with what we thought was a solution to the problem. It went to the lower House, the other place, and it was rejected on the Second Reading.

My concern with Mr Callister’s Bill, which again has a lot of merit... He has obviously thought this through to a great extent, but I think you have got almost a point... in listening to the Members around the table this morning, each one has a different view. So 32 Members or 33 Members of Tynwald will have 33 different solutions. So I think, whatever way you go about this, whether you go through the procedures of debating this at length and getting to the Third Reading and approving and sending it to the House of Keys is one way, but whatever way you do it... or you send it to the committee which Mr Lowey is proposing, at the end of the day, the House of Keys has to determine it, discuss it and debate it, so I think it is probably, on balance, a better solution to involve the House of Keys at the early stage so that they are part of finding a solution to a problem. I think we, on our own, would not... We might come up with what we believe to be the right answer, but we are not...*[Inaudible]* the lower House as to what they want. So, on balance, I think Mr Lowey’s committee would involve the House of Keys Members at an early stage.

**The President:** Hon. Members, this is a slightly unusual procedure. It is a legitimate procedure, but it is an uncommon one and, for that reason, there are some aspects of it that are not covered by Standing Orders.

My proposal is that, if Mr Lowey’s proposal is successful, then we do not proceed to take a vote on the Second Reading, but that the whole matter of the principles be referred, as set out in Mr Lowey’s motion, to see whether the House of Keys are prepared to establish a Joint Committee.

With that in mind, I wonder if the mover wishes to speak to Mr Lowey’s motion?

**Mr Callister:** Yes, Madam President, I certainly do. Thank you.

First of all, looking at the amendment which I have only seen for the first time this morning, I am interested to see that it begins by saying that the Council desires to refer the constitutional principles that are raised in the

Bill... 'Constitutional principles': so that indicates to me, not the detailed provisions and the clauses within it, but simply the principles of change of constituency and the principle of election of Members of the Council by the public.

I see those as the two overriding principles that would be discussed and not 'the Bill' as it exists. In other words, this, I think perhaps, is Mr Lowey's previous idea that the former constitutional committee would look at these things and give a view on it, but they would not either say, yes, this is a good Bill, it is a bad Bill, it should not come forward, or whatever. So that is the way I read it. If that is the way it is read then, to some extent, I think I might be prepared to go along with this motion. However, the problem I have with it is there is no reporting date and if this is going to be allowed to drag on, as Mr Braidwood said, get into the long grass, then, I think it would be a pointless exercise because it would probably leave the Bill going nowhere in the end.

I wonder if a joint committee has any restriction on the amount of time it can deal with a matter, or whether that is open ended. If it is open ended, then I would have to think hard about that. But the constitutional principles, I think, will be very firmly already in the minds of the Members of the House of Keys and seemingly in the minds of Members of Legislative Council as we stand at the moment.

So whether a combined committee would add anything... or actually, what would we expect to gain? That is the question I would ask: what would we expect to gain over this Bill itself, by having the constitutional principles examined, by not the Keys, but by just a few Member of the House of Keys?

Also, you could say that this is the Council running away from the Bill, because it is before us. We are ready to do the clauses stage. We could get to Third Reading next week, for that matter, and the Council can then decide, yes, we want it to go through, or no, we do not. So that is another point. It may well be that the Bill either should be supported and sent to the Keys or rejected here in the Council, if that is the way the Council feels.

I do not want to see it dragged on and I am very concerned that we have no reporting date in this motion that is before us, so I would like to hear comments on that, please.

**The President:** Mr Lowey.

**Mr Callister:** At this stage then, yes, I have more things to say on it.

**Mr Lowey:** Well, can I just say, on the reporting, that would be a matter for the joint committee to sit. It is not meant as a delaying tactic at all. My view is quite simple. We need to... I said in my opening remarks, we need to lance the boil. We need to get on with other things. This should not be a distraction. The constitutional position should be made clear. I think both sides of that committee would have to report back to their Branches. So I can assure Mr Callister this is certainly not an Eddie Lowey delaying tactic at all. In fact, I would hope, by moving this, that we could speed things up.

Can I just come back... that is the point I want to make on... *[Inaudible]* ...the report.

What else would you gain from it? I think you would gain legitimacy: in fact, that it was both Branches looking at a constitutional problem and I do not believe it is the prerogative of one Branch or the other (**A Member:** Hear, hear.) when dealing with the constitution of the Isle of Man.

I would like to thank the Lord Bishop and others who have taken part in this debate because I think it gives a balance and, what I would call, two perspectives. I can hear some people saying to my friend, Mr Butt, who says that we should really alter the whole thing and go down... you know. There will be a lot of people who will be sad to see our history abolished. Tynwald Hill, our 1,000 years of continuous reciting of the laws etc, etc which could be under threat... but of one chamber.

In my travels, I was totally opposed to single chamber governments – until I saw it in operation in Africa and, if I may say so, in modern times, with great success, in New Zealand, for example – and you would not call that a developing nation, but you would call it a mature nation. Well, if it has just won the World Cup it cannot be all bad, in rugby. But if it works... what works for them.

Then I come back to what is the constitution all about. I will tell you what it is about: it is about making a framework in which we can lift the living standards and enrich the people that we attempt to represent in our various ways. The Isle of Man has a record second to none in that, and I would suggest the last 30 or 40 years, where... Let's be quite crude. I did say, in my opening remarks, that I have seen so many changes round this table in my time. If I go back just slightly, where I said we had the Deemsters, the Water Bailiff sat here, and what were we? We were the advisory committee to the Lieutenant Governor, who ran the show. That has all changed in the space of 40 or 50 years, so the idea that the Council never changes, it stays forever in the same... We also, in my time, used to have the Governor appointing two Members of the Legislative Council and the Keys electing two. That was abolished in my time, where the Governor does not appoint now and the Governor's role, as we all now know, is a vice-regal role. So the idea that this place stays the same forever is not one that is sustained by history.

Coming back, what do you gain? I maintain whatever the constitution of the Isle of Man, it should be for the benefit of the people, not for politicians and the way in which we operate, but developing the well-being of the country, adding to its lustre. I am proud of the history of the Isle of Man, and the way we have developed. I have been part of that, I have been lucky to be part of that, for nearly four decades – in historical terms, a blink of an eye. But we move with the times and I think we can, and should, move collectively, when we are dealing with the constitution. That is why I believe, if you do not do it this way, I will be voting against the Bill, but what I would do... because I cannot bring, as I said earlier, a resolution forward to Tynwald to deal with the issue – to its Constitutional Committee – while there is a piece of legislation in the Branches. That is against our Standing Orders. I can quote you it, I have looked it up, but I could not do it at the moment.

So I would be voting against the Bill – not because I am against the principle of direct elections, because I am already on record as saying that I am. So I would assure Hon. Members, it is not a delaying tactic. It is quite clear we are dealing with the principles – not the detail; the principles of this Bill. Then it will be up to the Keys; if it is approved here, it would then be down to the Keys, where if it is as it is now, I do not think... I tend to share the collective view round here that it would not receive consent. Perhaps that is what we would expect it to do. Easy for us to just say, yes, we will have it – and that is almost a sure kiss of death for this piece of legislation in another place, because we have supported it!

Mr Callister, look at the debate. Look at the debate and I am sure Mr Callister does not need to look at the debate, because Mr Callister would have listened to the debate in another place in another... wearing another guise, so he knows what the problems are as well as I do.

Madam President, I do think this resolution that I have put down is a way that would try and show the lower elected House, directly elected House, that we want to deal fairly swiftly, and in the right way, dealing with our constitution. I think it is mature and it is certainly not time wasting and I would urge the House to support it.

Madam President, if I could come back on that, let us clear up this constitutional principle on the two elements of this Bill. We will not be looking at – or the committee would not be looking at – the proposal for eight three-seat constituencies, it would be simply looking at the principle of a change of constituency or a change of *the* constituencies on principle, not specifically. That is the way I read it and also, as the Boundary Committee is already looking at this matter of constituencies, we are – or the Keys or Tynwald eventually will be, looking at the principle of change, anyway. So that is going to happen, whatever happens, and I understand that there is an effort to bring this report from the Boundary Committee to Tynwald in December, I think, of this year.

So the principle of whether this should change will be debated by Tynwald, there is no doubt about that. Then, if we have a committee sitting discussing this particular Bill, the elements from within this Bill and the work of this committee cannot be referred to when that debate takes place, which will cause, I am quite sure, a number of difficulties. That is the first point.

Secondly, if what I hear you saying is, what we have is for the benefit of the people, what you are saying is, the benefit of the people is not to give them a vote, because that is what this Bill asks for.

No, what I am saying, with great respect to Mr Callister, is whatever constitutional position is arrived at should be for the benefit overall of the people. You are saying the only benefit that would come from this particular piece of legislation is a vote for the general public to elect the upper House. That is the only advantage to the public; it would not affect what I would call... The end result is... whatever system you put in place has to have meaning. In other words, it actually makes the conditions that people find themselves in better or worse.

**Mr Callister:** But there is, Madam President, another situation which would benefit the public from the Bill, and that would be the ending of people having one vote or two votes or three votes. It would clear that matter up once and for all, so that is another element with that.

I would thank the Members, though, who have spoken to this motion. I do not think I can particularly go through everything in detail in relation to that. It seems to me that, from what has been said, the notion to send it to this committee would be a good idea. I just wonder now if this would be a very unfortunate clash with a debate that is going to take place on the boundaries of the Isle of Man when it comes forward from the Boundary Committee, and certainly would throw into difficulty for me to contribute to that debate in due course, because if it is in the hands of a committee I will not be able at that time to make comment about this Bill or this kind of proposal.

There is one point also that was made – and, I think, by the Lord Bishop who, incidentally, is one of us here without a public mandate, who has been elected by a large body but without a public mandate – that public knowledge of how the two Chambers work virtually does not exist, that people do not know how this works in here and how it works in relation to Tynwald and so on. Some people do, but it is not necessary for them to know how it works. They do not necessarily know exactly how the House of Keys works. They read their newspapers. In the main, that is where they get their information from. Not many people will be reading *Hansard* in detail.

So they do not need to know how it works. All they need to know is, if they are being represented, decisions are being made on their behalf. Those decisions should be... they should be allowed to have a say in that at the ballot box. That is all the Bill is saying.

So with that, I will thank Mr Crowe for seconding. I will consider whether or not I would like to support the idea of this matter going to a committee that (a) is going to clash with the debate which takes place on boundaries, and (b) has no reporting date.

Thank you, Madam President.

**The President:** I think, Hon. Members, that we will move to vote on the motion which is placed before you in the name of the Hon. Member, Mr Lowey. If, clearly, that succeeds, the matter will be referred to the House of Keys, informing it of the Council's desire to form a Joint Committee.

Those in favour, please say aye; against no. The ayes have it.

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

<b>FOR</b>	<b>AGAINST</b>
The Lord Bishop	Mr Callister
Mr Braidwood	
Mr Butt	
Mr Crowe	
Mr Downie	
Mr Lowey	

**The President:** With 6 votes in favour, 1 vote against, the motion therefore carries.

**Electoral Reform Bill 2011  
Proposed Joint Committee  
Three Members elected**

**The President:** That leads us then to appoint three Members to a proposed Joint Committee, Hon. Members. I call for nominations, please.

**Mr Lowey:** I propose Mr Downie.

**Mr Crowe:** Madam President, can I just ask for clarification?  
Should we not wait until the House of Keys agree to form a Committee before we nominate?

**The President:** Part of the motion which was before us was that the Committee shall appoint three Members to the proposed Joint Committee (**Mr Crowe:** Sorry, I...) whether or not it is accepted by the Keys. So I think it is appropriate that we line up our Members at this stage so that if the motion is accepted by the House of Keys we are ready to get on with the work.

So any nominations, please?

**Mr Lowey:** I propose Mr Downie.

**Mr Crowe:** I propose Mr Callister.

**The Lord Bishop:** Mr Braidwood.

**Mr Lowey:** Yes.

**The President:** Can we have some clarification about whether you are seconding, please?

**Mr Braidwood:** I will second Mr Downie.

**Mr Lowey:** And I will second Mr Braidwood.

**Mr Butt:** I will second Mr Callister.

**Mr Lowey:** I move nominations closed.

**The President:** We have three nominations, Hon. Members. Is it agreed the nominations be closed?  
(*Members agreed.*)

Right, we have a unanimous decision that Mr Downie, Mr Callister and Mr Braidwood will constitute our element of the Joint Committee, subject to that being accepted by the House of Keys.