

**Electoral Reform Bill 2011**  
**Joint Committee to consider constitutional principles raised in Council**  
**Three Members appointed**

6.1 The Hon. Member for Ramsey (Mr Singer) to move:

*That the Keys concurs with the proposal of the Council that a Committee of three Members be appointed to consider the constitutional principles raised by the Electoral Reform Bill 2011 (in the Council); that the Committee be empowered to join with a Committee of the Council under Standing Order 4.7 of Tynwald Court; and that the Committee 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.*

**The Speaker:** We turn to Item 6, the final Item on the Order Paper and I call on the Hon. Member for Ramsey to move.

**Mr Singer:** Thank you, Mr Speaker.

I am moving that this Hon. House appoints three Members to a joint committee with the Legislative Council to discuss the constitutional principle raised by the Electoral Reform Bill 2000 and introduced in Council on 25th October this year; that this Hon. House agrees to the formation of this joint committee and that it has powers to take evidence and summon the attendance of witnesses, pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876.

Hopefully, a satisfactory way can be found to move forward to make recommendations, whether or not the Members of the Legislative Council should be publicly elected. I hope Hon. Members will support this motion so that a resolution can be determined to this long-running saga.

I so move.

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

**Mrs Cannell:** Thank you, Mr Speaker. I beg to second and reserve my remarks.

**The Speaker:** The Hon. Member for Rushen, Mr Watterson.

**Mr Watterson:** Mr Speaker, the Clerk has an amendment in my name to the motion, which reads:

*Leave out all words after 'That the Keys', and add, "requests the mover of the Electoral Reform Bill 2011 (in the Council) to undertake a period of consultation with Members of the House of Keys, Legislative Council and the General Public to establish whether sufficient support exists to pursue the Electoral Reform Bill through the branches before additional drafting time is spent on it."*

I think we fell into this trap five years ago as well. We all have different ideas about the Legislative Council: 'something must be done – this is something, therefore this must be done'. Without getting into the specifics of this Bill, I just want to raise a few queries.

Firstly, my personal view is that this process should be led by the House of Keys not by the Legislative Council, (**Mr Teare:** Hear, hear.) I also – and probably more importantly – feel: is this a priority? Certainly, in my manifesto, I made it clear that I was a supporter of the Legislative Council. I did so through the 2007 Bill, but I am very concerned, at this stage, that a lot of drafters' time, a lot of Members' time, is going to get sucked into a process where there is no clear outcome, where we, at the moment, do not have any sort of view from either the Member, or from Members of this House, as to whether this is going to be successful in its current format.

Members of the previous House will remember the Second Reading of the 2007 Bill and some of the difficulties that we faced at that time, when all the different models came out of the woodwork as alterations to the long title at Second Reading. That is something that, I suppose, what I am trying to do is avoid a repetition of, where all the different ideas get thrown onto the table after it has been through Council and it has arrived here.

So before we put a lot of officer time, a lot of Member time, a lot of legal draftsman's time, which will inevitably come from this Bill, I would like the Hon. Member who has introduced it into Council to consult with Members of the House of Keys, to see whether he thinks this is going to gain a majority if it reaches the Keys, and also consider the views of the members of the public and also Council on this, before he pursues it.

So I hope that is a way forward that will mean that the Bill is not stopped, it is delayed, and it will mean that the Hon. Member will have to take a bit of ownership, in terms of a consultation process, rather than devolving it to a Joint Committee.

So I hope that that will find favour with Members, Mr Speaker.

**The Speaker:** Mr Quirk, Hon. Member for Onchan.

**Mr Quirk:** Thank you, Mr Speaker.

I am quite happy to second the amendment that is here before us today.

A number of Members have come back from the Election; my own personal view is that we were not very challenged on it, it was not a doorstep particular issue and I welcome the initiative from the Member for Rushen, Mr Watterson, regarding this. I think it would be a better way forward for the use of the time and the House and Members to explore this issue.

As it has been in the past, we did have some difficulties. Some Members did support and I was one that wanted change at an early stage but, at the end of the day, we lost the initiative. I do not think it has been an issue out there any more, as far as I am concerned, but I would welcome this particular move forward here today and would encourage Members to support it.

**The Speaker:** The amendment having been seconded, the motion and the amendment are open for debate.  
Hon. Member for Glenfaba, Mr Anderson.

**Mr Anderson:** Thank you, Mr Speaker.

I rise in support of the mover, rather than the amendment. I congratulate the mover actually taking the initiative and bringing it forward. I see the movement from the Legislative Council to put this into a debating chamber with the House of Keys is merely a delaying tactic. I take on board the Hon. Member for Rushen's comments that even if it goes through the process, inevitably, it might not find support, generally, through this Hon. House.

However, I recognise that the Hon. Member's time in that place is not infinite, and he has got his Bill, what he wants to do. I think, actually, by going through the process and actually rejecting or accepting it, will give us the opportunity – and I agree with the Hon. Member, that it would be far better if those proposals came from this House... However, as the hon. mover has moved this, I think we should let things take their course and then when that is finally, as I suspect, rejected, that this Hon. House pick it up and actually form a Bill that is acceptable to the majority of people in this House.

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

**Mrs Cannell:** Thank you, Mr Speaker.

I just want to take issue with the comments made by the mover of the amendment, when he said there should be a period of consultation with Members of the House of Keys, the Legislative Council and the general public. It is suggesting that it did not happen, when, in fact, it did, because the Hon. Member of Council, before he even pursued putting together a Private Member's Bill to move in the Legislative Council, did just that: he wrote to all Members of Tynwald.

There was also a period of consultation with the public, and he got a degree of response. (*Interjection by Mr Watterson*) So he did go out to public consultation and he put together his Bill, which any Member of the Legislative Council is entitled to do, to start a Bill there, as well as in this place. So I think, to suggest, with the amendment, it has not been done, I think is a little bit unfair towards the Hon. Member of Council in putting the Bill together.

He also went on to say that the process should be led by the House of Keys, not the Legislative Council. Well, let me put it on record, Mr Speaker, you and I and one or two others know only too well, the process has been started in the House of Keys on many occasions and the Bill has found nowhere to go, shall we say. I have sat on no less than two or three Select Committees of the House, looking at this, together with one or two of my colleagues who are still in office here, and we could never reach agreement.

In my view, I remain optimistic that the very fact that it has been started in the Legislative Council by a Member whose sole remit was to do just that... I think that was the whole purpose... I *know* that was the whole purpose that he allowed himself to be put forward for the seat in the Legislative Council, in fact, to try and get them reformed. I feel encouraged by that, because I feel that it is more likely to gain favour with both branches. I am being optimistic, without getting into the nuts and bolts of his Green Bill.

The motion before Hon. Members today has come down from the Legislative Council, who want to form a committee with the House of Keys to take further discussion on the constitutional principles contained within the Green Bill before the Legislative Council. If we agree with that, we would today elect three Members of the

House to sit and consider with three Members of the Legislative Council, and also be empowered to take evidence again – I say that ‘again’ because it has already been done. I believe the more expedient way of dealing with the matter is to go with the motion on the agenda rather than to support the amendment, which takes us back to base, which we have been to on so many occasions.

I think if anything is going to happen, it will be as a consequence of representatives of both branches coming together to see what they can broker. What would then happen is a report would come back to the House and it would either make recommendations to support something or other, or it would make recommendations to reject the whole thing. That, to me, is the way to deal with it, rather than go through the process of starting on the starting blocks again.

The Hon. Member for Onchan, Mr Speaker, said it is not a public issue. The public, I think, are sick and tired of hearing about it, but nevertheless, what is a public issue is that we have true democracy in the Isle of Man. This enhances democracy by the Legislative Council having a public vote. My old saying has always been in politics there is: ‘No taxation without representation’. So although it is not a popular public topic now, it has been and I think the public expect us to move forward and improve democracy for the Isle of Man. This may or may not be a way of doing it, but I would ask the House to support the motion, as written, so that three delegates can be formed to go into discussion and then come back to the House and make a report to the House.

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

**Mr Karran:** I have to say that I, too, take issue with one of my colleagues as far as ‘it isn’t an issue’. It *is* an issue. It is a major issue as far as a lot of people are concerned. It is not the most important issue that we have now, as a legislature and as a national government, to address, but the idea that somehow the reform and the election of the Upper House by the general public is a major issue...

I am a little bit concerned, because some of us fought long and hard, when we were not Ministers, to create an allocated time for Private Members’ Bills. As you know, Vainstyr Loayreyder, as a longer-serving Member than most in this Hon. House, at one time a Private Member’s Bill, unless it was something that was offensive or ridiculous, was always given the opportunity of leave to introduce. It was a formality for many years. That has changed.

I think the hon. mover of the amendment needs to justify this great pressure, as far as the legislative drafting time allocation, because at the moment I know of no other Private Member’s Bill that is taking up the legal draftsmen’s time, as far as that is concerned. I think it is important that the fact is that that case needs to be made.

I think it is also important that whilst we should meet on Bills, we should not stagnate the opportunity of the revising chamber of our constitutional position, as far as being a branch of Tynwald, from being able to initiate pieces of legislation. Whilst I do not see great confidence in what has been proposed by the committee... by the Council of Ministers... (*Laughter*) by the Legislative Council, the Coonceil Slattyssagh, the situation is this is a normal procedure of dealing with this situation.

I am here as a parliamentarian in this Hon. House, on this issue, as a parliamentarian, not as a member of the executive, and I think that it is important that we should allow the pursuance... Unless there is some fantastic revelation which I cannot find out from the Hon. Member for Rushen, we should actually go with the Order Paper, because I do not know of any problems as far as that allocation and it is important for this House to make sure those hard-won principles that we fought for... that that allocation of legislative time for legislative drafting of Private Members’ Bills should not be reflected or interfered with by the executive process.

**The Speaker:** Hon. Member for Rushen, Mr Skelly.

**Mr Skelly:** Thank you, Mr Speaker.

I would just like to simply voice my support for the amendment. As one of the seven new Members in this House, it gives us an opportunity for consultation – and I think that is very important – on this important issue.

**The Speaker:** Hon. Member for Douglas South, Mrs Beecroft.

**Mrs Beecroft:** Thank you, Mr Speaker.

I would like to be brief on this because I think everyone has said a lot on it. I would just like to remind Members that we have just come through a General Election. This has been a hot topic for a number of years. I took that opportunity to consult while I was canvassing, and I would have thought most Members in this House would have done the same.

Certainly it is an issue that is out there. That is the feedback that I got. People want to see reform and I think anybody who has discussed this on the doorstep has an obligation to the people who voted them into this House to seek that reform. I will definitely be supporting the original mover’s.

Thank you.

**The Speaker:** Hon. Member for Rushen, Mr Gawne.

**Mr Gawne:** Gura mie eu, Loayreyder.

Just a little bit of clarification here, really, I suppose. To a certain extent, the hon. mover of the amendment is correct in that not all Members of the House of Keys were involved in the consultation. The consultation document clearly went out prior to the Election, so there are seven new Members who have not had the opportunity for consultation, and I would certainly urge the mover of the Bill in the Legislative Council to meet with those Members and discuss with those Members – but the rest of us have had the opportunity to discuss this with the mover of the Bill, Mr Callister, Hon. Member of Council.

We have certainly had the opportunity, whether we have all done it or not, to express our views very clearly to the Hon. Member in Council, and to suggest that, in some way, yet more public consultation on this matter is going to bring any more clarity I think is to live in a parallel universe, because it is just not going to happen. I think we all know pretty much where we stand on this issue.

I would agree with the mover of the amendment, perhaps, that this is not the biggest and most important issue that we are going to be facing in the next year or two, but it is an important issue. It is about democracy – either we believe in democracy or we do not believe in democracy – and I think that it is as clear as that. So I certainly will not be supporting the amendment. I think it is a smokescreen, really, put up to put people off taking a decision.

We are elected to take decisions – that is why I am here, anyway. I do not believe in this ‘Let’s just put it off into the long grass.’ If we are going to put it off into the long grass, let’s just... Those who are minded to do that, vote against the motion. Do not vote for this amendment because that is not going to achieve anything at all, in my view.

I would urge the mover of the Bill in the Legislative Council, Mr Callister, to actually conduct proper consultation with the new Members so that they are up to speed as well.

**The Speaker:** Mr Singer to speak to the amendment.

**Mr Singer:** Thank you, Mr Speaker.

Just a couple of comments on what has been said.

Mr Skelly says he... I understand, because neither he nor I, nor the other five Members, were actually consulted in the past, but in fact if this joint committee is formed, they will be there to take evidence, and you will be perfectly entitled to give your comments at that particular time. So you certainly will not be excluded from putting your comments in.

The other comments from Mr Quirk: he said it is not an issue; other people said it is an issue. As far as I was concerned, it *was* an issue, generally – some on the doorstep, but certainly within the press and on the radio, people have commented consistently about the fact that we have people here in the Council who are making decisions who are not elected by them, and they feel very aggrieved for that fact.

So I think the hon. mover of the amendment has got rather unjustified confidence that this House would find a way forward on its own, when it has not done so in the past. I would ask Members, therefore, to reject this amendment, go with the motion, because I believe a joint committee could certainly come forward with recommendations, in a reasonable length of time, then for Members of both Houses to either accept or reject.

So I ask Members to support the original motion.

**The Speaker:** I call on the mover of the amendment, Mr Watterson, to reply.

**Mr Watterson:** Thank you, Mr Speaker.

Just to pick up, first, Mr Karran’s point about the tightness of legislative drafting time. Certainly, my experience is already, as the Minister for Home Affairs, that I had been promised a Bill before the end of October that was set in train during the summer and that has yet to come back to the Department. If you think that is before we start adding the legislative programme that is going to come forward and that is before we add other Private Member’s Bills that are, no doubt, going to be coming forward in the pipeline as a result of the General Election, I think that demonstrates to the House that there is still a pressure in that Department that renders it difficult to push through legislation on a timely basis to get it out and ready for consultation.

I think the comments made by Mrs Beecroft do fall into the trap of ‘this is something that should be done, this is something, therefore this should be done’ and, again, whilst we may want to talk about the principles behind this Bill at some point, then I do not necessarily see what we gain by a joint committee.

Consultation should be quicker and more efficient than a joint committee and I do stand by that. I do not know what this joint committee will achieve that a consultation will not. Apart from the power to take evidence,

there is nothing to stop the Hon. Member undertaking the exercise, apart from the fact that this is going to get people in a room to talk about it. It does not actually achieve anything new.

The Hon. Member did circulate his Bill to Hon. Members – I do recall that. I was not quite sure if that was the consultation. Certainly, the results of that consultation have never been published. The results of that consultation have never been made known to me, so again that is something you would normally expect to have a consultation process – you find out what the actual results of it were.

Mr Gawne made the comment that we know where we stand on this Bill and we need to take decisions. Setting up a committee is normally the first thing you do, when you are not trying to make decisions! Certainly, I have my doubts about whether this committee is the delaying tactic and I am trying to push my way through that, so you can argue that one either way. Certainly, if the Hon. Member of Council thinks, as result of his consultation, that he has the 13 votes required, he should not be messing round with committees; he should be passing that Bill through the Upper House and getting it sent down here as soon as possible, to ensure that it goes through. If he does not, then he has got to seriously consider why he is pursuing this Bill in the first place, and then why on earth in this rather peculiar manner, rather than just passing the Bill through the Upper House and then sending it down here.

So I cannot see that there is a pro- or anti-democracy argument in this at all. Yes, we can argue about the process that this goes through. Certainly, my view is that if the Member has got the votes, move the Bill and if he has not, think carefully about whether that is a good use of time. That is where I come back down to.

Then, building on that, I want Members to think about, is this really your top priority? Is this the way that you want it to be done? Think also about the economic and social difficulties that –

**Mrs Cannell:** Point of order, Mr Speaker –

**The Speaker:** Point of order, Mrs Cannell.

**Mrs Cannell:** – and clarification, please.

**Mr Watterson:** Hang on! Point of order or point of clarification, Mr Speaker?

**Mrs Cannell:** Point of clarification, Mr Speaker.

**Mr Watterson:** There is no such thing as a point of clarification.

**The Speaker:** Hon. Member for Rushen –

**Mrs Cannell:** Point of order.

**The Speaker:** – the Chair is dealing with this matter.

**Mr Watterson:** Okay.

**The Speaker:** If you would resume your seat –

**Mr Watterson:** Certainly.

**The Speaker:** – while Mrs Cannell makes a point of order.

**Mrs Cannell:** Thank you, Mr Speaker.

The expression ‘it is in a peculiar manner, two branches coming together to form a committee’ – could you clarify, please, that it is provided for under Standing Orders?

**The Speaker:** I seek the advice of the Clerk.  
Could you repeat your point of order, please?

**Mrs Cannell:** Thank you, Mr Speaker.

The Hon. Member for Rushen suggested that the motion having two committees, one from each branch, meeting together to discuss the matter, was a peculiar manner in dealing with the issue. Is it not provided for – this manner of dealing with the issue – in Standing Orders?

**The Speaker:** I am advised that it is.

**Mrs Cannell:** Thank you.

**The Speaker:** Thank you, Hon. Member. (**A Member:** Very good.)  
Mr Watterson, please continue.

**Mr Watterson:** Thank you. To build on that, (*Laughter*) (**Mr Anderson:** Oh no!) I would perhaps say that what would be the more normal manner – and this is why I have described it as ‘peculiar’ – is that normally, a Bill would have started in the Keys, would have gone up to Council and a joint committee would then be resolved to settle the differences between them but, of course, the Bill that we are referring to at the moment has not come before the Keys yet. So whilst what certainly, in my view, seems to be the purpose of that joint committee in legislative terms, in order to resolve differences, does not appear to be the case in this one, in terms that it has been used to pre-empt differences.

Without going over it again, consultation should be quicker than a joint committee. A joint committee does not seem to bring anything to it that moving the Bill will not. If the mover thinks he has got the votes, he should move his Bill. If he does not think he has got the votes, I do not see what this committee will achieve.

I will leave it at that, Mr Speaker.

**The Speaker:** I call on the mover of the original motion to reply, Mr Singer.

**Mr Singer:** Thank you.

I think most things have been said now. Members will make their judgement. The only thing I would comment is that those of us who went to the briefing for new Members and had a briefing from the Attorney General’s department... They said time is, in fact, set aside on a regular basis for Private Members’ Bills, so if one was to come forward it is not going to take time away from drafting Government Bills. (**Mr Watterson:** It will.)

Can I say to Members I think there has been an attempt at delaying tactics here today and I think we ought to recognise that. I know there are, quite clearly, Members in this Chamber who do not want to see reform of the upper Chamber, other Members who do, but can you please look at the amendment, at what that is trying to do, and then look at the motion, which is, I think, much more straightforward, and will come back with a much more straightforward answer for Members to discuss here in a much quicker time.

I would ask Members to reject the amendment and support the motion on the Paper.

**The Speaker:** Hon. Members, we have before us the motion as set out at Item 6, and to that there is an amendment in the name of the Hon. Member for Rushen, Mr Watterson. Those in favour of the amendment, please say aye; against, no. The noes have it. The noes have it.

I therefore put the motion, as set out under Item 6.1 in the name of the Hon. Member for Ramsey, Mr Singer. Those in favour, please say aye; against, no. The ayes have it.

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

<b>FOR</b>	<b>AGAINST</b>
Mr Hall	Mr Quirk
Mr Karran	Mr Teare
Mr Ronan	Mr Cregeen
Mr Crookall	Mr Watterson
Mr Anderson	Mr Skelly
Mr Bell	
Mr Singer	
Mr Quayle	
Mr Cannan	
Mr Houghton	
Mr Henderson	
Mrs Beecroft	
Mrs Cannell	
Mr Robertshaw	
Mr Shimmin	
Mr Corkish	
Mr Cretney	
Mr Gawne	
The Speaker	

**The Speaker:** With 19 votes for and 5 votes against, the motion therefore carries.

We have now moved into an election for the three members of the Committee and I will take nominations.

**Mrs Cannell:** Mr Speaker, I would like to propose the Hon. Member for Rushen, Mr Gawne.

**Mr Singer:** I second Mr Gawne.

**Mr Karran:** I would like to propose the Hon. Member for East Douglas, Mrs Cannell.

**Mr Houghton:** I will second.

**The Speaker:** Thank you.

**Mr Karran:** I would like to further propose the Hon. Member for Ramsey, Mr Singer.

**Mr Houghton:** I beg to second.

**The Speaker:** We have three Members nominated. Nominations closed?

**Mr Gawne:** I would like to propose the Hon. Member for Rushen, Mr Watterson. *(Laughter)*

**The Speaker:** Do I have a seconder?

**Mr Cretney:** I would be delighted to second Mr Watterson. *(Laughter)*

**The Speaker:** If there are no further nominations, I ask the Secretary to read out the names of the candidates.

**The Secretary:** The four candidates for the three vacancies are Mrs Cannell, Mr Gawne, Mr Singer and Mr Watterson.

**The Speaker:** We shall vote on each candidate in turn through electronic voting, I hope. You must vote for three candidates.

*A ballot took place and electronic voting resulted as follows:*

Mrs Cannell	19
Mr Gawne	19
Mr Singer	20
Mr Watterson	11

Number of spoilt papers: 1

**The Speaker:** The result of the ballot is that Mrs Cannell received 19 votes; Mr Gawne received 19 votes; Mr Singer received 20 votes; Mr Watterson received 11 votes. Therefore Mrs Cannell, Mr Gawne and Mr Singer comprise the Joint Committee with Council.

Hon. Members, that concludes the business of the House today. The House will now stand adjourned until the next sitting, which will take place at 10 o'clock on 29th November in this Chamber.