

Constitution of the Legislative Council
A Bill to make new provision
Leave to introduce granted

5. The Hon. Member for Onchan (Mr Karran) to move:

That leave be given to introduce a Bill to make new provision for the constitution of the Legislative Council: to require Members of the Legislative Council to be subject to popular election on an all-Island basis after the election to the Legislative Council in 2018; to make amendments to the basis of eligibility for election to the Legislative Council; to remove Members of the Legislative Council from eligibility for service as Ministers or Members of Government Departments; to provide for amended pay and conditions of employment of Members of the Legislative Council; to make the necessary amendments to enactments relating to those matters; and for connected purposes.

The Speaker: We turn now to Item 5, leave to introduce.
I call on the Hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, Hon. Members, I do not intend to speak long because I feel that the leave to introduce is quite simple. It is a simple declaration – are you for democratically electing the Legislative Council, or not – and that the structure of this Bill and its clauses will stand on its own with different parts as far as this legislation is concerned. So a simple yes or no, as far as the leave to introduce, will suffice to know what the position is.

The Private Member's Bill is one of the issues that is long overdue. The fact that the electoral process, in respect of the Legislative Council... should be democratically elected by the people.

We have come a long way from being able to have this Hon. House having the opportunities to elect two MLCs just over 100 years ago, with the rest of them under the patronage of the Governor and through Whitehall cronyism. This was totally unacceptable, as far as the Manx nation at the time was concerned, just as at the present time in respect MLCs being elected by MHKs in this Hon. House having the right to preside over legislation, policy power and being Members of the Manx parliament through Tynwald, as part of the Legislative Council.

I believe that the Legislative Council needs to be elected on an all-Island basis. It needs to be removed out of executive government, and I believe that the opportunities of that being done will be in a separate clause, as far as this piece of legislation is concerned, when drafted.

The biggest tragedy, I feel, is that the nation is seeing... We have the biggest economic boom this nation has ever seen and, unfortunately, to a great extent it has been squandered because of the bad process and the lack of separation of power between the parliament and the executive.

In my Private Member's Bill you will be given the opportunity to vote on a series of issues concerning new provisions in respect of the constitution of the Legislative Council.

Firstly, the subject of popular election on an all-Island basis – or, if Members want to bring in eight single seats, that would be an amendment that, obviously, I would fight against, but will be there to be facilitated.

There will be an opportunity to see whether the removal of Members of the Legislative Council from being eligible to serve as Members or Ministers in Government Departments and to amend pay and conditions of employment of the Legislative Council... This will enable us to take account of the current Standing Committees, which were set up to put rungs in the ladder that this Island so desperately needs at the present time.

Never before has there been a need to create the environment for good governance, as far as this Island is concerned. We need to start developing the structures that will deliver on good governance that this nation still needs.

Hon. Members, a simple declaration of yes to this Bill will show to the public the commitment in respect that the Legislative Council should be elected by the people.

When the Bill comes back to the House, you will have the opportunity to amend it, to refer it to a committee to take public consultation on the input into the clauses and the proposed new Bill.

Hon. Members, I could speak for another half hour about my concerns regarding the Legislative Council, but I believe that most Members here today have their position well and truly arranged, as far as their stance on this Bill.

If you are going to vote against the leave to introduce, then please have the good grace and the respect for democracy to explain why you are voting against leave to introduce in respect of this piece of legislation, especially with the fact that we have a public wilderness regarding primary legislation being drafted by the Council of Ministers for the branches of Tynwald. There is no excuse for this Bill not to go ahead and be

given legislative time.

I beg to move that the leave be given.

The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

I beg to second.

I think there are a few points that are really important in this proposed Bill. It starts a separation of power, which is fundamental in a democracy. You cannot have everybody in government. It is not right. There is not the same scrutiny.

A Member: Resign, then! (*Laughter*)

The Speaker: Go on, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

I believe it would be the start of actually making government work on a more national basis, if the MLCs were elected on this national basis. It would take away the element of... I know people in the past have been scared of creating what was termed 'super MHKs' because they would be receiving more votes. If it was a national basis, that takes the constituency element out of it.

I think the most important element is that the MLCs are elected by the people. It is wrong that we have people who are voting on policy on a day-to-day basis, and in Tynwald, who have not faced the electorate, and that is one of the prime reasons I believe this leave to introduce should be supported.

Thank you, Mr Speaker.

The Speaker: Hon. Member for Middle.

Mr Quayle: Thank you, Mr Speaker.

I really do rise to my feet in despair over this. We have a black hole with a pension deficit; a European and UK recession – arguably, the worst in living memory (**A Member:** Hear, hear.); youth unemployment up to 70% in some European countries, which will have an impact on our own youth on the Island as they have to compete in the job market; we have a capital account that will be down to £1 million by 2016; free reserves that are shrinking and getting dangerously low; an ageing, heavily skewed population... and I could go on and on with all the problems that this Hon. House is facing. (**A Member:** Hear, hear.)

And what is the Hon. Member for Onchan proposing that we should spend our time discussing? Yet again, a change of Legislative Council. We have already had this in the last few months. Surely... do the people of the Isle of Man want to change the Legislative Council? Not in my experience. Only one person raised it with me in the Election of 2011.

I am all for having a debate about it. We have had a debate about it, we voted on it and we agreed not to move forward.

What the public *are* concerned about is growing the economy, (**A Member:** Hear, hear.) balancing the budget (**A Member:** Hear, hear.) and protecting the vulnerable. There are too many red-herrings and time-wasting proposals in this House. In my opinion, until these big three have been properly addressed, Hon. Members should not be wasting their valuable time on Mr Karran's proposals, when we have had such more important pressing issues. We are steering our Island round some very dangerous rocky waters at the moment, and in my opinion we will still be for at least the next five to 10 years. Some Hon. Members in this House seem to be more concerned about the minutiae, rather than coming up with proposals to help the Island successfully navigate the problems, (**A Member:** Hear, hear) and I feel this leave to introduce really is rearranging the deck chairs on the *Titanic*, (**Mr Watterson:** Hear, hear) when we should all be working, as a House, to steer the Island to safer waters.

That said, I will be supporting the Hon. Member for Onchan, (*Laughter*) Mr Karran's right – and I think this is the important part, his *right* – for leave to introduce, because whilst I think he is wasting Members' time by doing this, (*Interjection*) it is a fundamental right that I believe that Members should be allowed to have the right to move amended legislation.

But I hope that he will park his proposal until the big three problems have been sorted out, and I will not be voting in favour of it until he has sorted out... Until those proposals have been sorted out, I will vote straight away against anything that he brings to this House.

Thank you.

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

Mr Watterson: Thank you.

I would like to closely align myself with the first 95% of the previous speaker's comments. (*Laughter*) I think he is absolutely right.

Where I would disagree with him, firstly, is that it is a right of Members to bring a Private Member's Bill. The right is for them to come here and request it. It is then down to Members as to whether they approve that; otherwise, we would not bother having a leave to introduce stage.

In asking the Hon. Member who has just resumed his seat to reconsider that, what I would say is that there is a certain amount of time set aside for drafting Private Members' motions and Bills, but that time is instead of, not as well as the other things that we are dealing with – there is only so much drafters' time.

The Hon. Member for Onchan, Mr Karran said, 'Well, there's not much legislation coming through; therefore, there must be *loads* of drafting time available,' – which, I have to say, from my experience as a Minister, could not be further from the truth.

When I arrived at the Department of Home Affairs, we had a number of things that we were working on, some of which are still not ready to go. We are only coming forward in the next few months with the Tourism Finance Bill; we are looking to update the Fire Act 1984; the Communications Bill has been struggling to get the appropriate amount of drafting time; then the Sexual Offences Bill... These are all things that have been on the cards just for the Department of Home Affairs in the last 18 months, that we are struggling to get the drafting time and the officer time to try and push forward and move onto the statute books – never mind what the other nine Departments plus Statutory Boards are trying to work up to get onto the statute books. Social Care have got dramatic changes in the pipeline, in terms of social legislation, that need to be moved and worked up and worked on.

It is part of the cycle of the House of Keys in the five years that it starts quiet and it always ends really busy, because by that time you have got it worked up, you have got it consulted on, it is ready to go. This is the stage when drafters' time is in most demand, and so to say that there must be loads of it because there are not enough Green Bills in front of us is a fallacy.

So, as I say, I would agree with the Hon. Member for Middle, firstly, that we have bigger issues to deal with, but then just put it to him, Mr Speaker, that actually it does not mean that legislative drafters' time is going begging. It is being used to the absolute fullest, and if he and other Members think that we would be better served by the navel-gazing involved in *this* Bill, I think he is sorely mistaken, sir.

The Speaker: The Hon. Member, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

I do not actually disagree at all with the mover. I think this is an entirely appropriate thing to do. I think democracy is quite an important concept, and getting it right is an important concept.

Yes, we have financial difficulties that we are trying to deal with; and yes, we have an economy that we are trying to grow; and yes, these are really important things; and yes, we already have legislation and policies in place to crack on and try and deal with those things. I detect a smokescreen being created by the Hon. Member for Middle, and indeed my hon. friend the Member for Rushen.

This is about democracy, about getting our democracy right. What we have currently is a very outdated and archaic system, which is based on a Legislative Council which is effectively the henchman of the Lord of Mann – effectively, the old-style Council of Ministers. So we now have two Councils – we have a Council of Ministers on the one hand, and we have got a Legislative Council, which effectively is a throwback to an age which I am glad is now past – but we are carrying on with this because it is historically a nice thing to do, and on Tynwald Day it is nice to trot up to Tynwald Hill and have all these ancient traditions.

Actually, parliament should be about far more than tradition. I am not saying tradition is not important, but it is certainly not the be-all and end-all, and actually getting your parliamentary democracy right is hugely important. I think it is quite concerning that both the Hon. Member for Rushen and the Hon. Member for Middle seem to have totally disregarded the importance of ensuring that we have a good, effective, modern, working democracy in the Isle of Man.

I fully support the Member's request for leave to introduce. I do not support him having a *right* to do that, but I do support him having that leave to introduce. There is no right for Members to automatically receive leave to introduce, so in that regard I think if the Hon. Member for Middle wishes to vote against – there is no right for Members – it might be better for him to actually pin his colours to the mast on that one.

Certainly I fully support the hon. mover's intentions here. I think it is entirely the right thing to do.

I think it is good that he has addressed the issue of the super-MHK concern, which has been a concern in previous attempts to try to reform the Legislative Council.

I think this is an excellent way forward. I do not believe that it is going to involve a significant amount of drafters' time, bearing in mind the vast array of variants of drafted Bills that will already be available to just

pick off the shelf from the many and numerous failed attempts in the past to do this.

The amount of time involved, in terms of debate in this Chamber and in the Legislative Council, would be relatively limited – maybe a couple of hours per debate. If we really cannot afford that amount of time to try and improve our democracy and introduce a modern, functioning, democratic system in the Isle of Man, then I think we are failing as a parliament.

The Speaker: Hon. Member for Malew and Santon.

Mr Cregeen: Thank you, Mr Speaker.

I think some of the comments that the Hon. Member for Middle made were really valid, but I just wonder at times, is this doing something for the sake of doing something, or is it doing something because it is the right thing to do?

I do not want to encourage the Member for Onchan, Mr Karran, to go on at length, but quite frankly, there was not much meat on the bones. He has come up with, ‘Well, I am going to come forward with a Bill – I am not sure exactly how it is going to be.’ I would throw back at him what he says to many Members: get his facts together, say what he wants to, give a briefing to Members about what he really wants in this Bill, rather than coming here half cock and saying, ‘Well, I want to work something up and then I will vote against it, or I will do this and that.’ Come here with a really good case of what you want to do.

We have seen, many times, people coming forward with a Bill to change the Legislative Council, and it gets hacked about from month to month, and by the end of it you have got nothing that really works. (**A Member:** Hear, hear.)

He would be better off coming here with a good idea, rather than just plucking something out of a bag and saying, ‘Well, this might work.’ Do the job properly. The Member is always telling Ministers and other Members that they should do the job properly and come to this Hon. House with a proper idea. He has not done it. I would suggest that he delays this, works up his idea and then comes with something really solid that people can have a look at.

This is just a bit of a pipe dream at the moment, and I would encourage him to withdraw it and come back at a later date.

The Speaker: Hon. Member for Michael.

Mr Cannan: Thank you, Mr Speaker.

There must be something in the air because I am going to have to agree with the Minister for Agriculture, Mr Gawne, for once. (**Mr Gawne:** Oh, dear!)

I disagree with Mr Cregeen, because I do think, actually, that the mover has clearly stated what he wants to do, and that is to seek popular elections for the Legislative Council, to remove the Legislative Council from eligibility for service as Ministers and to provide for amended pay and conditions of the Members of the Legislative Council. So I think he has actually expressed his core criteria there very clearly.

One fundamental part I cannot agree with, and I will state for him early on, is that I do not think there will be room for public elections, but with the vast majority of what he is putting down there I do concur.

I also think that, in the greater scheme of things, whilst we are asking everybody else to engage in a big change process, if we are not looking at ourselves as a parliament and the way we operate, then we are sending out the wrong messages.

So I think there is very good reason to continue this debate. I think that, in terms of the time and effort, it is up to the mover to dedicate his own time for that, and if we have to spend a few hours in here debating his motions and debating his legislation, then so be it. I can see no harm in doing that; in fact, I think it is perfectly reasonable for us to do so in the current circumstances and I am very happy to support what he is doing, although I do say to him that I am not comfortable with the idea of all-Island elections.

The Speaker: I call on the mover to reply, Mr Karran.

Mr Karran: Thank you Vainstyr Loayreyder.

Firstly, thank you to my seconder for seconding my proposal.

It is an important recognition that the separation of power between the judiciary, the executive and parliament... This is nothing novel. This is basic facts of parliamentary and democratic rights. This is not being rewritten. The problem is, as the person who is one of the few left that were before Council of Ministers legislation... expressed that, as a Member of this House, so many years ago, about making sure we got the checks and balances in...

It is alright for the Hon. Member for Rushen to send over the quip about ‘Oh, he can always resign,’ and then he will complain that if we do not do our bit, we are somehow dodging our responsibilities.

The fact is that people need to realise that the present system is not acceptable.

As far as the Hon. Member for Middle is concerned – and I think the Member for Rushen will be very, very agreeable on this point... but *lhiam-lhiat-ism*... (*Laughter*) If ever there is *lhiam-lhiat-ism*, we have got it there. And for the ones who do not know what that is, it is the equivalent of the Brits' 'The Vicar of Bray' – with thee, with me, and with no-one but themselves.

The situation is it might get brownie points in the present system to try and lecture this Hon. Member about the issues of the black hole of pensions, when this Hon. Member was on about it six, seven years ago about this issue and ridiculed in this House... to concern yourself about the issues of the economic problems that we have got. How *dare* you... people in this House say about that? The fact is that it is recorded in *Hansard*, my concerns. I am very proud of what I have been associated with, and maybe more through non-achievements officially, but being that factor, that fly that keeps on buzzing around, that makes sure that we try and get people looking in the right direction.

So I do not need any lectures from the Hon. Member, as far as the problems that are on the horizon. I am very concerned about that, and I think it is important that we have got to remember that we, as legislators, make the environment. We make the environment for things to happen. That is what we do, and I only just say... and I will move off that. You have only got to look at things like off-Island transport and energy costs. Who was right in this Parliament on those issues? We have got a £400 million bill –

The Speaker: Hon. Member, could we just get back to the motion that is on the Order Paper?

Mr Karran: Vainstyr Loayreyder, I think that the points that were raised about being lectured, about the problems that we have got...

I am glad the Hon. Member realises that something has changed, that at one time, unless it was something so outrageous, leave was always given in this Hon. Chamber, unless it was something that was so outrageously damaging to the Island or totally ridiculous. I am glad that at least the Hon. Member has had the good grace to allow us to proceed with the proposal for the idea of a Private Member's Bill, because quite frankly, I honestly believe there is still a void there, as far as this is concerned, and to have the lecturing from the Hon. Member for Rushen, my Minister, the Shirveishagh son Cooshyn Sthie, telling me about the lists of legislation... I would remind him we actually have had... The last Election was two years next September, so the fact is that there has been an opportunity, and I think that maybe the situation is that we need to make sure that the Hon. Member for Rushen realises that, like I have just said, the environment where everything prospers, just as happens in this country, comes down to the environment of how Government and parliament works. In my opinion, there is a need for us to look at these changes, rise about the playground and make sure (*Laughter*) we act as a parliament. Rise above it, as far as that is concerned, and vote for leave to introduce it.

I thank the Hon. Member for Rushen, because quite frankly, there was the sort of speech and input that a parliament of a nation should be getting on this subject – not the personalities of whose gang we are in. I am glad that he raises the issues of what the history is and how we have changed.

I am proud of the changes that I have been involved with, maybe not as a Minister of this Hon. House, but I have been an important factor as far as getting the unpopular vote, unpopular things going through this Hon. House.

As far as my problem with my good friend from Santon and Malew is concerned, I just... Again, we get back to the playground, (*Interjection by Mr Cregeen*) and I think the situation is that I suggest that he gets on to his good friend, the Minister for Education, and gets himself some tuition and reads the leave to introduce as far as the Clare Obbyr, the agenda paper, has here as far as the leave to introduce is concerned.

Rise above the personalities. There is a need for us to address this issue. This issue needs to be addressed.

I hope that Hon. Members will support this leave to introduce, because the way I want to craft this piece of legislation, you will be given options on different aspects of what parts of this Bill you would agree to. I appreciate particularly the points from the Hon. Member for Michael, for his input of common sense as far as this debate is concerned, and I understand he is fundamentally against one part of the Bill but is interested in other parts of the Bill.

I hope Hon. Members will support leave to introduce and we will continue the evolutionary process that started, I believe, in 1910, when we first got two Members elected to the Legislative Council from this Hon. House. Hopefully today we will see the change the public does want, as far as the Legislative Council being elected by the people of the Isle of Man.

I move.

The Speaker: Hon. Members, the motion is set out as Item 5: leave to introduce a Private Member's Bill. Those in favour, please say aye; against, no. The ayes have it.

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

FOR

Mr Hall
Mr Karran
Mr Ronan
Mr Crookall
Mr Anderson
Mr Singer
Mr Quayle
Mr Cannan
Mr Henderson
Mrs Beecroft
Mr Robertshaw
Mr Shimmin
Mr Thomas
Mr Cretney
Mr Skelly
Mr Gawne
The Speaker

AGAINST

Mr Quirk
Mr Teare
Mr Cregeen
Mr Watterson

The Speaker: With 17 votes for, 4 against, the motion therefore carries.
Hon. Members, that concludes the business of the House today.