

## **1. Public Services Commission Bill 2014 – Third Reading approved with amendments**

Mr Turner to move:

*That the Public Services Commission Bill 2014 be now read a third time and do pass.*

**The President:** The first business this morning, Hon. Members, is to take the Third Reading of the Public Services Commission Bill 2014.

I call on the Hon. Member, Mr Turner.

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

Firstly, I wish to express my thanks to Hon. Members for the various contributions to the consideration of this Bill when Council met on 25th November. I also wish to thank the Hon. Member, Mr Crowe, for moving the various amendments, which were minor and of a technical nature and which did not amend the underlying meaning or purpose of the Bill; and to the Hon. Member, Mr Butt, for seconding the Bill through its progress.

Before I reiterate the principles of the Bill, I would like to respond to the issues raised by some of the Hon. Members.

In response to a question raised by the Hon. Member, Mr Butt, regarding local authority Whitley Council staff and their ability to opt into the public services commission, the situation regarding local authority Whitley staff is that they would *not* become employees of the public services commission. However, local authorities could adopt the public services commission terms and conditions, by analogy, for their Whitley Council staff. This would enable parity to be retained by local authority Whitley Council employees and their Central Government colleagues. Initial consultations within the working group involving local authority representatives indicate that this is the route – the only one – they will likely take.

Turning now to the query raised by the Hon. Member, Mr Corkish, in relation to exclusions listed in clause 3(3)(d) – on members of the fire service – I can confirm that members of the fire service are considered to be public sector employees within the definition of the Bill; however, as they are not officers of the Crown – as is the case for members of the Police Force, maintained under section 1 of the Police Act 1993 – they do not feature in the list of exclusions.

Other employment groups, such as members of the fire service, may be included within the scope of the public services commission at some point in the future, subject to consultation with the relevant unions; however, initially, the scope covers only civil servants and Central Government Whitley workers.

The Lord Bishop's query regarding the wording within clause 3(3)(a), as it relates to his role as a person appointed by the Crown, has been dealt with by the legislative drafter outside the Council and I trust the Lord Bishop is content with the wording within this subsection of the clause as, amended by amendment 2, it is now correct.

Mr Downie had concerns over the constitution of the commission; in particular, the involvement of two Tynwald Members. I wish to confirm that it is appropriate for the Chief Minister to make the decision as to whom he wishes to undertake the vital role of chair and vice chair of the commission.

This simply replicates the existing practice of the Civil Service Commission. It is appropriate for Tynwald Members to be involved in the commission to ensure that the functions of the commission, as detailed within clause 5, are executed effectively with assistance from the non-Tynwald members of the commission and the officers of the commission as well.

The Appointments Commission's role is to appoint persons to serve on independent tribunals and other bodies which are at arm's length to Government. The public services commission will be an integral part of the Central Government structure and, therefore, it is appropriate to contain Tynwald Members.

With regard to the appointment of non-Tynwald members of the public services commission, it will continue, as in the case of the Civil Service Commission, that the process for public appointments is fair, open and transparent, with appointments being made on merit, based on a person's skills and experience and in response to an advertised vacancy.

Moving on, in terms of being suitably qualified, any lay member appointed to the public services commission would be expected to: hold a degree or professional qualification relevant to leadership and/or management; have senior management experience, preferably gained in the private sector; and be experienced as a contributor to the determination of human resource strategies and terms and conditions of service. Additionally, experience working and negotiating with trade unions and staff associations is also desirable.

The knowledge and skills required for such an appointee would include: leadership and motivation skills; an understanding of strategic planning, resource and risk management and HR strategies; the ability to analyse and review complex issues, weigh up conflicting opinions and identify appropriate actions; a good understanding of, and respect for, Government and business and the factors that influence them, and an appreciation of the importance of corporate governance and financial probity.

I trust this thorough selection process provides the Hon. Member, Mr Downie, with some comfort that appropriately qualified persons will be appointed to the commission to enable it to execute its functions effectively. It is, in essence, what we currently have with the Civil Service Commission.

Issues raised by Mr Downie and Mr Braidwood regarding Tynwald's involvement in matters of arbitration under this Bill... was an interesting discussion that we had. As Madam President stated at the last sitting, Tynwald has a limited role, as outlined in the Bill. It is to establish a special committee of Tynwald to determine the collective bargaining and consultation arrangements that are applicable to meet the negotiation and consultation provision necessary in respect of employees pay and other terms and conditions of employment.

I wish to reiterate that Tynwald's involvement only comes into effect if it is not possible for the commission to reach agreement with the respective representative bodies on the establishment of such negotiation and consultation committees. Tynwald will not act as the arbitrator in matters of dispute on issues discussed within negotiation and consultation committees. I hope that clears up exactly what the role is going to be.

The constitutional arrangement for these bodies will include provision for independent arbitration to deal with matters of dispute, as is already the case, including the involvement of the Industrial Relations Officer.

I wish to thank the Hon. Member, Mr Butt, for providing clarity at the last sitting on how arbitration is dealt with currently under the respect of Civil Service Joint Negotiating Committee constitution and the Whitley Council constitution, with respect of arbitration provisions being written into those agreements.

The issue of capability was raised by the Hon. Member, Mr Braidwood. That was in relation to clause 5(1)(g). The Civil Service performance and development review scheme is well-established and, through it, performance targets are agreed, learning and development objectives identified, performance assessed, and appraisals are conducted for all members of the Civil Service. There is no such scheme applicable to employees who are currently under the Whitley Council terms and conditions of employment.

With the establishment of a public services commission, it is important that we move towards treating all members of staff in a harmonised way, with performance assessment and appraisal for all.

I wish to confirm that since 1st April 2011 and 31st March 2014, a total of 29 civil servants were dismissed by the Civil Service Commission; three being dismissed for disciplinary reasons, seven dismissals were on the grounds of capability and 19 on the basis of permanently impaired health.

I think this demonstrates that Departments, Boards and Offices are utilising the appropriate disciplinary and capability procedures, and there is no reason to believe this will not continue.

The Office of Human Resources works very closely with managers to ensure procedures are undertaken correctly, regarding cases of discipline or capability. Statistical data regarding dismissals by the Commission are contained within the annual report of the Civil Service Commission to the Chief Minister.

Mr Coleman and Mr Downie raised the issue of delegations and the recordal of such. It is the intention that any delegations from the commission provided under this Bill will be formally documented and minuted at the appropriate commission meeting. The current practice of how delegations are recorded for the Civil Service Commission will be adopted for the new commission. Individuals to whom the delegations have been granted also receive a copy of the delegation to ensure they are fully aware of their authority to act in the certain matters.

As I mentioned at the previous sitting, job descriptions also contain levels of delegated authority to act in cases involving capability, disciplinary and grievance. Delegations are not unique to the commission and will be properly documented.

In respect of any direction received by the commission from either the Council of Ministers, under the provision of clause 5(1)(n), regarding new functions, or by the Chief Minister, under 5(3), regarding the exercise of existing functions, these will be recorded at the appropriate commission meeting and the appropriate action taken.

Coming now to clause 7(5) and the queries raised by the Hon. Members, Mr Braidwood, Mr Downie and Mr Crowe, as to why it is necessary to consult the Governor upon appointment of a new Chief Secretary. As the Chief Secretary is the principal adviser to His Excellency the Lieutenant Governor, in relation to His Excellency's executive functions, it is considered a matter of courtesy to consult with the Governor prior to any appointments being made.

The Hon. Member, Mr Coleman, sought clarification as to whether there would be an appeal mechanism for staff when categorisation occurs. Clause 7(3) allows for the commission to categorise its employees, as is deemed appropriate, and apply terms and conditions of employment, according to that categorisation. This provision enables the commission to apply differences in terms and conditions between categories.

Whilst every effort will be made to harmonise terms and conditions of employment across all employees, there may be operational reasons why differences may be required. This provision also protects the continuation of existing terms and conditions which continue to apply on establishment of a public services commission; for example, the Civil Service and Whitley Council. It is until such time as revised terms and conditions are negotiated and agreed with the relevant bodies.

I think I should stress that the negotiations are taking place with all the relevant bodies. This is very much a process that is being undertaken with the involvement of everybody across the unions and, indeed, the employing authorities, Departments and the staff.

The Hon. Member, Mr Downie, referred to the situation where the pay of some civil servants is currently protected for a number of years. Civil Service regulations currently provide for personal protection. This is applied where the duties of a whole grade disappear and are merged with a lower grade. Civil servants on the higher, obsolete grade will be afforded personal protection under the provisions of the agreement which provides for the restructuring of the scales.

Also, if, following a review of the grading of duties of any post, it is found that the post should be re-graded and this results in a lower salary maximum, then personal protection will be afforded to the existing post-holder, taken from the date that the re-grading comes into effect.

This rule provides that a civil servant may retain the existing salary scale spine points at the time of the re-grading, for the obsolete grade, enhanced by future general pay increases for a maximum period of 10 years from the date of the restructuring of the obsolete grade.

Hon. Members, it is acknowledged that the existing pay protection provision is generous and this is potentially an area for further negotiation by the working group looking at terms and conditions of the public services commission, to make it more cost-effective.

Responding now to the Hon. Member, Mr Downie's question regarding the salary and terms and conditions that will apply to the chairman of the PSC, as previously stated, under the Payment of Members' Expenses Act 1989, the role of Chairman of the Civil Service Commission attracts an enhancement of 40% to the basic salary of Members of Tynwald. However, as is the case currently, if a Minister occupies this post, only the ministerial enhancement applies.

It is the intention for the terms and conditions of the chairman of the public services commission to mirror the provisions which currently apply to Chairman of the Civil Service Commission. As Hon. Members will be aware, Minister Robertshaw is currently the Chair of both the Civil Service Commission and the Whitley Council.

Given that the principal objectives of the Bill were set out at the Second Reading and detailed description of individual clauses was given in Council on 25th November, I do not intend to revisit them today apart, in summary, to reiterate what the Public Services Commission Bill is designed to do.

It is designed to establish a new commission which would initially be the employer of approximately 4,000 people – that is approximately half of Central Government staff; civil servants and manual workers within Central Government.

It will provide the opportunity to both streamline and modernise collective bargaining arrangements in respect of staff, have a clear mandate to deliver consistent policies in respect of its workforce and work toward the simplification of employment structures, the harmonisation of terms and conditions of employment and facilitate redeployment of staff across relevant Departments, Boards and Offices, as necessary, in support of Government's priorities and changing circumstances.

The establishment of a public services commission is a further step in modernising and introducing more flexible and responsive employment structures, coupled with culture change and they are fundamental to the development of more efficient ways of working and the reduction of bureaucracy, which is something – as Hon. Members will know, Madam President – I am very keen on. All of this will contribute to the ongoing imperative to achieve long-term financial sustainability.

Madam President, I thank Members for their attention through this Third Reading. I hope that Hon. Members have received now the answers to the queries they made at the clauses and Second Reading.

I would like to put on record my thanks to the officers of the Commission who have worked very hard on meeting quite a tight deadline in preparing this Bill and also negotiating with the various bodies to get to the stage that is before us today, and for doing an awful lot of work in the background.

I beg to move that the Bill be read a third time.

Thank you, Madam President.

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

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

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

I have listened to the Hon. Member of Council, Mr Turner, and his explanation for clause 7(5), where the Governor should be consulted – it was for a courtesy reason. There is no need for it to be put in legislation. Once the Chief Secretary has been appointed, the Chief Minister could *advise* the Governor.

Madam President, this is a total anachronism. It belongs in the past. It might have been appropriate in Lord Raglan's time –

**Mr Downie:** And look what trouble he got into!

**Mr Braidwood:** – but in this day and age, particularly when the Governor only presides over Tynwald in July and is not involved in the day-to-day running of Government, he should not be a consultant.

Madam President, the responsibility of the Chief Secretary is to the Chief Minister and the Council of Ministers and ourselves, and not the Governor! There should be a clear demarcation between the role of the Chief Secretary in advising Government and the Council of Ministers, and his responsibility to the Governor.

Madam President, we saw this first hand – and I said this at the clauses stage – in 1998, during the Edwards Report, when the Chief Secretary at the time was acting on behalf of the Governor and the Home Office during the inspection of our Financial Regulations, in total contravention because he did not inform the Chief Minister at the time, he did not inform the Council of Ministers at the time or Tynwald, that this review was to be undertaken.

In my view, Madam President, just to delete, ‘... who must, before giving such concurrence, consult the Governor,’ is an appropriate part of the legislation. It is quite appropriate for the Chief Minister, after the Chief Secretary is due to have been appointed, to say to the Governor, ‘Such and such a body has been appointed as Chief Secretary’.

I would like to move that amendment which is standing in my name, Madam President, which everybody has been circulated:

*Amendment to clause 7*

*Page 8, lines 34 and 35, delete ‘who must, before giving such concurrence, consult the Governor’.*

**Mr Downie:** I am pleased to second, Madam President, and, in doing so, I think in today’s format and today’s legislation, this is really an anachronism. We are going back to the dark ages here.

I understand that weekly meetings take place between the Chief Minister and the Governor. There are other areas where there are lots of dialogue and interface.

We do not need this placed in the statutes of the Isle of Man, in my opinion, and, as has been said, it is really a matter that should be dealt with out of common courtesy – a working arrangement between the two people, not enshrined in the statutes of the Isle of Man.

Can I continue to speak on the rest of the Bill, Madam President or would you – ?

**The President:** Of course.

**Mr Downie:** Could I further say then that I thank Mr Turner for the trouble he has gone to, to go back through what was said at the last Reading.

I think he has covered the ground very well, but could I just say that where he says that we are not changing very much from what we have got at present with Whitley Council and the Commission and so on, if he thinks it is working well, fine – if it is broken it does not need fixing – but perhaps there needs to be more professional expertise brought to play in this area. We are obviously at odds with our workforce at the moment. There are issues there taking place which really need some professional aspect to be directed at them.

I am still not happy that we are going to have Tynwald Members involved in the day-to-day operation of the commission – and now Whitley as well, amalgamated – and then we are going to finish up with this appeals process where if they are not happy with the decision they can take it back and come to this appointed subcommittee of Tynwald to deliberate further. I think Tynwald Members have expertise in certain areas but when it comes to dealing with pay and conditions they should really be at arm’s length.

I would agree that the membership of the commission should be through Tynwald Members, but not people who are making the decisions. As we are seeing on a regular basis in the media now, we have got Ministers negotiating about conditions for the workforce, which I think is totally inappropriate. I think that all of the negotiations should be done by the commission itself, whereas

we are not isolating other areas within the workforce and people feel that they are being left out or neglected from discussions because we are dealing with a favoured few all the time.

I do not think that is good for working relationships between employers and employees, and that is something I hope... I am not going to vote against the Third Reading of the Public Services Commission Bill because I am hoping that what this will actually do now is streamline the system that we have got at the moment. It is very cumbersome and, as has been indicated earlier on, there are lots of Spanish customs and practices that have existed for years that really need to be negotiated out of this whole system.

Eventually, I hope we have a system in place that is seen to be fair and capable of listening to everyone and not just some of the more vociferous minority that exists between the civil servants and some of the other Whitley Council groups at the present time.

Bear in mind, if we are passing on more work to the local authorities, as has been stated recently, they are all bound by the Whitley Council agreements. So if you are talking about saving money, forget it because the biggest issue that we have is the wage bill and, unless we can control that and try and deal with some of the cost-related issues, we are not going to go anywhere.

There is a huge challenge regarding this Bill and the future of the workforce and I take my hat off to the officers working in the Departments and within the Commission who have got to deliver this, because it is going to be no easy feat.

I will be supporting the Third Reading of the Bill, but I was determined just to have my say on those few points.

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

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

I will be supporting the Third Reading. I think it brings a deal of modernisation and flexibility to what has gone before; but in relation to the amendment by Mr Braidwood can I seek clarification, possibly through the Acting Attorney, that such a deletion would not impact upon any constitutional aspects that have gone before?

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

**Mr Crowe:** Yes, I was going to talk, in a similar vein, to the amendment of Mr Braidwood.

It is the word 'consult'. I think we all know the Chief Minister meets the Governor on a weekly basis and has a business meeting and the way I read this is that the appointment can only be made with the concurrence of the Chief Minister, but 'to consult with the Governor' – is that purely to mention it in passing in a weekly meeting or...? It does not need the Governor's approval. Is it a more polite way of letting the Governor know what is happening?

**Mr Braidwood:** It is a courtesy. It should not be in legislation.

**Mr Crowe:** That was the only comment I had – about the word 'consult'.

**The President:** Do you wish to move your amendment, sir?

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

The amendment is tabled in my name and it is a technical amendment, and it relates to a change to an amendment which was moved last week – number 8.

The amendment is tabled and it is correct. It is:

'... paragraph 24(2)(c) for the definition of 'admission agreement' in the inserted subsection (3A) substitute –'

– and the words are recited. I think we all have a copy. Do we have a copy of the amendment on our desks?

So it is paragraph 24(2)(c) and the purpose of this amendment is – (**A Member:** It is 25(2)(c).) No, it is correct. It is 24, because the paragraphs have been renumbered from last week, so 25 last week becomes 24 this week, because paragraph 3 of the schedule was deleted. I know it is slightly convoluted but it is definitely 24(2)(c).

The purpose of the amendment is to correct an error in the amendment moved last week at the clauses stage, to ensure that the wording used in the Bill is consistent with the definition of ‘admission agreement’ as it appears in the Public Sector Pensions (Admission) Agreement Regulations 2014, which were approved by Tynwald at the November Tynwald. Unfortunately, in the original amendment the second half of the wording was missing.

Madam President, I beg to move the amendment standing in my name:

*In paragraph 24(2)(c) for the definition of ‘admission agreement’ in the inserted subsection (3A) substitute –*

*“admission agreement” means an agreement permitting a public sector employee, whose employment is transferred to an external provider of the services for the purposes of which the public sector employee served (before the transfer) with the relevant employing authority, to remain a member of the scheme relating to his or her former employment for so long as he or she is wholly or mainly employed in connection with the delivery of the service which is the subject of the transfer;’.*

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

**Mr Butt:** Could I second the amendment to last week’s amendment? (*Laughter*)

**The President:** I would just like, for Members, to clarify what we are amending is –

**Mr Butt:** The amendment of last week.

**The President:** – what we introduced last week on page 4 – subsection (3A). In amendment 8 last week, subsection (3A) was introduced and we are now proposing to amend that.

**Mr Butt:** Can I second that and also speak to the Bill on the other amendment? (**The President:** Yes.)

Firstly, to the Bill itself, I thank Mr Turner for his progress of the Bill and his explanation today of various issues. It has been quite a complex matter, I think, for the Civil Service Commission, over the years, to deal with this issue.

When you look at it, basically, this Bill does not change a lot except one major change, which actually is, in effect, the abolition of Whitley Council. Whitley Council has been quite a thorny subject over the years, which the Commission have grappled with. The Whitley Council is an earnest body who look after the interests of the manual workers working within Government and allied areas, and have performed a useful purpose over the years.

There was a review a few years ago to actually change their terms considerably, which was not grasped by Government and it was not actually sorted out; and this Bill actually does make that happen.

I just wish the Commission and the Human Resources officers good luck in their negotiations in the future with the employees who are represented by Whitley Council. I do hope that, whatever they do, they will look after the interests of the manual workers of the Isle of Man manual workforce, because it is important that their interests are maintained, whether it is in Whitley Council or in this new public services commission.

Speaking to the first amendment from Mr Braidwood, I really do not see how it makes much difference either way. The situation you talked about in 1998 about the then Chief Secretary perhaps not revealing all to the Government – that could happen whether or not this is in this Bill; it does not make any difference. That could still happen. That makes no difference at all. His amendment is not likely to prevent that happening in the future. If an individual decides to take a course of action, of secrecy and privacy, in respect of any party, then this amendment of Mr Braidwood's will not make any difference. So I do not think I will be supporting that, Madam President.

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

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

Just to thank my hon. colleague, Mr Turner, for a very comprehensive response and I shall be supporting the Bill.

In terms of the amendment by my hon. colleague, Mr Braidwood, I would like to hear the legal advice first before deciding on that and I am completely supportive of Mr Crowe.

Thank you.

**The President:** Learned Attorney, would you like to comment?

**The Acting Attorney General:** Yes, Madam President, Hon. Members, the advice can be very brief because the question which my hon. friend, Mr Corkish, raised as to whether there would be any constitutional issue should this amendment be passed is, very simply, there would not.

There is going to be no constitutional crisis if we do not actually legislate here that the Governor has got to be consulted on this matter. It is very much, as Mr Braidwood says, really a matter of courtesy in the context of what we are considering today.

With reference to the Hon. Mr Crowe and the point which he raised with reference to 'consult' – in the word that is used there – as drafted at present, the subsection will actually impose an obligation to consult with the Governor, and that is something that is a positive action which would be required to actually be taken at that point in time. So it moves the nature of the courtesy to having, by statute, an obligation to consult with the Governor. That is the simple terminology there.

**The President:** The mover to reply.

**Mr Turner:** Thank you, Madam President, and I thank Hon. Members for their contribution to the debate here at the Third Reading.

I thank the learned Attorney as well, for his guidance on this particular issue, which I will start with, if I may. That is the issue of consulting with the Lieutenant Governor. I am not going to support the amendment – I will start with that.

The Lieutenant Governor is, of course, appointed by Her Majesty the Queen, Lord of Mann, who is our head and I feel it is right that there are certain matters that he should have the courtesy of... consulting him and that is where the Chief Secretary does have a role in advising the Governor, then I think it is only right that the consultation be carried out.

If the Bill was stating that the Lieutenant Governor will appoint the Chief Secretary then maybe the Hon. Member, Mr Braidwood, may have a point and we may be looking at that; but I think, as drafted, it is right that the courtesy is extended.

**Mr Braidwood:** Not in legislation.

**Mr Turner:** I know he is huffing and puffing a bit over this, (*Laughter*) but I think that is correct and I think this is right. So I would urge Members to support it as printed and to reject the amendment by Mr Braidwood.

We do know what 'consultation' means. There must be the consultation there. It does not necessarily mean that the Chief Minister of the day would have to agree with the views, but he has a duty to consult and I think it is right it is in there.

Mr Downie was talking about: are things evolving or are things broken? If they are not broken, why fix it? Things are working, but they are not working to the best they can. We have an unbelievable number of pay spines and scales and local agreements, and this is the opportunity to bring the two bodies into one. I hate using clichés but it is the start of the journey really in moving this organisation forward.

We are all aware of the problems that Whitley Council can create and the way it is constituted and the way it operates its business. It is quite a dated mechanism and what this will do is it will enable, again, through negotiation – and negotiations do not always go well; sometimes you reach an impasse... but I think both sides of the table here have realised that the position that we are in here, and in other jurisdictions, is that the funding that was available a number of years ago is no longer there and things must change; and this is going to cut down on the size of the machine, for a start.

So I think it is the right decision. It is very much an evolving process, as I have explained through the Readings. The new public services commission will be more like the Civil Service Commission in its structure, but it will incorporate – as Mr Butt said – the abolition of Whitley and it will move into this new all-encompassing body.

Mr Downie mentioned professional expertise needed and I think I have highlighted that the appointment of those on the board of the commission are required to have certain qualifications and qualities. Having been Vice-Chairman of the Civil Service Commission in its current form now for quite some time, I have worked with the individuals who are on that current Board and they really do have expertise in this area and I have learnt an awful lot from them. I think those are the kind of people that we would want for the new commission, going forward. I have no reason to not believe that that will be the case, so I hope that Mr Downie accepts that we have got expertise there and that will continue going forward.

Tynwald Members involved – I think he said he accepted that the Chair/Vice-Chair roles that we currently have he is happy with but still not sure about the involvement of Tynwald Members with the arbitration. Again, I will reiterate they are not there to arbitrate on the nuts and bolts, the actual matters of dispute. They are there to decide on the negotiating committees. So it is the formation of these negotiating committees.

If the process breaks down on the detail then, of course, there is the arbitration mechanism and Industrial Relations Officer. That will not change. So I think it is important we clear up the confusion as to what the role of this Tynwald Committee is for. It is envisaged that this may be a provision that is unlikely to be used and we certainly hope so, but it needs to be there.

Mr Corkish was seeking clarification from the learned Attorney. I trust the learned Attorney's answer has given Mr Corkish food for thought and he will make his mind up as to whether he will vote to reject the amendment. *(Laughter)*

Mr Crowe – I thank him for the amendment. We do apologise for bringing another amendment forward and, again, it is vitally important because, although this is a short Bill, it is incredibly technical and it is also setting the path for us going forward for many years to come. So I suppose in a way we do not make an apology for bringing this forward because it is vitally important we get it right and I hope Members will support the amendment by Mr Crowe.

Of course, at the third stage, we do require almost full support for that amendment, so I would urge Members, please, to support that.

Mr Butt is right: this is the effective abolition of Whitley Council. The unions and other bodies are fully active and there are still a few who have yet to join us at the table, but the invitation is there for everybody to be involved in the shaping of this new body and how these negotiating bodies are going to go forward.

I thank Mr Wild as well, for his support.

Again, I would ask Members to reject the amendment in the name of Mr Braidwood – who is doing a great job here lobbying for support, (*Laughter*) but he has not convinced me! – but to support the amendment by Mr Crowe.

Again, I place on record the hard work of the officers of the Civil Service Commission (**Several Members:** Hear, hear.) in bringing this to the position we are in today.

I beg to move that the Bill be read a third time and do pass.

**The President:** The motion is that the Bill be read a third time and do pass but, to that, we have two amendments.

First, the amendment in the name of Mr Braidwood – and I would remind Members, for an amendment to succeed at Third Reading it must achieve six votes in favour.

I will, therefore, put the motion in the name of Mr Braidwood and ask for a called vote. Will the Clerk, please, take the vote?

*Voting resulted as follows:*

**FOR**

Mr Braidwood  
Mr Downie  
Mr Crowe  
Mr Wild

**AGAINST**

The Lord Bishop  
Mr Butt  
Mr Turner  
Mr Coleman  
Mr Corkish

**The President:** We have 4 votes for, 5 votes against, Hon. Members. The amendment, therefore, fails to carry.

I now put the amendment in the name of Mr Crowe. Again, I call on the Clerk to take the vote, please.

*Voting resulted as follows:*

**FOR**

The Lord Bishop  
Mr Butt  
Mr Turner  
Mr Braidwood  
Mr Coleman  
Mr Downie  
Mr Crowe  
Mr Wild  
Mr Corkish

**AGAINST**

None

**The President:** There are 9 votes in favour, Hon. Members. The amendment, therefore, passes.

I now put to you the Bill as amended. Those in favour, please say aye; against, no. The ayes have it. The ayes have it. Thank you, Hon. Members.