

**5.1. Legislative Council Reform Bill 2015 –
For consideration of clauses –
Motion to refer to committee lost –
Clause 1 lost; Bill not proceeded with**

Mr Karran to move.

The Speaker: We turn now to Item 5: consideration of clauses.

Under Standing Order 4.10 I have been given notice of motion and I therefore call on the Hon. Member for Rushen, Mr Skelly.

Mr Skelly: Gura mie eu, Loayreyder.

Under Standing Order 4.10 I wish to move:

That the clauses of the Legislative Council Reform Bill be referred to a Committee of three Members with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 as amended, to consider and to report to the House.

I do this with reluctance, Hon. Members, on the basis that I believe that the Bill before us today and the clauses before us today are unworkable for too many Members. With that I suspect therefore the Bill will go no further, and I would hope and I suspect... Well, we have all actually signed up, to get to this particular stage, to have reform for the Legislative Council.

I do fully accept also that there is an independent review currently being undertaken regarding the Branches and the workings of Tynwald, but I very firmly believe it is a duty of the House of Keys to actually enact this reform. The events, I think, of the most recent elections tell us, and I hope we have all heard from the public, that we really need to take action.

I am not going to speak for very long on this, but I want to say the Bill before us is, I fear, unworkable and will go no further. If we were to refer it to a committee that would come back and actually put a report to this House, we will hopefully see a reform that is workable and acceptable not just to this House but to Tynwald and, I think, to the people of the Isle of Man.

With that, I move the motion.

The Speaker: Hon. Member for Castletown.

Mr Ronan: I beg to second and reserve my remarks.

The Speaker: Hon. Member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr Speaker.

I think this is an undisguised attempt to push the public election of the Legislative Council Members into the long grass before the next election. I do not accept the –

A Member: I thought we had done that.

Mr Singer: I do not accept the reasons put forward by the Hon. Member for Rushen. We are, in fact, if we approve this motion, going back 15 to 20 years when reform was first moved and failed, and then every attempt since.

I think probably the majority of Hon. Members in this House have declared publicly, either at the last election campaign or since, their support for public election to the Council, and it appears to me that supporting this motion enables them to avoid reneging at the election on that declaration – and I will tell you why.

If Members generally oppose this legislation as written, then why did they support the leave to introduce and why did they support the Second Reading by a vote of 15 to 3 in this House? By supporting the Second Reading they were saying, 'Yes, we support the principle of the Bill,' and so I expected that, whilst showing that overwhelming support, there would be a series of amendments to reflect the reviews of changes that they thought were necessary to support the Bill. In fact I am the only Member who did that and therefore I have to deduce that, having supported the Second Reading knowing all the details of the Bill, the content is supported because Members have not come forward with amendments. The question therefore is: why send it to a committee? Surely Members have already made up their minds on the principle of this Bill. Should Hon. Members spend possibly up to 12 months, I would think, sitting on a committee, taking all this evidence, which will tie up Members' time and officers' time?

I do congratulate Mr Karran for bringing forward this Bill. He himself stated that he was open to suggestion for amendments to his proposals. He held three meetings, inviting Members to attend and very few Members did in fact attend.

The Tynwald decision that was referred to this month, to have an independent review of parliamentary structure, is not an excuse to do nothing with this Bill, (**Mr Thomas:** Hear, hear.) because when that does happen, if it does happen, the findings are unknown and they could well be rejected.

My personal view, I will say quite clearly, is that the tricameral system we have is not broken and does not need to be changed, (**A Member:** Yes.) and a parallel is the fact that there is to be a review of the Legislative Council voting system even though there is going to be this review. So if that is going ahead I do not see why this voting on this Bill should not go ahead.

So, Hon. Members, I think be true to yourselves. You either support or reject this Bill, whatever you publicly declared in the past, and vote accordingly today. Don't fudge the situation by pushing the Bill into the long grass so you do not have to make a commitment before the next election. We should have a full discussion at this clauses stage and either support or reject the Bill, so I ask Members to reject this proposal by the Hon. Member for Rushen.

The Speaker: Hon. Member for Michael.

Mr Cannan: Thank you, Mr Speaker.

I am going to support the main thrust of what my good friend for Ramsey has just said. I think the public are fed up with fudges and things being kicked into the long grass. (**A Member:** Hear, hear.)

I think that what we did in the June Tynwald was ask and vote for an independent review. That review is going to take place, although I am slightly concerned at some of the comments from the Chief Minister this morning that there does not seem to be much urgency in that. There *is* urgency in that. I would urge the Chief Minister to take that request by Tynwald *very* seriously because there is a great deal of public concern about the functioning of Tynwald at the moment and the process and methodologies for Legislative Council elections, and indeed the role and function of the Legislative Council. In my view, that is what Tynwald was asking for: an outcome from this independent review to help resolve those issues and to provide a real platform to go forward for reform. That is taking place. It seems to me an absolutely pointless exercise to have, sat alongside that, a committee – yet another committee – considering the clauses from the Bill.

So my view is similar to my hon. friend from Ramsey: we either support or reject what is in the Bill today. We have got the independent review – that is the way forward, not yet another fudge, which is in fact going to cost even more of the taxpayers' valuable funds.

I would urge Members to reject that motion, accept there is an independent review that is being asked for and that the Council of Ministers must get on with and find a way forward with, and to then move forward in hearing the Hon. Member this morning and either supporting or rejecting his proposals.

The Speaker: Hon. Member for Douglas West, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

As another former rugby player I will join in the thrust with Mr Singer and the Hon. Member for Michael in rejecting this call for a committee to be set up.

Mr Callister MLC's committee investigation and report was excellent. The officers used that as an opportunity to put down summaries of the chronology and all the arguments made over the last 40 years in this House about reforming the Legislative Council in the process that is being suggested by moving for this committee. There is really no need for another navel-gazing exercise, internally looking investigation where, as the Chief Minister put it, we already know there are two sides and they will never be reconciled, so therefore we have to have an independent inquiry to help us move forward.

I just wanted to make two more points. The first one is that we have to remember Winston Churchill's report, given the urgency of this situation, given the disconnect between those who are outside this House and those inside this House. Winston Churchill set up the inquiry on 12th April. The first evidence was taken on 2nd May. In eight days, between 15th and 23rd May, in Tynwald Court 30 people were interviewed. The investigation was concluded with interviews in London on 20th June and the report was produced and circulated on 21st August, with it being accepted on 31st August. If that timetable was realistic then, with all the modern situation it is realistic now; and the cost is not an issue in this sense because we are only looking at a very small independent inquiry. Consultations should take that form, rather than the form of trying to use another route to keep this issue going on for a long time.

The second point is to explain why this Member did not actually come forward with clauses. I investigated it quite thoroughly and, in essence, the long title of the Bill as currently constituted would not allow me to be successful (**Mr Watterson:** Hear, hear.) with the amendments I would want to make. So in no way does the fact that I have not moved any amendments mean that I am not engaging with this Bill; it is just that the long title, I understood from the advice I took from a number of places, would not have allowed me to move the amendments that I would have liked to have made. (**A Member:** Hear, hear.) When we come to the substance of the debate I would like the hon. mover to actually give his advice and his opinion on that point that I have just made.

The Speaker: Hon. Member for Douglas North, Mr Peake.

Mr Peake: Thank you, Mr Speaker.

I know I am very new to this House and I have not had the opportunity to attend all the presentations; I am just looking at this from the outside, as it was before.

I just wonder why we have not got a public vote on this. (**A Member:** Hear, hear.) Maybe that would then hold the Members accountable for –

Mr Thomas: Thirty thousand it was costed, though.

The Speaker: Hon. Member, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I do find it quite sad that once again we are told that this Bill is unworkable: this Bill is not unworkable.

A Member: Yes, it is.

Mr Karran: It is only unworkable because it will affect the medieval form of redundancy for unelectable MHKs. The reality is that this Bill sets out the simple principles of democracy.

I find it saddening that if it is not the press it is in this House. As a Member whose track record of looking at... Read your *Hansard*. When we brought about the legislation as far as the ministerial system was concerned, my concern was audit and accountability. My concern is that my proposals are trying to balance up that audit and accountability that was so lacking in the system, especially when we augmented in 1988 the fact that the Ard-shirveishagh could pick and choose who his Ministers were without any redress to the House of Keys, and the issue of collective responsibility and many other issues.

My Bill has been a compromise of what I want to do and what needs to be done in this present time. I would like the mover to tell me what is unworkable about having an all-Island franchise as far as an Upper House is concerned on an STV basis. As the former Member for Middle I remember going to one of my constituents, who had not... I know I have been here a long time, but who had not seen anybody since 1948 in Santon, simply because of the fact that, because of the first-past-the-post system, there was little or no point canvassing in the old sheading of Middle – Santon – because there were so few votes there. The reason we have brought in STV is to make sure it is truly democratic and it is truly national as far as representation is concerned within this Island, so you do not end up with everyone canvassing in Douglas and forgetting the constituents of Ayre, the constituents of the movers of... Ronague, because all their votes are equally important as one another. I do not see that as being unworkable.

I have brought about in this piece of legislation the situation of putting that all MLCs will be elected, not as super-MHKs but to create the very thing that has so desperately been lacking through the biggest economic boom, and that is some sort of independent scrutiny... than the ridiculous situation you have only just seen, where we have got the Member for Malew and Santon complaining about the radar system, we have been complaining to the Public Accounts Committee, and they will not pick it up. (*Interjection*)

We have got to address the issue of conflict in this House. That is the reason why we are going to face a difficult time after this General Election, because then chickens will be coming home to roost as far as the bad governance is concerned. You might not like me, but the fact is I am only telling you what people are saying outside.

I have put in this piece of legislation the flexibility, because there is never going to be a time – never going to be a time – when people are going to have to work together in the next administration, but I have not debarred people from having to be part of the executive function, because there might be people in the Upper House who might be able to help the Lower House and the executive function.

I feel this issue about it being unworkable is nonsense. It is the old adage that there's none so blind as those who won't look, and in my opinion the mover needs to clarify that point.

The issue as far as Mr Cannan's concern is playing politics. (**The Chief Minister:** Everybody is.) The idea is that there is no timescale. It is alright it being amusing, but we had the reply from the Hon. Member, the Chief Minister: there is no timescale, there are no costings, there is no money available for this independent review as far as executive Government is concerned. So there is no timescale, there is no... It's jam tomorrow. Well, people outside here, Hon. Member for Michael, are sick of waiting for the 'jam tomorrow', so trying to use the fig leaf that not to vote for this, or not to vote for this Bill is... we have got this issue in the long grass being addressed, is nonsense.

I have to say I have a lot to thank the Hon. Member for Ramsey, Mr Singer, for. He did have the decency to put some... after I have almost prostrated myself on three or four occasions to try and get people together to put those amendments, to give people... So there was no objection of allowing us to have an honest transparent debate on where we should be going as far as the Upper House is concerned, because what is quite obvious to people outside this House now is that the present system of the Upper House is not unworkable; it is the present system that the hon. mover... not what I am proposing here.

As far as the Hon. Member for West Douglas is concerned, it is a shame that he did not raise the issues with me – I mean the issue the Hon. Member for Ramsey has down to extend the long title of

the Bill – and I am sure that, as far as your claims now of your virtue if you had done something, it is surprising, with such a high intelligence, that you have allowed yourself to be given such rubbish advice.

I have to say the innocent part taken... and he is the Member for Douglas North... in the fact that he obviously has not had the opportunity; and any amendments as far as the public vote are concerned, I think the Hon. Member is more on about the public vote in this place as far as electing the Upper House. That is something that needs to be addressed, and maybe the Hon. Member will consider that because that would be at least one way of stopping the charades in this House when it comes to electing people to the Upper House – saying one thing and voting a different way.

Hon. Members, as much as I appreciate the Hon. Member wanting to move this to a committee, I cannot support the proposal. I know that the reality is that there are too many vested interests in this House on this piece of legislation and I know that all I would be doing is the fan dance – like so many round here, whether you are using the independent review of the executive or your committee to support the proposals for it to be sent to a committee. I think we need to be honest with the people outside, and maybe this piece of legislation is far too important and far too much of interest to us and that maybe it should come down to a public vote outside this House on where the constitution of the Isle of Man should be going. So I am afraid I cannot support hon. mover.

I do take exception, being a Member of this House who has been a loyal Member of the parliamentary process through the horrendous years that some of us have had to suffer with the block vote, to be told that it will not work. It *will* work. It will not work if you do not want it to work. I believe that the fundamentals of this Bill will put us on the right journey, so I think we should not support it going to a committee.

The Speaker: Hon. Member for Ramsey, Mr Bell.

The Chief Minister (Mr Bell): Thank you, Mr Speaker.

I have been in this Chamber now for over 30 years and I think without question there has been more time spent discussing the future of the Legislative Council than any other single issue over those 30 years, (**A Member:** Hear, hear.) including financial crises, social crises and everything else that has gone along. And we are no closer now, frankly, to finding a solution than we were on day one when this debate first started.

There are only two or three things, because I totally despair of where this House is going, Mr Speaker.

Just to clarify one point, the resolution which was approved by Tynwald, first of all, was only two weeks ago. We have not had time even to consider the implications of that yet, and yet Members are expecting us to come back with work in progress.

The Hon. Member for Onchan says there is no budget, there is no guideline timeframe, there is no this... Hon. Members, *you* voted for the resolution in Tynwald, *you* voted for the wording of the resolution in Tynwald, and *your* resolution did *not* include financing and did *not* include a timeframe. Council of Ministers can only respond to the resolution that was approved by Tynwald. You know that, so to come with this nonsense now that Council of Ministers are dragging their feet and are trying to delay the thing is utter nonsense! We have had two weeks. We have no guidelines whatsoever from the other place as to what this framework is going to look like, and that work is going to take time. And to quote Churchill is utter nonsense! It has taken us 30 years to get where we are. We could do with Churchill here doing it in a few weeks! (*Interjection*) Stop dreaming, Hon. Members!

The main crisis, the pinch point we have hit at the moment, is entirely down to this Chamber. It is the fact that the voting mechanism for LegCo was changed in this Chamber not many years ago, which has now made the whole process unworkable. That is what caused the immediate crisis. It is *nothing* to do with LegCo; it is what has taken place in this Hon. Chamber. *This* is where the problem arises.

Mr Speaker, we have voted, only two weeks ago, for an independent review of the voting system. I agree with that and I am happy to work with that, and I give Members the assurance that we will all do our best in Council to make sure that we deliver an outcome. To have another committee set up now, running parallel with that, is utter nonsense. What possible benefit is going to be gained from having a parallel inquiry to the very independent one that we want? It will cost more money, it will take more time and it is not going to go anywhere at the end of it.

So I would urge Hon. Members, first of all... Which direction do you want? Are you prepared to stick with the original one, which is only two weeks old, where we have an independent inquiry? Or do we follow yet another one? I have lost track of the number of committees which have been set up. **(A Member: Five.)** Five, the Hon. Member says – I can well believe that – all of which have gone nowhere at all during that period.

Hon. Members, this is not just some political football we are kicking round. This is a fundamental constitutional change we are talking about here. The Election is on the horizon and you can see some of the contributions coming out of this Chamber already focus on the Election. It is not addressing the fact this is a fundamental constitutional change.

The Hon. Member for West Douglas in another place was referring to a unicameral system and that may well be the final outcome. This means we are scrapping the House of Keys. It is not just amending the LegCo elections; it is scrapping the House of Keys as well as LegCo. The whole lot will be swept away.

This is a fundamental constitutional change which will affect the way we govern the Isle of Man for many generations to come, and we treat it as a political football for election purposes. This is not the way Government should be running. We need to just calm down about this. Instead of bidding up the ante for the Election, let's realise the serious responsibility that lies on all our shoulders to make sure we have a Government system that works effectively for the people of the Isle of Man! That has been forgotten this morning.

I despair, Mr Speaker, when I sit here time and time again and hear the same old tired arguments getting churned out without real focus on what it is we need to achieve at the end of this.

The Hon. Member says that his Bill is totally workable and will resolve all our problems. I ask Members one question: would you stand on an all-Island slate, an all-Island constituency – 85,000 people – to be elected in here and then expect to have less power than the person who is elected on a twelfth of that constituency? Of course you would not! Who is going to do that? It is totally and utterly unworkable! **(Mr Karran: Rubbish!)** *(Interjection)* It may play well with some of your constituents outside. It is Members in this Chamber who have to make the system work at the end of it and this is not going to. All this Bill will do is it will lead to a permanent conflict. Unless we scrap LegCo, there will be a permanent conflict between LegCo and the Keys as to who has the superior role in Tynwald.

At the moment the role works well and is relatively well-defined. A new Chamber coming in, a new LegCo coming in with an all-Island mandate is absolutely going to be in conflict with the Keys and I do not believe that a single Member in this Chamber, who was elected on an all-Island basis, would not pursue that, would expect to have superior powers. To expect to come in to have less wages, to do less work, simply to review legislation after having an 85,000 constituency behind you is nonsense. You are dreaming, frankly! **(The Speaker: Hon. Member –)** I appreciate, Mr Speaker, I am just –

The Speaker: We are debating whether to set up a committee, not –

The Chief Minister: Yes, I am coming back to that now. I appreciate that.

The point I am making, Mr Speaker, is this is a really serious issue we are talking about; it is not being treated seriously at the moment. **(A Member: It is.)** I would urge that Hon. Members reject the idea of another committee and re-confirm their commitment to an independent committee which

will give us, for the first time, an external perception as to what will work, what options might be. (**A Member:** Hear, hear.) That will be the only way.

As I have said, the vested interests in this Chamber are so strong – or in Tynwald – it is going to be very difficult to get a consensus agreement on that. An external perception of what would work is the only way we would be able to move this forward.

I would say reject the idea of yet another committee, because I do not think it is going to make any difference whatsoever, and I have to say, personally, I will be rejecting the whole of the Bill because I think it is totally unworkable.

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

Mr Quirk: Thank you, Mr Speaker, and I will try to be brief.

I echo the sentiments of the Chief Minister who has just resumed his seat there and could I say to this particular House – and I asked this morning actually – regarding these eight individual constituencies, they would have a capacity for voting power of 48,580 and they will become – as the Chief Minister has, quite rightly, said... If somebody was voted in even on a half of a majority or less than a quarter or an eighth or whatever, they would try to use that exercise of power.

I just wanted to flip to the Legislative Council elections, if I can, Mr Speaker. As far as I was concerned, democracy took place. The mechanism may be wrong, but that is up to this House to change it – and I know there are moves afoot to make that even better and I welcome that, and I am on the Standing Orders Committee.

I would say that the choices made in this House are on the candidates that are before you and individuals can make that choice; and that is pure democracy taking place... and should not be bullied into a corner just to fill a box for the sake of it.

Could I say to you, too, the issues out there are not to do with the Legislative Council –

The Speaker: Hon. Member, as with the last speaker, (**Mr Quirk:** I know.) I would wish you to direct your remarks to the motion, which is the setting up of a committee, not the substance of the Bill (**Mr Quirk:** The debate.) or the pros and cons of the Bill, or any associated matters, but whether we have a committee set up.

Mr Quirk: Finally, I just wanted to say, Mr Speaker, really that the people outside would be filling this Public Gallery if it was an issue and people would have been knocking on our doors, sending us e-mails and I have had none.

Can I say to you the issues out there really – and the Chief Minister hit it on the head – are our economy, health and our schools.

Members, we do not want another committee and I will not be supporting it, because I have been on several before – not been on them but been involved with them. The Chief Minister is quite right: take it out of this context, give it an independent view, but be careful what you ask for, for the population outside; you may make it worse for their future.

The Speaker: Hon. Member for Malew and Santon.

Mr Cregeen: Thank you, Mr Speaker.

I think we all agree something needs to be done and this Bill is something, but it does not mean it is actually what we need.

I need a bit of clarity on one point – the implementation of when the Bill would be – because if it is going to be at the end of the next Members of the Legislative Council, we are looking at about two years down the line, so it is coming in. So that actually gives us time to do this review and I know Members are trying to make this an election issue, whether you are for a review of the Legislative Chamber or not; but I think we have actually got the time in there before the next vote towards

Legislative Council to have this review... that the Hon. Member for Onchan can actually make those comments to your review committee, because actually we are looking possibly two years down the line before your Bill would be enacted.

It gives us time and I would say to Members and even to the Hon. Member for Onchan, he could withdraw his Bill so it can then go off to this committee to look at it, but at least we are giving it that opportunity.

I think what we are trying to do is force ourselves into something that we do not really need. We have got the review. I would say take the opportunity – the two years, whatever it is – because whether this Bill is enacted or not, the new committee could overrule that and bring something in before it is enacted. *(Interjection)*

The Speaker: Hon. Member – and I say to the next Member I am about to call – we are debating the merits of setting up a Keys committee. We are not debating the merits of the Bill at this stage – that comes after.

Hon. Member, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker. I will be brief because I think most of it has already been said before.

I think there is a logical focus on the Election because if this is kicked into the long grass it will not happen before the next Election. **(Mr Karran: Hear, hear.)** *(Interjection)*

Quite honestly, public opinion is very low at the moment of all politicians and I think if we kick this into the long grass and do not address this, as we should rightly be doing, public opinion is going to go even further. If this goes off to committee now, I certainly do not see anything happening before the next General Election.

The Chief Minister made the assumption that we are focusing on the Election for other reasons – well, that is not true! It is part of Liberal Vannin's manifesto pledges in the last election, so naturally we are trying to carry out our manifesto pledges, as we always do.

I do agree with our colleague for Ramsey, Mr Singer, over this issue that where Members are saying it is unworkable – and that includes the Chief Minister and others – why haven't they come forward with amendments? They gave their approval to this Bill in principle, **(A Member: Didn't!)** so why have they not stepped forward with amendments?

It does not make sense to suddenly today be coming forward with all these issues that they could have easily addressed with the meetings that Mr Karran has had several times and given Members every opportunity and asked Members to work with him.

A Member: We're going to set up an independent inquiry.

Mrs Beecroft: I would urge Members to reject this call for it to go to a committee. It is totally uncalled for; it is unwarranted and, quite frankly, I am not sure what the public are going to make of it if this goes through today.

Thank you, Mr Speaker.

The Speaker: I call on Mr Skelly to reply to the debate.

Mr Skelly: Gura mie eu, Loayreyder.

I thank everyone for their contributions. I was not sure if there were one or two 'maybes' in there! *(Laughter)* However, I think it was very necessary; I make no apologies actually for putting the motion down, because it has actually provoked a debate – albeit a relatively short debate, but it is needed in this House because the Hon. Member for Onchan, who brought this forward, who we gave permission to do his Private Member's Bill, tried to engage with us several times and I think at

the one meeting the most that turned out was six Members and that tells you exactly how many Members are interested in reform.

I will not go through every particular... I must applaud Mr Singer for taking the time and the trouble to actually put an amendment forward. He was the only Member to do so and well done, Mr Singer, for that.

Mr Cannan – of course he highlights the issue with regard to the independent review committee, which the Chief Minister talked about too. Of course that is at the doorstep of Council of Ministers – almost a bit like passing the buck. I firmly believe it is our responsibility, our duty – the House of Keys – to actually deal with this issue and that is why I called for that committee.

I will not go over all the details, but the points are made with regard to, I suspect, it was unworkable for too many Members in this House for that Bill to go forward and that is why I actually put the motion down.

With that, I take leave to move.

The Speaker: Hon. Members, the motion before the House is that the clauses of the Legislative Council Reform Bill be referred to a committee of three Members. Those in favour, please say aye; against no. The noes have it.

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

FOR

Mr Ronan
Mr Skelly

AGAINST

Mrs Beecroft
Mr Bell
Mr Cannan
Mr Cregeen
Mr Gawne
Mr Hall
Mr Houghton
Mr Karran
Mr Malarkey
Mr Peake
Mr Quayle
Mr Quirk
Mr Robertshaw
Mr Shimmin
Mr Singer
Mr Teare
The Speaker
Mr Thomas
Mr Watterson

The Speaker: There are 2 votes for, 19 against. The motion therefore fails to carry.

That being so, we turn to the Bill itself and there has been tabled an amendment to the long title of the Bill by the Hon. Member for Ramsey, which will need to be dealt with first, before clauses, if his amendments are to be in order, as at present they are outside the scope of the long title.

I therefore propose to take this now. So I call on the Hon. Member for Ramsey to move his amendment to the long title of the Bill.

Mr Singer: Thank you, Mr Speaker.

The first comment I would make is that if Members felt it was unworkable, as they have been saying today, then why did they vote 15-3 for it to continue after the Second Reading? That was the time when they should have rejected it.

Mr Speaker, I wish to move an amendment to the long title of the Bill which then removes both the reference to election by single transferable vote and the single constituency proposal. That is accomplished by, on Page 5, lines 2 and 3, omitting the words from 'by a single transferable vote' to the word 'basis'.

Hon. Members, this is a Bill I can give basic support to, other than the STV and the single constituency provisions. I prefer by far the first-past-the-post election, so whether you have one vote or eight votes, your preferred candidates have an equal vote. With STV this is not the case – where you are made to distinguish between the candidates you are voting for.

It is a difference of principle, I accept that; either giving your preferred candidates an equal vote or not. There is also what I think would be a ridiculous situation, of having different voting systems for Keys and the Legislative Council.

If, Hon. Members, you do not support STV on an all-Island basis, as in the long title, then please vote for this amendment.

Mr Speaker, I therefore move the amendment to the long title of the Bill:

Page 5, lines 2 and 3, omit the words from 'by a single transferable vote' to 'basis'.

The Speaker: Hon. Member, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker, and do hold me back if I wander.

I wish to second Mr Singer's amendment here today. I was involved in a couple of single transferable votes systems that became complicated. It actually forced, in my opinion, people to try to vote for somebody who they did not want, at the end of the day.

My other concerns are really regarding the whole constituency of the Isle of Man becoming eight from it. As I said in my preamble earlier, official figures from Government saying that there would be a potential 48,580 voters for those eight or maybe more, 16, 32, candidates would try to put together...

There is a question too about how Members of the Keys are entitled to have expenses for elections up to £2,500 or the number of constituencies. I do not know whether... I would ask the Clerk maybe to give me some advice as we travel through this particular Bill. Would that then extend over to the Legislative Council? Because, as quite rightly the mover did say this morning on the local radio station, Manx Radio – and I will give them a good plug for that – that at the end of the day it would not just be taking out a loan, it would be taking out a mortgage, because even if it was 50 pence for a manifesto it would be a fortune to do it. Like the Member did say on the radio this morning, canvassing the whole of the Isle of Man, you would have needed to start next week to actually give it justice.

That is why I do support the amendment that is coming from my friend and colleague, Mr Singer, from Ramsey.

The Speaker: Hon. Member, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I just sometimes fail to understand the previous speaker. He has been in here nine years and does not simply understand the basics of what we are in here for and what the procedures are.

The situation is that it is based on the legal process of how the Upper House would be elected. They would have a distinct remit of what their role is as far as that, so the issue of whether you are representing 1,500 or 48,000 is not the issue. The basic issue of STV... what you would end up with is

your quota, which would be: your quota would be a ninth of the amount of people as far as your quota to be elected anyway.

The issue of plumping an STV was dealt with many years ago, so there has been nobody being forced to actually have to vote for candidates they would not vote for. That was resolved. It was the failure within this House, as far as that is concerned.

There are basic reasons why I have framed this piece of legislation the way I have. What we have to do... and I believe that I have to oppose the amendment, even though I am glad that someone had the decency to actually put some amendments down after trying in a number of cases to do it. I believe that this will basically undermine the principle of the legislation.

What we are dealing with here today – and by supporting this, you will undermine that – is we are trying to bring about a piece of legislation that is not just about the election of the Legislative Council, it is about developing the democratic deficit in the present system of parliament, with the issue that Government runs parliament.

If you support this proposal in front of you today there are a number of issues that concern me, because this is part of wider clauses. You will create 'super MHKs'. That is not what I want. These people will be elected on a different mandate, on a different voting system, on a different constituency basis.

By bringing in STV, what you bring in is you make sure that the Hon. Member for Ramsey, Mr Bell, up in Bride, will almost certainly get himself a canvasser at his door. Under first-past-the-post everyone will do the areas where the conurbations where most people live and will undermine the principle of creating this body which will be a revision in Chamber, will have representation from across the Island; minority sections of society can have an opportunity to make sure that that legislative body, which is not only a function of Government, but a function of the parliamentary process that is supposed to hold Government to account...

I hope that Hon. Members will not support this because, unfortunately, if you do support this what you will be doing, effectively, is ending up with a situation where if it is not by an all-Island basis and by single transferable vote, the creation will be that you will end up with a situation where you will end up with glorified MHKs on that process.

So as far as I am concerned, I believe that if we are to support this amendment, whilst I am perfectly happy to fight it out at the clauses stage, I believe that you will be doing a reprobate step as far as developing the constitutional changes that this House needs to enforce onto the Upper House. We need to make sure that we have a system of government that is elected on a basis that everyone's vote is the same. On an all-Island basis we will end up with a situation where no-one will come out of Douglas, Ramsey, Onchan to canvas the rest of the area. That would be fundamentally wrong.

If you get the second part which is going to come onto this Bill then you end up with 'super MHKs' and they end up doing the very things that we do which we spend far too much time doing, with the dog dirt and the pot holes and things like this. This is a body to revise legislation. It needs to be on that separate mandate, on that separate voting system, because then it is not at odds with the procedures of this Hon. House.

I hope Hon. Members will not support the extension of STV as far as the long title of this Bill.

The Speaker: Hon. Member, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

I actually cannot see the logic of wanting different constituencies. MLCs do not have constituencies now, so why would we want to create a situation where they do?

The previous speaker is quite right that they would be perceived as having more power than MHKs – 'super MHKs', if you like – and I think that is a dangerous road to go down. The job spec is different. MHKs are here to represent their constituents on a constituency basis; MLCs' primary role

is to scrutinise legislation in the Bill. It is a different job spec; why wouldn't we have a different voting system?

I honestly, for the life of me, cannot see the problem in that logic. Obviously other Members may speak yet, but I just cannot see it and I do hope that if Members do have other points, that they actually address those ones because that is what the public are going to want to know – 'Why are you creating MLCs with constituents?' It just flies against the face of logic. **(Mr Karran: Absolutely!)**

Thank you, Mr Speaker.

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

Mr Singer: Thank you. I will be brief, Mr Speaker.

Just a few points. As far as the STV proposal, I have explained my view, that I believe that a person should be able to choose the candidates they wish to support and they should have an equal vote. Under STV, your choice of candidate, if there is more than one, does not have an equal vote from you.

I agree basically with what Mr Karran has said, that whether you have eight Members for one constituency, a single Member for eight constituencies, those people will be elected on a known mandate of responsibility; they will know that they are not a 'super MHK' because they will know exactly how their role is being defined.

I certainly disagree with Mr Karran about if it is a one-constituency you are going to get people going out to the distant parts of the Island; they are not, they are going to go where it is easiest to contact people. So you could well end up with eight Members from Douglas because that has got ease of access, you can get to so many houses in a shorter time. So I certainly do not accept that.

So I ask Members if you... once again, just to say that my amendment to the long title is to remove the STV process and to move for eight constituencies, each with one Member. So I ask Members to support my amendment.

The Speaker: I put the motion in the name of Mr Singer, as set out on page 7 of the Order Paper, to amend the long title. Those in favour, please say aye; against, no. The noes have it.

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

FOR

Mr Cregeen
Mr Hall
Mr Houghton
Mr Malarkey
Mr Quirk
Mr Singer

AGAINST

Mrs Beecroft
Mr Bell
Mr Cannan
Mr Gawne
Mr Karran
Mr Peake
Mr Quayle
Mr Robertshaw
Mr Ronan
Mr Shimmin
Mr Skelly
Mr Teare
The Speaker
Mr Thomas
Mr Watterson

The Speaker: There are 6 votes for, 15 against. The motion therefore fails to carry – the long title remaining intact.

Therefore we move to the clauses and I call on Mr Karran to move clause 1, please.

Mr Karran: Vainstyr Loayreyder, this clause simply provides the short title of the Act resulting from the Legislative Council Reform Bill 2015. This Bill brings about a democratic election on an all-Island basis and addresses the issue of the democratic deficit in the present system of the parliamentary assembly with its Government, where we do not have the parliamentary audit which is needed within this Island.

We need to create a distinct MLC's role predominantly on the basis of a parliamentary input and serving on parliamentary committees in order that we can get real audit and protection as far as the taxpayer is concerned.

I have allowed in this Bill the issue of not totally debarring them from being able to work within executive function, because I know we are going into difficult times.

I hope Hon. Members will support the principle of this Legislative Council Reform Bill and I do move that clause 1 stand part of the Bill.

The Speaker: I call on the Hon. Member for Douglas South, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

I congratulate the mover of this Bill in bringing it forward and have absolutely no hesitation in seconding.

Thank you.

The Speaker: Hon. Members, I put the question that clause 1 do stand part of the Bill. Those in favour, please say aye; against, no. The noes have it.

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

FOR

Mrs Beecroft
Mr Gawne
Mr Houghton
Mr Karran
Mr Malarkey
Mr Peake
Mr Shimmin
Mr Singer
Mr Thomas

AGAINST

Mr Bell
Mr Cannan
Mr Cregeen
Mr Hall
Mr Quayle
Mr Quirk
Mr Robertshaw
Mr Ronan
Mr Skelly
Mr Teare
The Speaker
Mr Watterson

The Speaker: There are 9 votes for, 12 votes against. Clause 1 therefore fails to carry and, as a consequence of this, the Bill cannot and, indeed, will not be proceeded with, Mr Karran. (**Mr Karran:** Vainstyr Loayreyder.) Thank you, Hon. Members.