

6. LEAVE TO INTRODUCE

6.1. A Bill to provide that the House of Keys appoint the Chief Minister – Leave to introduce granted

Mr Cannan to move:

That leave be given to introduce a Private Member's Bill to provide that the Chief Minister be appointed from among the Members of the House of Keys on the nomination of the House of Keys; and for connected purposes.

The Speaker: Item 6: Leave to Introduce.

I call on the Hon. Member for Michael, Mr Cannan.

Mr Cannan: Thank you, Mr Speaker.

I am pleased to bring forward this motion today asking for leave to introduce a Private Member's Bill that will seek to alter the Council of Ministers Act 1990 so that the Chief Minister is elected by the Members of the House of Keys; in other words, from amongst the democratically elected representatives of the people.

As it currently stands, Mr Speaker, the Council of Ministers Act 1990 provides that the Chief Minister shall be appointed from among the Members of Tynwald; nominated by Members of Tynwald and indeed voted on by Members of Tynwald. Nowhere does it state that the Chief Minister should be appointed from amongst the Members of the House of Keys, who are the democratically elected representatives of the people. We are left, as it stands at the moment, exposed to the fact that the Chief Minister *may* be appointed by the Legislative Council and this in my opinion is wrong, and were it to happen would result in widespread concern and consternation.

Furthermore, we must ask ourselves, is it right that the Legislative Council should have significant influence over such a key appointment in Government and particularly so when they carry no public mandate other than that of a revising chamber?

As many Members know, whilst we continue with the current system of Government whereby the Council of Ministers becomes by default the governing party, my support remains for the public election of the Chief Minister so that his or her policies or views can be taken forward with a public mandate. But I asked Hon. Members today, given that this public election of the Chief Minister does not exist, is it right therefore that nine non-publicly elected Members of the Legislative Council should yield such influence over such a key appointment?

Mr Speaker, throughout the last four and a half years, words such as 'reform', 'smaller, smarter Government', 'agenda for change and reform' have been bandied about like confetti at a royal wedding, (**A Member:** Hear, hear) and yet almost no reform has taken place within Tynwald. When you consider that across Government we have merged Departments, centralised services, lost over 500 low-paid jobs and modernised working practices, any minor changes that we have made to the workings of the legislature pale into insignificance. The reality is that the growing mantra of 'Government serving itself' is personified in the shape of the Legislative Council and reform is therefore inevitable.

What this simple Bill will do, if given support to proceed, will lay a small but significant platform for that reform to begin and the process can begin of returning Legislative Council to its rightful role as a revising chamber. Furthermore, no longer would any Chief Minister be tied in any way to the support of the Legislative Council. Instead, they would have to look firmly in the direction of the Keys for his or her mandate. The simple truth in much of this is that there is little justification for 33 full-time politicians costing the public purse somewhere in the region of £1.5 million per annum. And there is no justification in having the Chief Minister elected by non-publicly elected representatives.

As the current Chief Minister quite rightly has urged us to do, we must keep working until the end of this parliament and this small Bill will provide Hon. Members with the opportunity not only to demonstrate their commitment to that call but also to demonstrate to the people of this Island their commitment to positive reform.

I beg to move, Mr Speaker.

The Speaker: Hon. Member, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

I beg leave to second and reserve my remarks.

The Speaker: The Member for Rushen, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

I would have been happy to second, however obviously I was beaten to it once again.

A Member: By a Douglas Member.

Mr Gawne: I think the Hon. Member for Michael makes a very compelling case for the need for this change, particularly I think the relevant element to his statement, or the most compelling element to his opening remarks, was this point about we are supposedly trying to streamline Government. We are trying to reduce; we are trying to bring reforms to change the way in which we do Government of the Isle of Man. And yes, the one House of Keys in possibly the last 10 Houses of Keys that we have actually elected over the however many, 40 years, this is the one that has done the least by way of constitutional reform.

Now obviously we will get the charge that 'We are tinkering around with things and we need to be getting on with the real work'. Actually, this is the real work. This is what you have legislators for. It is not to do with general administration and running Departments and looking into the detail of every single thing that we are doing. Our main role is to legislate and actually it is vitally important that parliamentary reform keeps up with Government reform. Government reform is not as fast as many of us would like, but parliamentary reform is at a standstill.

I am ashamed to be part of this House, I have to say, over the course of the last four years with so little ... There have been plenty of attempts, but so little actually achieved in terms of parliamentary reform. I think it is absolutely clear to anyone who is prepared to read a letter in the newspaper, follow social media, go out and talk to people ... It is absolutely clear that the public are becoming more and more distant from both parliament and Government. It is not unique to the Isle of Man, I have to say. This is happening throughout the developed world, but if we do not keep up with what is happening, the changes that are happening, not just in the Isle of Man but across the developed world; if we do not continue to try and reform and ensure that we are a representative House that is actually delivering things that the public expect, then very quickly we will end up in some degree of chaos.

I think it is absolutely essential that we do reform. It is not reform for reform's sake. It is clear that there is some disquiet at the fact that effectively unelected, or certainly people not elected by the public, have such a significant influence over the most important decision that we take following an election.

This is not to say that Members of the Legislative Council should not be allowed to express opinions; of course they should. That is why we put them there. But the people who know most directly what the general public think are the people who will be returned to this House in September of this year. They know what the public are telling them. To be fair, Legislative Council Members do get around and they do get to find things out, but going round ... It was 4,000 houses last time round, but thanks to the new, reduced constituencies it will be a much easier job in the

coming election. You go round, you visit, you meet hundreds and thousands of people and you, as a Member of the House of Keys, you understand what the people expect.

It is probably the most important decision we take as Members of the House of Keys, or Members of Tynwald as it is at the moment: who is going to be our next Chief Minister. The Chief Minister then effectively is the figurehead for Government and leads Government. Ministers are chosen by the Chief Minister to do the best that they can obviously for the country, but clearly they need to tie in, to a reasonable extent – some maybe more than others – with the wishes of the Chief Minister.

It is an absolutely massively important task that we undertake. We should ensure that that decision, the decision as to who the Chief Minister actually is, reflects what the public actually want and that is so important if we are to at least endeavour to stop the continual slide in terms of separation between public aspiration of what they believe that parliament and Government actually deliver.

So I am more than happy to support this motion.

The Speaker: Hon. Member for Douglas South, Mr Malarkey.

Mr Malarkey: Thank you, Mr Speaker.

I too was in the rush to second this motion. I could not agree with it more.

Some five years ago, I stood in this Hon. House and I tried to bring a Bill forward where the Chief Minister was actually elected by the public, because I believe that is what the public want, Mr Speaker. I believe they want to have their say on who the next Chief Minister will be. That Bill got as far as clauses before the former Chief Minister managed to sink it in good old style – as Mr Brown had a habit of doing – and knowing his legislation, he killed it off in the first clause.

This is step in the right direction. It is not totally what I would want, but certainly since the day I got in here, I have been amazed by the fact that 24 people go out and do their canvassing and get the mandate of the people and then another nine from Tynwald come in and have nine votes, without any mandate whatsoever. I think that is totally, totally wrong. I think it is up to this House to pick its Chief Minister, like it picks its Speaker, like it goes forward. This is the House that has the mandate. We keep talking about the Upper House, in LegCo. This is really the upper house. This is the House with the mandate. This is the one that people elect. This is the one that has the people's support.

So, I strongly would ask everybody to support this today and please – we are very late in the day here now – I am going to say what the Chief Minister normally says. I know legislation time is all tied up and all very busy. If you have not got any intention, or you intend to do what you did to my Bill in the clauses stage by scuppering it and getting rid of it, let's not waste legislation time now. If you are going to take this all the way to the end, it is a simple question: do we vote for them here or do we vote for them in Tynwald? If you give leave to introduce today, let's be committed to see this through to the end. If you are not committed to see it through to the end, let's just kick it out today.

Thank you, Mr Speaker.

A Member: Hear, hear.

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

Mr Shimmin: Thank you, Mr Speaker.

Quite often when we sit in here, we look at principles and we look at detail; too often we go down into detail. I am only going to raise one or two areas that I want the mover of this motion to consider as he rolls forward.

There are only two Members within this House who, when they go out to the electorate, can actually reflect what the people want – as said by my colleague in Rushen, Mr Gawne. If this is what

it is for, to reflect what the people want, then anybody casting a vote for a Member of the Liberal Vannin Party can say who they would want as their leader; whereas at the moment I am brought back to our interesting time in 2006, Mr Speaker, where I believed then, as I believe now, that anybody who is prepared to stand for Chief Minister under this type of arrangement has an obligation and responsibility to tell the people of the Island. So that whether you are in Onchan or Ramsey, Peel or Douglas, when knocking on a door a candidate has to express a preference for who they want to actually see as a Chief Minister.

You otherwise go the full hog of Mr Malarkey, which I think would be disastrous to have a presidential election – but that is how you reflect what the people want. But if it is in the future only to be Members of the House of Keys, then how do the public express who they want their candidates to support – unless it is clearer?

So the hon. mover of this has asked the question. Am I in support of it? Yes I am, it is a step in the right direction and I will support his leave to introduce. I think there are a few hurdles ahead but as far as I am concerned, democratically, we get elected by the people therefore I have consistently been in favour of the constitutional reform of removing some of those powers – and preferably the wage packet – of Members of the Legislative Council.

So I will support him at this stage. I would like his thoughts as to whether he does look to include any of that detail as to how do the public actually know, when they cast their vote for a particular person, whether that person has expressed a preference of who they want to see as Chief Minister?

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

Mr Hall: Thank you, Mr Speaker.

Just a very brief comment which perhaps the mover may wish to comment on. I have got no issue with supporting his leave to introduce; but if it is this Chamber that is going to appoint the Chief Minister, then looking on the other side of it in terms of *removal* of the Chief Minister ... at the moment in Tynwald if it is a vote of no confidence in the Council of Ministers, then that instigates the Chief Minister nominations again.

So therefore I think we need to just have a little think about in terms of votes of no confidence in the Council of Ministers and the mechanisms of how that is all exactly going to play out. Because then it should be, if *we* are the Chamber that is solely going to elect the Chief Minister, then is it not right on the other side that it is going to be solely *this* Chamber that then removes that Chief Minister – and not be at Tynwald, which involves Members of Legislative Council. Just another thought for the mover to perhaps comment on.

The Speaker: Hon. Member, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

First of all I have to confess I did in the last election – as the Isle of Man of Man Newspapers do – harass the candidates for a preference for Chief Minister. And I have to apologise to the current Chief Minister, because I did not put you down! (*Laughter*) But you got there in the end.

I did fancy another Member –

A Member: Did you now?

Several Members: Oooh! (*Laughter and interjections*)

Mr Quirk: Just to clarify for *Hansard*, I did indicate support for another individual – that is probably the best way to say it! But that is Manx politics.

But I do support the Member for Michael, Mr Cannan, wholeheartedly. It will come up, as it does all the time. And Isle of Man Newspapers to sell the newspapers, or the media to sell something else, will harangue the candidates to find out who is the best person.

You never know until they get back in here, to see who is left, or who is in here – those are the ones you have got to choose. But at the end of the day you make those decisions on the day, and it is done in here – because you do not know who is in here.

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

Mr Thomas: Three brief points: the first one is that I think the cost of 33 full-time Members is rather more than £1.5 million, I think it is more like £3 million – so that should be taken into account as we make up our minds.

The second point, I am not sure, is that the Hon. Member moving this would think that this was not in some way related to the Tynwald inquiry that is ongoing; and I would hope that during the course of the Bill, the Hon. Member would give credit when the independent inspector reports to us independently what his or her findings are about this sort of matter.

And the third one is – it is a very valid point that the Hon. Member for Onchan makes – which is, we need to make sure that we include everything that is relevant. Legislation is not always needed in some cases so, for instance, there is a Tynwald Standing Order 3.18(2), which is that the Council and Keys shall vote separately. But that could be changed by amendment of the Standing Orders so it is not only legislation that could be used, there could also be changes in the way we go about our politics through Standing Orders.

And in closing, I just wanted to quote the remarks of an Hon. Member of Council who actually was commenting on this sort of thing in a previous debate – not exactly about this but in a very closely connected one. And that Hon. Member expressed the truth. He actually said:

The Council of Ministers here forms around the Chief Minister like a government forms around the Prime Minister in the United Kingdom. In the United Kingdom, the Prime Minister is the leader of a party which either has a majority in the Commons ... or the leader of a party which can work with other parties in order to have a majority in the Commons. The source of power is easier to trace: it is the electorate.

They, in the UK, vote according to the policies of parties expressed in the manifesto of the various parties. Power then transfers to the Prime Minister through a party system based on the manifestos of his or her party and then is delegated by the Prime Minister to government ministers. But the power of the electorate over the government is secured by the fact that there is a manifesto for the ruling party or two manifestos for the coalition governing parties.

Here is the source of power: the electorate. I rest my case, my Lord. An Hon. Member of Council told us that this is the right thing to do and we should be doing it today.

The Speaker: Hon. Member, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

I will continue with your 'less is more' theme and just say that I wholeheartedly support this.

Reform is at the centre of our Liberal Vannin policies. To remove the power from unelected Members of Tynwald I think is absolutely appropriate and it has my 100% support.

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

Mr Watterson: Yes, I am happy to support the Bill as well; especially in the context of the remarks made by Minister Shimmin – most of which will be quite familiar to the Hon. Member who is moving the motion, given that they were raised when we went head-to-head at the Positive Action Group meeting just a few months ago, and at that point raised several suggestions as to how the present legislation could be improved.

I am kind of brought to my feet, though, by the comments of Mr Thomas, whose conclusions I do not necessarily agree with, in terms of the flow of power to the Chief Minister. My experience over

the last nine years is that the perception is that the Chief Minister is the most powerful person on the Isle of Man.

The Chief Minister: If only! (*Laughter*)

Mr Watterson: However, having then sat in the Council of Ministers for the last four, it is easy to see how easily curtailed that power can *sometimes* be.

If the system operates as it *should* operate, most of the power is vested in Ministers – that is the way our law is determined. The Ministers of individual Departments have the statutory powers, they are the ones who are required to exercise those powers. Council of Ministers may issue a direction to overturn decisions of Ministers and may direct Departments in certain ways. The Chief Minister's power is generally supposed to be restricted to chairing meetings in Council of Ministers and getting any information that may be required from any Government Department in order to lead the Government.

So whilst I think there is a role there for providing policy direction and policy leadership, even the manifesto that the Chief Minister candidates put together to go to Tynwald with, is only that – it is a separate manifesto. And if you track it back it will, of course, feature heavily a lot of the points that the actual Chief Minister will have put in the manifesto to their constituents.

But as you would expect by virtue of the coalition politics that we have – not the party politics – it is not decided in a party committee meeting, it is something that is generally haggled out by Members of Tynwald, by prospective Ministers and by existing Ministers, in terms of what they can and cannot support as a general manifesto to go forward for the next five years. That is the difference.

There are aspects in the UK of the prerogative power that flowed from the monarch to the Prime Minister in Parliament that just do not exist here, where we have a very different set of constitutional arrangements, a different legal presumption about the power of Departments – and a very different approach to the relative powers of a Prime Minister in the United Kingdom and the Chief Minister in the Isle of Man.

That is not something that we should ignore as this debate goes forward.

The Speaker: Hon. Member, Mr Karran.

Mr Karran: Eaghtyrane, obviously my principle as far as a leave to introduce is that I always support it unless it is an attack on the minorities, or it is something that defies logic. (*Interjection*) So I will be supporting the leave to introduce, anyway.

I have to say that I just wonder whether the mover needs to consider, when doing his Bill, whether he needs the flexibility that it has to be a Member from the House of Keys, as far as the Chief Minister is concerned. The principle should be that we are the elected House – we have the mandate and we should pick who the Chief Minister is. The question has to be asked. If that person has that mandate from this House then that is fair enough, as far as I am concerned.

I shall be supporting this proposal; but I really do think that the façade, as far as that there is no party politics in here, and there is no party whipping, is an absolute joke. (**Mrs Beecroft:** Hear, hear.) And it really is just an insult.

I was listening this morning on the way in here to Manx Radio, and as somebody who supported them having the funding in the first place to try and create a Radio Four-type of radio service, I thought it was more like something from the *Two Ronnies*, when we saw the outlook as far as the relevance of what they were saying to the *reality* of what is happening.

Hon. Members, I will support the leave to introduce, as far as this piece of legislation is concerned – but do not tell me the idea that the previous speaker ... who is telling me that all the Ministers are independent. As a person who lived under siege and lost 20% of his friends by supporting gay rights – as far as the Island is concerned – tyres slashed and a number of other things

... and who brought in the legislation as far as lowering the age of consent to 18, when others were saying, 'You don't want to do that!'

I have to say the classic example is the issue as far as gay marriage is concerned: whilst I am 100% for it the issue is ... I am sure that the Council of Ministers, as individual members of the Council of Ministers, did not see this as a burning priority. So let's keep away from the nonsense to some of us in this House.

The Chief Minister *has* that power and that is fair enough. But we need to be *honest* about that; and let's not try and have a situation where we are trying to outdo Manx Radio with its *Two Ronnies* routine when it is talking about a political situation where some of us have been virtually banned from it for the last three or four years, because we are not part of the state funding mechanism.

So, Hon. Members, I hope we do support this. I see this as a *beggan ry veggan ny share* – as far as I am concerned, we should be supporting the principle of the Member to bring along his Bill. It is quite right that it *should* be elected by the people of the Isle of Man and I am totally *for* him on that.

There might be the issue of whether you want to get legislative constraint as far as who in Tynwald is your Chief Minister ... it is an issue that should be there and in *my* personal belief it should always be a Member of the House of Keys. But that is up to the future House as far as that issue is concerned.

Hon. Members, I feel that we should all support the proposal that is in front of us. But I am somewhat surprised that my colleague said that he was not promoting the Chief Minister, as far as being the Chief Minister is concerned, as there was only a two-horse race and I was the other horse! I hope I was not the person that he was wanting to see as Chief Minister (*Laughter*) or I will worry about my credibility with the intellect, as far as the Isle of Man and the thinking general public are concerned!

So, I think it is important to stop the nonsense of the Hon. Member for Rushen saying that somehow there is not a problem. The Chief Minister *has* the power of patronage. This parliamentary assembly in the last House only had *me* in the House who was not part of that patronage; and in this House we need to address that issue. That is a different issue that needs to be addressed.

But I will be supporting this proposal and I welcome to see what the mover comes back with in his piece of legislation on that point; (**A Member:** Hear, hear.) and let's see whether we can stumble in the right direction in order to give the good governance that the people of the Isle of Man of Man deserve and are still waiting for.

A Member: Hear, hear.

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

Mr Cannan: Thank you, Mr Speaker.

The Home Affairs Minister has obviously got one of those Christmas cracker questions hanging around that says: 'When is the leader *not* a leader?' Well, the answer is, when he is the Chief Minister. (*Interjections*) And that is the answer you are seeking for that riddle, that you have been pondering over for the last couple of years. (*Laughter*)

Mr Speaker, what I am slightly concerned about is that I have heard from ... well, two of the three Ministers, I will be fair, who have spoken, a signal, I think, which may come with their intent, I would suggest, to derail this by bringing forward a raft of amendments to confuse the issue.

I want to assure Hon. Members this is a *very* simple proposal I am bringing forward in terms of a Private Member's Bill, which will simply seek to alter the words 'Tynwald' with the words 'House of Keys' in the Council of Ministers Act 1990 – and nothing more. There will be no proposals around how manifestos should be distributed or whether there should be radio debates, or how the public should inform their MHK who to support.

It will simply set out to amend the wording in the Council of Ministers Act so that the Chief Minister is elected from the House of Keys, by the House of Keys, and not by Tynwald as a whole –

thus removing the Legislative Council from that particular process and giving us a platform for reform. I think that is the nub of the issue; it is *very* clear.

I thank Hon. Members for their support; I thank my seconder for his very eloquent speech and his description of what this was all about. I could not have put it better myself, so thank you for that! And Mr Malarkey for his support; and Mr Shimmin, obviously, for his clear support – and I hope I have made it clear that this is a very simple Bill. Mr Hall raised the issue of no confidence, but the Council of Ministers Act in conjunction with Standing Orders makes allowances for all that, and will be revised subsequently, obviously, if this Bill were to go through.

I thank the other Members who have given their support, including Mr Karran who has been living under siege for the last 20 years – and perhaps he was formerly the ship's cook.

I beg to move, Mr Speaker.

A Member: Hear, hear.

The Speaker: Hon. Member, I put before the House the motion for leave to introduce a Private Member's Bill as set out under Item 6. Those in favour of the motion, please say aye; against ...

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

FOR

Mrs Beecroft
Mr Bell
Mr Boot
Mr Cannan
Mr Cregeen
Mr Gawne
Mr Hall
Mr Harmer
Mr Houghton
Mr Joughin
Mr Karran
Mr Malarkey
Mr Peake
Mr Quayle
Mr Quirk
Mr Robertshaw
Mr Shimmin
Mr Skelly
The Speaker
Mr Thomas
Mr Watterson

AGAINST

Mr Teare

The Speaker: There are 21 votes for, 1 vote against. The motion therefore carries.

Hon. Members, by the clock, I propose we adjourn for lunchtime recess and convene at 2.30 p.m. There is a presentation, I understand, at one o'clock in the Barrool Suite.

The House will now stand adjourned until 2.30 p.m.

*The House adjourned at 1.00 p.m.
and resumed its sitting at 2.30 p.m.*