

Order of the Day

1. Communications Bill 2020 – Further consideration of Keys' amendments

HM Attorney General to move.

The President: Hon. Members, we enter the final sitting in this legislative session. On the Order Paper this morning, we begin with the Communications Bill, amended in the Keys, for further consideration of the Keys' amendments. I call on Her Majesty's Attorney General.

The Attorney General: Thank you, Mr President.

Mr President and Hon. Members, the motion before you seeks to provide a workable compromise between the Branches on the outstanding issues in relation to the Communications Bill. I have been asked to say a few words on behalf of the Communications Commission in this matter.

The Commission would like me to point out that since the Bill was last in Council, it completed the promised consultation on its scope and structure within the timelines it had set out. To summarise, the Commission looked at all of the various models and proposed that the Commission be chaired by a person who is independent of both industry and politics, but still retain a political Member on its board to ensure that there is the opportunity for public scrutiny of the Commission's work and to ensure that the public interest is retained during discussions on decisions. The responses received were broadly supportive of this position. However, the Council of Ministers has taken this a step further by removing that Member's voting privileges, to ensure that there can be no hint of political interference.

The compromise now proposed is that instead of the Minister for Home Affairs being the *ex officio* Chair of the Commission, the Chair and all the other members, bar one, should be apolitical. A Member of Tynwald would be a member of the Commission, albeit without a vote, but with a voice at Commission meetings. That Member, it is envisaged, could move motions and answer questions in Tynwald in relation to the Commission's work, but would otherwise play a supportive role in relation to it. This change is made by the slight adjustment proposed to the second outstanding amendment, whilst the first amendment on the Order Paper, dealing with the provisions of the Act which commence upon the announcement of Royal Assent, ensures that the requirement to make the change to the Communications Commission Order cannot be circumvented by deferring the commencement of the clause requiring the change to be made.

With the implementation of the Bill, the Commission will have the teeth to enforce licence conditions by way of penalties and fines, allowing it to better protect the Manx consumer and ensure competition in this vital sector of our economy. Government is currently making a significant investment in ensuring all Manx people have access to high quality internet connectivity. It is important to ensure that we have a strong, well-equipped regulator to help ensure that this investment is protected and that it has the intended effect of ensuring competition in our telecoms sector and that it continues to flourish to the benefit of all.

Mr President and Hon. Members, I commend this solution to Council and accordingly beg to move the motion standing in my name.

The President: Mrs Lord-Brennan.

Mrs Lord-Brennan: Thank you, Mr President.

Mr President, Hon. Members, I am happy to second this motion today. I recognise it as being a compromise certainly based on a number of real concerns that had been examined in this place and in the other place.

I welcome the position outlined by the Council of Ministers. There were some queries that I put to the Minister for Home Affairs, particularly in relation to this role being in Tynwald, that I would like to seek to clarify as they would have bearing in respect of the continued role of the sponsoring Department.

So it was my concern that if there were to be a Tynwald Member on the Communications Commission who would not have a vote but would still have a place at the table, and of course having a place in Tynwald, I was concerned that it would not be political responsibility under any other name. So in seeking to clarify that with the Minister, he has clarified with me that the role of the sponsoring Department would still be in place, that it would be an opportunity for a Member to answer questions should they wish, to move motions should they wish, but it would not be something that they were compelled to do, that being the sponsoring Department role and therefore the ministerial position would be still available to do that.

So to my mind it does settle the balance much more in favour in terms of, as the learned Attorney has pointed out, scrutiny and interest in the work of the Communications Commission and representing that public interest, rather than political representation of the Communications Commission in Tynwald, which is much more along the lines that I would think is appropriate, as we will continue, I believe, to strive towards greater regulatory separateness overall.

So on that basis and the idea of a Tynwald Member simply being a sounding board, but not determining direction and not having that overall appearance of political involvement, I am very happy to second and I am grateful to everybody who has done everything they have to get it to this stage.

Thank you, Mr President.

The President: Thank you. Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President.

I would like to echo the comments just made by my hon. colleague, Mrs Lord-Brennan, and also thank the Commission for being able to have sight of the consultation response which was published last week, which was very helpful to just understand who had responded and what their view was about the possible options for the way forward for the Commission.

I am happy to support the proposed amendment.

Thank you, Mr President.

The President: Mrs Maska.

Mrs Maska: Thank you, Mr President.

Just to agree with my colleagues, I am very supportive of the amendments that we have before us today. I think the importance of the Communications Bill coming into being is even more important coming out of COVID, where everyone has seen how vital it is to have excellent communications and these should be available to everyone across the Island. So to be able to have the amendments before us today, I also support a Member of Tynwald being on the Communications authority.

My experience in the past when I served on the Lottery Trust, which is different, but we also had a Member of Tynwald on that trust who was able to actually counsel and act as a bridge between the trustees and Tynwald, but not to majorly influence in any subjective way.

So I do welcome the amendments that we see before us today, Mr President, and I thank you very much.

The President: Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President.

I am very supportive of this solution. I think that it is a symbol of a strong democracy when you can separate as much as possible your media and your government. So I am in complete support.

Thank you.

The President: Thank you. Mr Attorney.

The Attorney General: Thank you, Mr President.

Very briefly, if I could thank the Hon. Members who have spoken in support of this motion, and on behalf of the Commission thank Hon. Members as a body for their interest in dealing with this legislation and agreeing to the compromise which has been reached. The Commission is very grateful for the support which has been voiced.

On that basis, I beg to move.

The President: Hon. Members, I put to Council the motion set out on the Order Paper in the name of Her Majesty's Attorney General. Those in favour, say aye; against, no. The ayes have it. The ayes have it.