

**A Bill to provide for election of Members of the Legislative Council by public franchise
and the revision of House of Keys constituencies
Leave to introduce granted**

2. Mr Callister to move:

That leave be given to introduce a Bill to provide for the election of Members of the Legislative Council by public franchise and to provide for the revision of House of Keys constituencies into eight electoral areas, to be determined by a boundary committee; and for connected purposes.

The President: We move on then to Item 2 on our Order Paper which is a motion for leave to introduce a Bill and I call the Hon. Member, Mr Callister. I understand Mr Callister wishes to circulate some speaking notes round so they will be on their way shortly. Mr Callister.

Mr Callister: Thank you, Mr President.

The motion is to seek leave to introduce a Private Member's Bill, a Bill to make two quite specific changes in the Island's political landscape. Changes that would create total democratic legitimacy, leave our tricameral system in place but would not change the role of the Legislative Council Members but would remove the anomaly in the voting system which gives some people three votes, some people two and some just one. The last boundary committee reported that changing this situation was both fundamental and essential and they stated that this was a far greater inequality than the current variation in the numbers of voters per constituency.

As we stand at present, the people of the Isle of Man are only allowed to elect three-quarters of their parliament, so what I will be seeking to achieve, if leave to introduce is given, is clear, I think, in the motion: to change the present unsatisfactory arrangement to provide equality by the creation of eight electoral areas, each of which would return three Members to the House of Keys, and since there would be eight elected Members of the Legislative Council, it would be entirely appropriate for those Members to be publicly elected by those same constituents in eight areas. This would eliminate one of the major arguments used in the House of Keys from all past proposals that they would not want to see Members of the Legislative Council with a larger mandate than that which they had themselves. During the most recent Constitution Bill debates in the other place, they coined the phrase 'super MHKs'. There would be no question of having super MHKs under my proposals; there would be a level playing field.

The work of a publicly elected Legislative Council would be exactly the same as it is now. The Council's main function would still be primarily as a revising Chamber, but, importantly, Council Members could be appointed as Ministers. Some Members of the House of Keys feel very strongly that the present system should legally exclude Council Members from being offered ministerial positions because they are not directly accountable to the public through the ballot box. Our present Chief Minister has chosen not to appoint Council Members as Ministers, possibly on the same grounds of accountability. Clearly, if Council Members had the support of the public vote, there would be no barrier whatsoever for any future Chief Minister to appoint Members of the Council to ministerial office.

Less than a year ago, the Council examined a Constitution Bill from the other place which contained flaws that it might have been possible to correct, but that Bill was quite different from the Bill I am proposing, Mr President. Nevertheless, the fact that that particular Bill reached us at all is a clear indication that a majority of Members in the House of Keys want to see a publicly elected Legislative Council.

Allowing the Members of the House of Keys to elect the Council has become something of a farce in recent years, and the nonsense continues. On 15th March, in the other place, apart from the decisive vote for Mr Braidwood, the Members failed to fill all four vacancies, as was intended by the current legislation. They elected Mr Downie at a second attempt, Mr Butt at a third attempt, and then the farce began again. Two perfectly capable former Members of the Council were put forward 10 times – 10 times, Mr President – without a result. How long this will continue no-one knows, and the fact that six Members of the Keys refused to vote for *anyone* during the last five attempts to fill that final vacancy shows that the present system is not working, it is time for a change, and it is time to transfer from patronage to public.

Looking at the manifestos of the successful candidates at the 2006 House of Keys Election and at the comments made in debates on the last Constitution Bill, we find that at least 14 Members of the House of Keys want an elected upper Chamber. For the record, they are Mr Anderson, Mr Quayle, Mr Cretney, Mr Gawne, Mr Rodan, Mr Watterson, Mr Karran, Mrs Cannell, Mr Braidwood, Mr Crookall, Mr Cannan, Mr Shimmin, Mr Malarkey and Mrs Craine.

There are a couple of those Members who would prefer to see a unicameral system. In my view, that would certainly be a move too far at this time. It would remove the ancient House of Keys and with it the position of Speaker. Candidates for election would be seeking seats in Tynwald. They would no longer be MHKs. They would probably be MoTs. The intensive scrutiny of legislation that is currently undertaken by this Chamber

would still be necessary in one form or another, presumably by an elected committee. So I say again, Mr President, it would be a move too far to change to a unicameral system.

I will admit that the changes that I would be seeking in a proposed Bill would be major changes to the constitution, but I do believe they would bring benefit and improvement to both the public and the Members. How would these objectives be achieved? There would be a requirement to appoint a new boundary committee and their task would be to divide the Island into eight electoral areas. As of today, there are 58,457 registered electors on the Island. Dividing that by eight, you get an average of 7,300 voters, and the boundary committee should aim for that figure in each of the eight areas, but allowing 2% variance either way, as is the current practice. It is interesting to note that the present three-seat constituency of Onchan now has 6,830 voters on the register, which is a figure close to the number that would be required if there were to be eight constituencies. However, by reducing the number of constituencies from 15 to eight, it would mean departing from the notion that constituencies should relate to the ancient parishes, and some probably still would, but not all of them.

Having established eight electoral areas, I would not be looking for changes to take place immediately. I would not want all 32 Members to be elected at the same time, and I think it would be very important to continue the present sequence of Legislative Council elections in order to preserve continuity. The way in which this can be done is quite straightforward. The Keys General Election in 2011 would continue with the present 15 constituencies, and if any casual vacancies occurred between now and the 2016 Election, they would still be dealt with under the present system. Not counting the current vacancy for the Council, the next Legislative Council election is due to take place in 2013. The Members whose terms of office end then are Mrs Christian, Mr Lowey, Mr Turner and myself. I propose that the first election by public franchise should be for these four places. In 2013, four seats on the Council to be filled not by House of Keys election but by the public in four of the eight electoral areas. The second election under the new system would take place two years later, in 2015, the retiring Members at that time being Mr Downie, Mr Braidwood, Mr Butt and A. N. Other. The public would then vote in these remaining four constituencies. At this point, we would have all eight Members of the Council in position, and one year later, in 2016, we have a General Election to the House of Keys and this would be the first occasion when voters in eight electoral areas would return three Members for each area. In order to ensure equality, I would seek to have all General Elections, for either Keys or Council, take place on the third Thursday of September on a five-year rotation. Casual vacancies would have to be filled by way of by-elections.

In order to avoid the possibility of the Council becoming inquorate in 2013 and 2015 when they seek public support in the first of those elections, I propose the terms of office of the retiring Members are extended to an appropriate date in the summer recess. A suitable date perhaps might be 31st July, or it could be perhaps when the writ for an election is issued. This would mean that those Members of the Council whose terms end in 2013 or 2015 would remain in office for about another five months. To recap that, the sequence of elections would be: a public election for four seats of the Council, four electoral areas, on the third Thursday of September 2013; public election for the remaining four seats in September 2015; and then 24 Members to the House of Keys in eight areas, each of three seats, on the third Thursday of September in 2016.

Turning next, Mr President, to the Bishop's vote, in my proposed Bill the Bishop's position would not change. As I have indicated, I do not want the work that is currently carried out by the Council to alter, and the Lord Bishop is very much a part of that. If, at some future date, it is thought that the role of the Bishop should change, I would expect that process to commence with a major Tynwald debate.

I have also not mentioned single transferable voting, because I believe that is something for the future and there is no doubt in my mind that STV would be perfect if there were eight three-seats, but promoted initially it could confuse the principle and be divisive in voting patterns.

Members of the House of Keys, on at least two occasions, possibly three, have already rejected the idea of 24 single seats, and they have also said no to the creation of 12 two seats, but they have not seriously considered eight three-seat constituencies. It works extremely well in both Onchan and Rushen. There is no reason, except historical, for sticking to single seats, and if a two-seat constituency became a three-seater, it would offer candidates an additional chance for election.

Changing House of Keys constituencies is nothing new. In 1981, Ayre had two seats, Glenfaba had two, Garff had two, Middle had three. In 1986, the boundaries changed. Middle became Onchan, Malew and Santon was newly created with a single seat, and the three country areas I referred to were reduced down to single seats. Due to the changing population patterns, anomalies have crept in since 1986. The increase of electors in both Middle and Peel means that those constituencies are close to requiring two Members, but on the other hand, voter numbers in Glenfaba are well below the numerical ideal for even one Member. Another point worth considering is that in the past three years the list of registered electors has shown an increase of almost 6,500 across the Island, so boundary changes are already overdue.

Turning to the present Legislative Council Members, Mr President, Mrs Christian and Mr Lowey are both on the public record as supporters of a publicly elected Council. Indeed, Mr Lowey's Constitution Bill 1999 was to provide for the popular election of its Members, although at that time Mr Lowey was promoting eight seats across five constituencies. Unfortunately, when it went to the Keys, they chose not to take it seriously. I think

Mr Braidwood will be able to confirm that he supports a popular election of Council Members, provided their powers or mandate do not exceed that of the Members of the Keys. As for Mr Butt, Mr Turner and myself, we have never offered ourselves to the electorate, and day by day we are making decisions which affect the lives of our residents without 100% democratic accountability.

By this motion at this time, I am not asking Members to vote for these changes. I am simply asking for leave to introduce a Bill which may or may not be supported by either Council or Keys. When I was elected by patronage to this Council, I made it clear that my main reason for seeking election was to provide me with the opportunity to promote a Bill for the purposes I have described. If Hon. Members support this motion – and I hope they will – I will be spending a number of months – indeed, more than that, no doubt – consulting as widely as possible on these ideas, consulting with the Keys, with the Constitutional Committees, with local authorities, with every area that needs consultation in this particular proposition. I am not asking for the world to be changed today. I might be able to get something back to the Legislative Council by November. That would only be a target at the present time.

Mr President, I do hope that Members will be able to support this motion so that both the public and the Members of the House of Keys will be quite clear on where Council Members stand on these issues.

I beg to move the motion standing in my name.

The President: Mr Butt.

Mr Butt: I beg to second, Mr President, and I do so because I think Mr Callister has put a lot of time and effort into this and I think the matter does deserve some debate by the Council as to what their views are on his proposals. I, personally, am not totally supportive of them. I do think that, in effect, this should be the will of the Keys if they wish to change the constitution, and maybe it should be down to them, rather than emanating from this Council.

As regards some of the comments of the Member, Mr Callister, he talks about boundary changes: again, that should be the will of the Keys. The boundary changes would affect them more than the Legislative Council. If they need to be done, they can be done anyway, regardless of having to affect the way the Legislative Council is voted for, and as he said, they are overdue anyway.

In 2005, Mr President, when I first arrived here, we debated at length a Constitution Bill which appeared to be a way forward. It was sent back to the Keys. It, in effect, produced eight areas and would have produced what are fearfully known as the ‘super MHKs’, but it did provide a way forward, it was supported by all the Members of Council, and it did seem a reasonable compromise, or a way of going forward, but that was rejected by the other place.

The fears of super MHKs I personally do not understand, because no matter what your mandate is, when you are in Tynwald you have one vote and one vote only. I do not see why the larger mandate should give you that extra power, so I think those fears of super MHKs are unreasonable. The 2005 Bill, Mr President, as you remember, was debated and sent back to us. There was a meeting between the two Branches and nothing was, in the end, agreed. There have been some attempts since then.

Mr Callister mentions that 14 of the current MHKs have manifestos saying they support a popularly elected Legislative Council, and I really do think it is perhaps down to those 14 Members, and others if they support them, to instigate that from the Keys themselves, if there is that support there.

Although I do support and I have always said I will support eventually a publicly elected Legislative Council, my main concern is that by 2016 we will, in effect, have one Chamber. There will be almost no point, after that, in having separate Chambers. I have found, from my experience in the last five years here, that the Legislative Council do act as a check and a balance, not to any detriment, on the Keys. Certainly, in terms of legislation, and sometimes in terms of votes in Tynwald, it is important to have another set of people who can stand aside and look at things with clarity, and I think once we get to 2016, when we are all one, in effect, I believe it will become one Chamber, because there will be no point in having separate Chambers. I think then we will be on the road to a unicameral parliament.

The President: Mr Turner.

Mr Turner: Thank you, Mr President.

I agree with a lot of the sentiments from the Hon. Member, Mr Butt. I think it is rather interesting... the very strong principles that the mover is against, and yet he is the one proposing to bring in such sweeping changes. I do not think it is for this Council to reform the House of Keys, which is effectively what this Bill is going to do. It is a wholesale parliamentary reform. It is not just about the reforming of this Chamber at all. It is a wholesale parliamentary reform, and I do not believe that, certainly at the present time, we should be looking at doing that. We have stability in the Island. One of the successes of everything that we enjoy at the moment is because we have had a stable system over many, many years.

We talk about an appetite for all this change. Certainly, from my covering of the 2001 and 2006 Elections, for both television and radio, I cannot recall parliamentary reform ever coming up. They were not subjects which particularly interested the public at large. There were one or two small numbers of enthusiasts who had it on their radar, but the vast majority of the public seemed to be more concerned with the front-line public services, such as education, strong employment, a vibrant economy, business innovation and the excellent way of life we enjoy.

I am fortunate that I have grown up in the Isle of Man, was born here, have grown up in that society and have enjoyed the opportunities. If we start changing the whole system to an unknown, then who knows what legacy we are going to leave? We are venturing into the unknown. We cannot exactly look to the United Kingdom as a success story after what they have been through in previous years. I think the Isle of Man is a success story. There may be areas that people do not like about it, and usually you find that they are people who have not understood the Manx way of life and quite often criticise after they arrive and want to change things, which I think is unfortunate. We have just had the Government revamp, we have got a huge hole in the finances coming up, and yet we are now looking at reforming the whole system from top to bottom. I think it might be a step too far.

I have always said that I think electing the Legislative Council will be a complete waste of time. I think if you are going to go down that route you are better off abolishing it, and then we are heading for, as my colleague, Mr Butt, said, the unicameral system. Whether there is a desire of the public for that, I do not know – it has not been tested – but all I do know is that to elect the Legislative Council will change the focus of the Members in their day-to-day work. I do not accept the argument saying, ‘Oh, well, they will not be acting as constituents...’ That is just absolute nonsense. They will have constituents, they will have voters, and that will always be the prime focus of Members if they are elected. So in my view, if that is the direction, then I really think that consideration should be given to abolishing it, because I do not think it will be effective.

Again, I am strongly opposed to this place commencing work which is going to reform another place. I agree 100% with my colleague, Mr Butt, who says it should be for the House of Keys to reform their system, and indeed, as they currently elect the Legislative Council, I feel it should be for them to decide the future on how this Chamber goes forward.

The President: Mr Braidwood.

Mr Braidwood: Thank you, Mr President.

I also agree with my colleagues in Council, Mr Turner and Mr Butt, that such fundamental changes should arise in the House of Keys. As Mr Callister said, I was one of the 14 who actually wrote in their manifesto to see a publicly elected Legislative Council. There are now 13 at the present time, and as Mr Callister said, there are a couple of Members who wanted a unicameral system. In actual fact, I have been able to vote on a few occasions when it has arisen in the House of Keys: one I did oppose, one I agreed with. The one I opposed was Mr Quayle’s. The one I supported was the time that Mr Cannan put forward a 16 times two seats for election, and mainly that would have come through from a unicameral system.

There are a few things where I would probably disagree with Mr Callister. I believe if publicly elected in 2013, I would not have two elections as such for the Legislative Council. I would probably, in the 2013 election, have it for two years, until 2015, and then the election would be for all Members of the Legislative Council, all eight Members at the same time, if that was going to go forward, because if we look at the four seats, which are proposed for 2013, and how we would have to choose those constituencies which would be up for election... Is it where the seat which Mrs Christian is nearest, or Mr Turner, or Mr Callister? So I would have a separate election for the Legislative Council with all eight Members, and probably have it in February 2015, if that was the system.

I can see some merits and I can see some disadvantages. However, I do believe that I will support the leave to introduce, so that in actual fact, if the Bill is proposed, somebody could always pick it up anyway in the Keys, because, as I have already stated, I think such fundamental changes should come from the Keys, particularly the boundary changes. However, eight... I think at one time it came up where it was going to be eight times four seats, which had been the amendment which was coming through from the 16 by two. I opposed that.

Really, until I see the crux and more of it in print, I will give my support to the leave to introduce. However, when it comes forward, I will then make my mind up, Mr President.

The President: Mrs Christian.

Mrs Christian: Mr President, it is significant, isn’t it, that we have to give leave to introduce a Private Member’s Bill? In another place, many times have I seen Members seeking to introduce a Private Member’s Bill without a reasonable argument why they should be allowed to do so. I do commend the Hon. Member for coming forward with at least arguments behind his proposal. I do not know whether it was politically astute for

him to drop it on our desk this morning, or not. I do think it might have been useful to have had this proposal in more detail before we got to the position of putting ourselves in Council this morning to give leave. However, that is by the by. I am sure we will all decide whether or not we have had enough information to support or otherwise the introduction of a Bill.

I would like to comment on some of the thinking that the Hon. Member has outlined. First of all, he has talked about the democratic legitimacy of Council. I think Council is currently democratic. Democracy appears in many forms and we are elected, albeit by a college of the House of Keys. There are arguments for us being elected by the public and the Hon. Member will no doubt push those in due course, and I will come to democratic legitimacy again as we go through some of the proposals which he has made.

He has also indicated that he feels his Bill will retain the tricameral structure. I have no doubt, in the first instance, it will, but I also have a very strong feeling that it will not be long before it leads to a unicameral system. Why is that? Well, the Hon. Member seeks, first of all, to change the constituency boundaries to provide for three-Member constituencies for Keys and Council elections. That might be quite a clever ploy. It is an introduction of a carrot to the Keys to somehow get over the argument that there would be a different electoral backing for Council Members, but it also raises the point of whether or not it is appropriate that this Council should be seeking to change the boundaries in respect of the Keys constituencies. So he has come forward with an interesting suggestion about that, that we have the same eight constituencies for Council and Keys elections.

He has talked about no change in the respective responsibilities of Keys and Council, but I feel it is inevitable that there will be change. First of all, he is saying it will be helpful because there can be Ministers then from Council, because they will have the same electoral legitimacy as Keys Members. There is nothing to stop Council Members now being Ministers, (**Mr Callister:** Agreed.) except for the will of the Keys, or at least the will of the Chief Minister and Tynwald – well, not Tynwald, just the Chief Minister and his team – and they have chosen to have Council Members when it suits them.

The President: Even Chief Ministers.

Mrs Christian: Yes indeed, even Chief Ministers when it has been deemed appropriate to do so. So one might say a Minister in an elected Council, elected by public franchise, perhaps has more legitimacy in the eyes of the public to make decisions on their behalf, but against that argument I would say that it is Tynwald who decides ultimately whether a Minister is successful or not in pursuing particular policies.

So then we come to the point of should Council Members, when elected by the public, have less power than the Keys Members. The Hon. Member has suggested that there will be a level playing field. There will not be a level playing field. The Council, in his description of it, will continue to have delaying powers in respect of legislation, and not full voting powers in respect of the legislation, as the Keys do. When we vote in Tynwald, or sign Bills in Tynwald, we can only delay if Council seeks not to support a particular piece of legislation. We cannot throw it out. So I do think that that is another element of difference between Keys and Council which, as the Member has indicated, is probably going to remain.

I have, in the past, certainly supported the principle that the Council could be elected by the public, partly because of the farce that goes on in another place with regard to electing Members to this Chamber.

Mr Lowey: Nothing but farce.

Mrs Christian: That is, unfortunately, not a particularly good reason for supporting a change, if they cannot carry out their function properly. It seems to me unfortunate they cannot get on with the job in a sensible manner.

There is also the issue, as pointed out by my hon. colleague, Mr Turner, about the perspective the Council Members take on matters in Tynwald, and indeed in dealing with legislation, which is not a constituency perspective, and I do think that, generally speaking, Council Members here are of the view that they should be taking an Island view, they should be looking across the Island and not simply be defending a particular constituency view. When they have got a constituency they are going to have that electorate pressurising them to take a constituency view, and with some legitimacy.

We come then to the distribution of constituencies, and where is the mass of population? It is around Douglas and Onchan. If you are going to create three-seat constituencies, there is potentially a situation where you will have nine Members in the Douglas/Onchan conurbation, and I do think that there may be a disproportionate balance between urban and rural interests if that is pursued, not to say that people should not have one person one vote, but the way boundaries are drawn can make a difference to the perspective that is reflected by their Members.

The Hon. Member has said too that there will be no change to parishes. These are perhaps less significant matters. We are already losing some of our tradition. There is no longer a reference to sheadings very often, we have lost that. Parishes are under pressure from post codes. They do not appear in addresses any more. All of

this is eroding our heritage to some degree. I am not using that as an argument to undermine the Bill, but I am just responding to the comment that he has made about parishes.

I do think too that he has set out a timetable. I think we need to look at that more closely, if his proposal is accepted, to make sure that there are no loopholes in this with regard to people jumping from one election to another or being prevented from standing for Keys if they choose to do so rather than Council. It may be that that is possible under that timetable, I am not quite sure. I need a little more time to look at that.

The Hon. Member has said in one statement here, and I did not quite understand it, there is no reason, except historical, for sticking to single seats and if a two-seat constituency became a three-seater, it would offer candidates an additional chance for election. I do not know how that works because they have got to pinch one from somewhere else. There are still only 24 Members of the Keys so it is only a question of moving boundaries. Maybe I have misunderstood the point that he is trying to make.

I will come back to democratic accountability and question how we define democracy exactly. Under the present elections for the House of Keys, it is perfectly clear that in some constituencies there are very poor turnouts and there are candidates returned in some of the urban constituencies with very many less actual votes from people than candidates who fail in other constituencies, so where is democracy overall in Island terms in that?

Mr President, we come to the issue of whether leave should be given to introduce, and I think that there are pros and cons in what the Hon. Member is proposing, but I think he has put forward a reasonable argument for a Bill to be introduced, not that we necessarily like it, but I do not think that we should use our powers to oppose his right to introduce a Bill simply because we do not like what he is proposing. He has made a case and I think I would support his leave to introduce, even though I do not necessarily accept everything that he intends to put forward in it.

The President: Mr Lowey.

Mr Lowey: Mr President, first of all I find it refreshing to hear fresh views from new Members on a subject that you and I have sat through for nearly four decades, and listening. The place is littered. As the Hon. Member who has put the proposition before us knows, the road to hell is paved with good intentions, and I think the Hon. Member is full of good intentions. I do not doubt that.

Like Mrs Christian, some of the words he used today were, I think, unfortunate. He was elected by patronage. (**Mr Callister:** Correct.) No, he was not. He was elected under the constitution of the Isle of Man and the constitution of the Isle of Man says we are elected by the House of Keys. That is the constitution.

What the Hon. Member is attempting to do is change the constitution. I am a firm believer that constitutions should not be tinkered with lightly. I do not think it is a matter for individual Members and that is why I believe, Mr President, we have not one Constitutional Committee but two Standing Constitutional Committees to deal with these matters. That is why you will find in virtually every developed and developing country that, if you want to change the constitution, you have to have a two-thirds majority of the parliament voting for it. That is virtually standard practice throughout the world. I think it puts what I would call the real emphasis and the right emphasis on constitution.

What are constitutions for? The constitution is there to make a framework for the success and the building of a country and good governance of that country, and the aim of good governance, I suggest, is the wellbeing of the people.

However you address the constitution of the Isle of Man, I think you can deem it to have been very successful, especially in the last 30 years, and that does not mean that there have not been constitutional changes – there have. In our lifetime, Mr President and I, we had the Governor, we had the Deemsters sitting here, and we removed both. I notice a bit of irony that the House of Keys elected a former Deemster into the Legislative Council, having just voted the Deemsters off, but that was a matter of choice and the matter that has been raised by the Hon. Member about the election to the Legislative Council... It is only a modern phenomenon of what I would call not electing people to this House. It is a modern phenomenon. That is about... elections are about choice and if the House of Keys decide to act the way they have, who are we to say they should not, but let's bear in mind it is not the system, it is the individuals operating the system who are creating the problem. Do not blame the system for the problem.

Can I come back, really... Change is in the air. It was in the air in the late 1990s and I remember being asked by this Council to go and represent the Council to give evidence to a Standing Constitutional Committee on the Remit of the Legislative Council, and after that Committee reported – and its Report just gathered dust – we in the Council decided that we would introduce a Bill to try and meet the wishes, as expressed then, for a directly elected House of Keys. When the Member says 'Mr Lowey's Bill', it was not Mr Lowey's Bill; it was the will of this Council. I was the author and the instrument to make it happen.

Mr Callister: Senator Lowey.

Mr Lowey: Never mind the senators – a rose by any other name! The reality is they did not look on it with disfavour; they threw it out. That is what they did. That is how they dealt with it, they threw it out. My point being a lot of effort, time and energy has been expended. I, like my colleagues, think it is a matter for the directly elected House and the big fear about super MHKS, as has been expressed by my hon. friend, Mr Butt, is absolutely right, but sooner rather than later, if you are elected separately with a bigger mandate, you may start off with everybody being treated the same, but sooner rather than later an emphasis will be placed. ‘I got twice as many as you and therefore I...’ Mr Callister shakes his head but let me tell him, the hurdles he is going to have to overcome are many and varied, and one of them is history.

Can I tell him, the first hurdle he has got to overcome is how we are going to be elected. His proposal is that we should be directly elected by the public in a formula. There have been many formulas, as he rightly said, have been expressed by the Keys – single seats, doubles, trebles, you name it – and *none* of them to date have been successful. That is the first hurdle. That is the lowest hurdle, because as he goes along the hurdles get higher.

Changing boundaries. Now you really are in serious trouble! If you think you have got trouble changing the voting habits, you are going to have even bigger troubles. Why? Because of history, because of local associations, and that is when the real hurdles will come into play. I say this not to dampen his enthusiasm for what he is attempting to do, but these are the challenges and the realities that are going to face people.

I have to say also that, as I said, two-thirds of the majority are... in most countries to deal with constitutional and it puts it in the right way. My own view is that it should not be left to individual Members. I do believe we have two Constitutional Committees – one set up by the Council of Ministers, one by Tynwald Court itself – and if we are going to deal with the constitution, then they should be the prime movers in this. They should be reacting to what I would call alleged popular clamour for this change, and they are the ones that should be disseminating this advice and seeking to change the constitution, if it is not working.

I suggest, like Mr Turner says, if you examine the economic record which this constitution has created over the last 25 years, I do not think it has been found wanting at all. It may be getting embarrassingly slower, but that is the choice of the Members who operate it. A very simple way of overcoming that problem, in my view – and I throw it in for what it is worth – is that if you had voting that was transparent, in other words, making people declare how they were voting, I think we would rapidly get a decision.

Presiding officers were... if you have a unicameral... I do share Mrs Christian’s view that it is quicker and very soon we would be in a unicameral situation, not by a will, but just by actuality. Then of course it brings in all the historical things that we have celebrated, our particular form of Government. I know Mr Callister is proud of that history and proud, as we all are, of our ceremonies that we enjoy every 5th July. That could all be put in jeopardy sooner rather than later if we start tinkering, and I use the word ‘tinkering’ not in a demeaning way, but I do believe that an individual does not have the ability to go into all the many facets that make the constitutional checks and balances, we are told, about the Council.

Mrs Christian was talking about how we can only delay. We can only delay for a month. If the Keys, which has the power, decides, and they have got a majority, they want to have it, we do not have that power. We may disagree with the Keys, but tough, and that is the way it is. I think Council has already accepted a role for itself as a check and a balance and I think that works pretty effectively.

The biggest complaint we have... and it was said by Mr Callister that he felt, and I come back to this, the patronage, he was elected by patronage. No, he was not. He was elected by the constitution. If you want to change the constitution there is a route for that. We have not one Committee but two Committees, and I will say this about the debate – and I would like to thank Mr Callister – for the first time in months I have seen members of the press in the press gallery, so if he has achieved anything he has achieved almost the miracle of getting the press to attend a Legislative Council meeting, so two feathers in your hat, sir.

I just find myself... the right to leave to introduce. I do not want... As has been rightly said, we have got many problems. We have just changed the Government structure. Mr Callister knows it will not be a quick fix, whichever route he goes down. It would not be a quick fix if the Constitutional Committee was invited to look at the constitution and should it be reformed. In fact, we have not had a report, if I remember rightly, before us, from either of those Committees for at least 18 months, and perhaps, if Mr Callister will not give me assurance that he will write to them, I will write to them to see have they met and what are they doing about this pressing problem.

Mr Callister: They would be consulted, sir.

Mr Lowey: They may be... Mr Callister says he was going to consult with a lot of people. He has put a framework down and says this is what he believes, but is he telling us today this will form the basis of his Bill, or will he change the Bill after consulting all these people? (**Mr Callister:** Yes.) Well, I am not at this moment persuaded that a Bill will achieve anything. I do not want to heighten people’s expectations that here we are and

we have got the answers, because I do believe it should be through the Constitutional Committee and I have been pretty consistent over the last decade on that.

Mr Callister: But they have not done anything about it.

Mr Lowey: They have not, and I accept that. I accept that, but it is the right route to go. Maybe it is because they do not believe there is a need for change, and what is wrong with that? That is a point of view that is both legitimate and quite acceptable to have. The facts prove that case. We are successful operating the way we are. But as I said in my opening remarks, change is in the air, not only here, but elsewhere. It is how you harness that change. I would hate us to go on an individual point of resolving the constitution when we have two Standing Committees, one of Tynwald Court, one of the Government, that are charged with looking at constitutional matters and they have not come up with any suggestions collectively. Two heads are better than one.

So to that extent I am still undecided how to vote on this one, but I do not want to heighten people's expectations and I say to Mr Callister, if I was a betting man, I would rather bet on the Grand National than bet on your Bill becoming law in your term of office.

The President: Mr Downie.

Mr Downie: Thank you, Mr President.

I have listened to my hon. colleague with interest today and I know that one of the main planks of his inaugural speech when he was welcomed at Tynwald was that this was something that he had set his sights on and something that he wanted to do.

I had hoped that during the time he has been a Member of the Legislative Council... and I say this tongue-in-cheek because I think in his heart of hearts he is actually more convinced now that the system that we have in place at the present time is actually working and I know on a number of occasions I have seen the light go on over his head. I am heartened by that because there is no doubt about it: the present system that we have and operate does work exceptionally well.

During my time in here... and I have stood and faced public election three times for the Keys and twice for Douglas Corporation, so I know my own area, I know the views of the people I used to represent and still represent, and I am not getting anybody coming and knocking on my door looking to change the constitution of the Isle of Man and bring about a democratically elected Legislative Council. To me, it is not an issue. It is an issue that is brought by some pressure groups, but it is not an issue out there on the streets. It is something that people who perhaps do not know the workings of this place and Tynwald seem to think it is something they can hang their hat on as part of an election manifesto. I think that when you actually sit down and you try and analyse how Tynwald works, it is very difficult to fault the present system.

During my nearly 20 years in here, I have talked to a lot of people who have been involved with constitutional reform, I have talked to many other politicians, parliamentarians, and I can say hand on heart people actually envy the system we have got because it works so well. You visit other jurisdictions, you meet people who have gone through traumatic change, and they say nothing seems to work as well as the system you have here in the Isle of Man. It is hands-on, it is personal, you are in touch with the people.

People cannot get over the fact that all our names and telephone numbers are published in the telephone directory. We are accessible to everyone. So we are hardly some distant electoral college, some faceless people who, sadly to say, in Mr Callister's opinion, are elected by patronage.

I would say that it is more difficult to get elected to this Council than probably it is to be elected by the people, because the people who have put us in here know our strengths and weaknesses, they know whether we are capable – or they think they know whether we are capable – of doing the job, and I think the longer you are here, probably the harder it gets. Nevertheless, that is the system. So I would say that the level of scrutiny that a Member of the Legislative Council has to go through to be elected by his peers and colleagues in the other place is much more rigorous than producing some manifesto and facing the public.

Saying that, if my hon. colleague wants to see if there is a way of changing the system, I would not stand in his way. If he wants to go off and progress a Private Member's Bill, that is really a matter for him.

I would say that much has been said about the makeup of the Isle of Man and we do pride ourselves on the age of our parliament, our over a thousand years of parliamentary history and so on, and if you think you are going to get rid of Malew and Santon, Glenfaba, Michael, Garff, Middle (**Mr Lowey:** Glenfaba.) and Glenfaba and so on, just at a whim to create block 1, block 2, block 3, block 4, forget it because it is not going to happen, and you run the risk of doing all this work, taking it to the other place and it not being suitable.

My advice, for what it is worth, is before setting out on this long road, which there must be at least half a dozen Members of Tynwald to my knowledge in the last five or six years have done, go and talk to the Constitutional Committee. Go and try and see if there is a way to bring this together, where you might come up with a solution that could be accepted.

I do think that the whole issue is fraught with difficulty. As has been said, we are currently at the biggest change that has ever been seen in executive Government in the Isle of Man for many years since the creation of the Council of Ministers, a complete shake-up. We have got a lot of other financial issues to look at. We have got issues regarding reduction of the amount of VAT that is available.

There are a lot of very serious and thorny issues, and at the end of the day, I honestly do not think that the man in the street, the electorate as it were, wants or has any stomach for long debates and Manx Radio programmes about what we should be doing with the Legislative Council. I think we need to move on, we need to wise up that there are a lot of problems on the horizon that need to be sorted out and they are the areas on which we need to be focusing our attention.

I am not going to vote against the leave to introduce because, as I said, if Mr Callister wants to go off and do the work... but I really think that he should be looking at his own personal list of priorities and I think he will realise quite soon that this big change that he is proposing regarding the constitution is one that I do not think is going to be accepted.

The President: An interesting discussion we have had this morning, Hon. Members, but the motion on the Order Paper is simply leave to introduce.

Mr Callister, wind up, sir.

Mr Callister: Yes, thank you, Mr President.

First of all, I would thank Mr Butt for seconding and also refer to some of his comments. First of all, that this should be the House of Keys that decides whether or not this is a good idea. Of course, if this Council decided to approve this Bill and send it to the House of Keys, then it would be a matter for them to decide if that was a good method or not a good method of having the Legislative Council publicly elected.

The previous Constitution Bill, which was Mr Quayle's Bill, certainly did come to us, and I thought long and hard about whether that could be pursued, taken into committee and looked at and perhaps corrected, but it still left a situation where the charge of super MHKs would be hurled at it if it returned to the Keys. It only barely scraped through the Keys with 13 votes and it only needed to lose one, if it went back there, to have wasted all of our time. Who knows whether I will be wasting time with this? Certainly we are still talking about a divided House of Keys on whether this Council should be publicly elected. I will not deny that.

Still with the comments of Mr Butt, he tells me that by 2016, Mr President, we will only have one Chamber, a unicameral parliament, but he did not provide any evidence on where that information comes from. I have not had any information that we are heading for a unicameral system by 2016.

I listed the names of the 14 Members who either in their manifestos or in their debates on the Constitution Bill have argued for the Legislative Council to be publicly elected.

Mr Turner, again saying it is not for us to make these decisions. Well, why isn't it? If the proposition is that the Legislative Council should be publicly elected, the first people to consider that should be the Council themselves. If the Council feel that they should be publicly elected, then all I am producing is a system by which they would be elected on an equal footing to the Members of the House of Keys, and instead of the House of Keys elections taking place, they would simply take place in public. I do not actually see that there would be anything difficult about that.

It really requires the agreement, first of all, of Legislative Council to say yes, we will go to the public. Secondly, it requires the House of Keys to make a major change in the constituencies to provide eight areas for three seats. I do not know if they would, in fact, decide to do that, but I can only go on the basis that they have gone so many times against 24 single seats and 12 two-seats that it is time they really properly considered another alternative.

Mr Turner referred to the stability of the Island, the stability of the system and the fact that there is not very much public interest in this. We do not see a packed public gallery here today, but nevertheless there is interest. It is not Island wide, I will agree, but the point that stands out is that the electors go out and elect three-quarters of our parliament, but they do not elect the other quarter and the other quarter is equally and importantly making decisions on their behalf with a certain amount of authority. Through the Keys, yes, but they do not have the say-so of the public and decisions may very well be swayed by this body, which are not in the interests of the public. I hope not, but it is possible.

Mr Turner also referred to frontline services as the things that are important. Frontline services are obviously a Government issue, not a parliamentary issue, but it would not affect or change frontline services in any way.

Venturing into the unknown... Yes, I am venturing into the unknown with this alright, but it could well be a step too far, we do not know. Mr Lowey referred to hurdles. The first hurdle is in this very Chamber, of course. A step too far, Mr Turner, I do not think it is. Again, the unicameral system, you say, has not been tested. It is not something that I would ever want to vote for, a unicameral system, and as a matter of the MLCs who would have constituencies, they would be fourth in line, because the Members of the House of Keys would, in my

view... because the role of the Legislative Council would be different, the House of Keys would be the first persons they would seek advice from, the public, but so what?

A Member: No, they would not.

Mr Downie: Rubbish!

Mr Callister: If they did not –

A Member: Rubbish!

Mr Braidwood: They come to us now.

Mr Callister: Well, indeed, but what is wrong with that? You are on the same footing as the other three Members, so that should not enter into the argument.

Again, Mr Turner said it is not for the Legislative Council to decide. This should be something decided by the Keys. They would have a chance, obviously, if it went through to them.

I would thank, incidentally, straightaway, all the Members who have said they are happy to support leave to introduce, and Mr Braidwood was one of those, again saying it is a matter for the Keys to decide. We are all in this boat together really, so the decision could certainly emanate from here.

Mr Braidwood supported the 16 two seats of Mr Cannan's Bill. Mr Cannan's Bill sank very rapidly as soon as it arrived.

Mr Braidwood: Not the previous one.

Mr Callister: Well, no, but that one sank as well, so the 16 two-seater seems to be right out the window.

Mr Downie: He might be finding he is losing his constituency.

Mr Callister: 2013 is obviously three years away, or thereabouts. Also Mr Braidwood, Mr President, said he would like to see all eight Members voted for at the same time. That is one way it could be done. I do not think it would be advisable because I think the continuity that has been established in the Legislative Council has been valuable and still would be valuable in the future, and I think sensibly the elections, if they were to take place, should take place on the five-year sequence for four and four.

Another question raised by Mr Braidwood was who would decide and how would we decide which of the first areas in 2013 would be the first four areas for elections to take place, and that is a decision I would suggest, certainly at this stage, unless there is any argument against it, that would be made by the President of Tynwald and he would be asked to do it in a geographical method as far as possible to give wide representation across the Island.

Mr Braidwood: You should have four constituencies, Douglas and Onchan.

The President: Mr Braidwood, Mr Callister has the floor.

Mr Callister: Again, I would thank Mrs Christian for her support. She would have liked to see more detail earlier. I had toyed with that. I have a mountain of paperwork on this already at home, I did not bring it with me, and I did think, should I talk to everybody beforehand, but that would be pre-empting a lot of things and it is not the normal practice, I do not think, to do that with a Private Member's Bill.

Again, Mrs Christian seems to believe a unicameral system is on the way. I again do not actually see that happening. She also said, Mr President, that there would not be a level playing field because the Council would still have delaying powers etc, and I do not see why that should actually change. The Legislative Council would be the Legislative Council. Its role would not change from what it is now. The House of Keys would be the same.

If the Legislative Council failed to support a Bill that came from the Keys, there is no reason why the existing situation should not remain, that a majority to sign for Royal Assent in the way that it exists now could remain, but that is open to argument and debate. (*Interjections by Mr Turner and Mr Butt*)

Then we come to the farce of the House of Keys elections. It has become a nonsense. Even with the change now that has been made under Mr Gawne's Bill, it is still not working and in fact, if we had not had that Bill, goodness knows how many months... It would be after Christmas before perhaps we got anyone into this vacant seat. So it is not working in the way that it should.

That is obviously down to the Members of the House of Keys and their various motives for whatever they do, but why we should see six, and in some of these moves seven of them, putting in what I would call spoilt papers, is hard to believe, but obviously they feel strongly enough that they do not want Mr A, Mr B or Mr C, or they have some other ulterior motive for doing this.

Mrs Christian also referred to disproportionate balance between town and country. If we had a boundary committee that was required to have approximate numbers, same numbers for each of the eight areas, you do not get an imbalance, in my view. You have representation of the people in numerical order, which is what we have now. It is a numerical system which is... The aim of the boundary committee is to make sure that each constituency has the relative numbers for the number of Members who represent it, so I do not quite see that argument.

Mr Braidwood: That is nonsense. We would have half.

Mr Downie: Yes, nonsense.

Mr Callister: Alright, the word 'nonsense' is being hurled across. There will be plenty of time to go into this if we ever see a Bill, Mr President.

The other matter that Mrs Christian raised was she could not quite see if there were three seats instead of two seats that there would be a greater chance to be elected. I believe there would, because you would have three chances to be elected, rather than two chances to be elected; as simple as that.

Mrs Christian: There would not be more seats.

Mr Lowey: And a bigger area.

The President: I think, Mr Callister, you are asking for leave to introduce. You should not be digging too many holes, sir. *(Laughter)*

Mr Callister: No, I will not dig holes, Mr President.

I will move on to Mr Lowey, and again I thank him for his comments. Good intentions, he says, the road to hell. Disagreed with me referring to this as patronage. If he looks at dictionary definitions he will find one there that exactly describes what this procedure is. However, changing the constitution is a dangerous thing.

Mr Lowey: Not dangerous.

Mr Callister: Should not tinker with it lightly –

Mr Lowey: That's the point.

Mr Callister: – but oddly enough, the 1999 Bill tinkered with it to the extent that we would be called senators rather than councillors –

Mr Lowey: A rose by any other name.

Mr Callister: – one of the reasons that it was not taken too seriously in another place.

A two-thirds majority elsewhere to change the constitution. Well, that does not apply in our case. At least I do not think it does.

Mr Lowey: We want to be democratic.

Mr Callister: Also, he referred back to the changes that have been made to this Council over the years, many years, of removal of Governor, removal of Deemsters and so on, an evolution, an evolving process and this is what would happen if it evolves on to public election of this Council.

Again, the way in which House of Keys Members behave at these elections to the Legislative Council, and Mr Lowey claims that is a modern phenomenon. I agree, it is, it is something that has crept in, but it has been there for quite a long time now in a lot of these elections and is still going on today.

The hurdles. The first hurdle, as I say, would obviously be the Legislative Council itself. There would be a very big hurdle in the House of Keys. I would have to agree with that as well.

Changing the boundaries I do not see being a hurdle. The instruction would be for a boundary committee to create eight areas and that would be their remit.

I do not think we should mix up economic success or economic problems with parliamentary procedures. They are two different issues. (**Mr Downie:** Rubbish!) (*Interjection by Mr Turner*) And I do not bet on the Grand National either. I would not suggest that I would be betting on where this goes, but nevertheless it is worth trying.

Finally, Mr Downie. The present system is working. I agree with that; it is working, apart from the electoral procedure that we referred to.

Mr Downie believes it is not an issue on the streets but there in fact is the consideration of the manifestos, and certainly it was either 12 or 13 manifestos at the last Keys election referred to the Legislative Council, mostly to say they would like to see it publicly elected. Are these just the views of the candidates, or did they get these views from the public? Surely they would not be putting that in their manifesto if there was not some public feeling about it.

The other point is why the public should be denied to vote for a quarter of their parliament. The Constitutional Committee, as I have referred to, would obviously come into any consultation that I carried out. If I get a Bill together and it is passed by this Council, it will be then a major decision for the House of Keys to make. What I will do, if leave is given, is first of all consult with House of Keys Members as the first stop on this, because that is where I need to have support. If it seems to me that there is not sufficient support to have a healthy, strong debate in the House of Keys over this, then I will not pursue it with the present House. However, there is an election due next year.

Thank you, Mr President.

Mr Lowey: You sound like Nick Clegg.

The President: Hon. Members, the motion on the Order Paper at Item 2 is for leave to introduce a Bill. A simple matter: leave to introduce a Bill.

Hon. Members, those in favour, please say aye; and against, no. The ayes have it.

A division was called for and voting resulted as follows:

FOR	AGAINST
Mr Butt	Mr Lowey
Mr Braidwood	Mr Turner
Mrs Christian	
Mr Downie	
Mr Callister	

The President: With 5 votes for and 2 against, Hon. Members, the leave to introduce is therefore granted.

It was a simple motion, the leave to introduce a Bill. We have had a long and wide-ranging discussion on it this morning.

The two comments which Mr Lowey made, which I think I ought to pick up in relation constitutionally, Hon. Members... I think Mr Lowey made the comment on a couple of occasions this morning that the Council have a delaying power of one month. That is true in relation to motions to Tynwald Court. It is not true in relation to legislation (**Mr Lowey:** No.) to delay. It is different in the position of legislation.

Mr Callister: Isn't it six months, Mr President?

The President: And could be more, sir.