

**Electoral Reform Bill 2011**  
**First Reading approved**

4. Mr Callister to move:

*That the Electoral Reform Bill 2011 be now read a first time.*

**The President:** We go on, then, to the Electoral Reform Bill 2011 for First Reading, Hon. Members. Again, in the hands of Mr Callister.

**Mr Callister:** Thank you, Mr President.

Over 100 years ago, a prospective Member for the House of Keys in Ramsey held a public meeting and he promoted the idea of a publicly elected Legislative Council. He was a man of great learning, literary ability, world knowledge and whose novels did a great deal to put the Isle of Man on the map. He was the famous author, Hall Caine, who served as an MHK for Ramsey between 1901 and 1908. I will say no more about him, except to say that, in my opinion, he was right and it has taken a very long time to get to his ambition to have an elected Council. Perhaps it is now overdue, Mr President.

I could also talk about the recommendation of the Butler Commission of 1980, that elections for the House of Keys should be for eight three-seat constituencies and it would be very easy to go back over numerous debates in the Keys and Council over many years promoting this proposition, but nothing would be gained by doing all that and, more important, to look at the Bill in hand, which is framed differently, Mr President, to the previous Bills to come before the Branches. I think that is important because these ideas have not been tested in the past.

The Private Member's Bill from Mr Lowey, which was the Constitution Bill 1999, also began life in the Council. His proposals would have created five constituencies in which Douglas would have two representatives, the north of the Island would have two, the south of the Island would have two and there would be one each for east and west. Whilst his Bill was supported in Council, the Keys at that time did not appear to take it seriously. Perhaps one of the reasons was because the proposal was that Legislative Council should be renamed 'the 'Senate', and also that all Members would be elected at the same time. I believe very strongly that continuity is extremely important in the Council and the system that we have ensures that only four Council Members are elected at any one time: under this Bill that would continue.

The Bill promotes two basic changes, the replacement of the existing 15 House of Keys multi-seat constituencies with three-seat constituencies, and also makes provision for elections to the Council to be conducted by public franchise. It would not change the work of the House of Keys. It would not change the role taken by the Council Members. They would continue to be primarily a revising body in matters of legislation – in other words, the work that they now do would continue.

It would enable Council Members to become Ministers. The policy of the Chief Minister, over the past four-and-a-half years, not to appoint Council Members as Ministers does not reflect past practice. I can only assume he adopted the policy because Members of this Council have no public mandate to take on ministerial office.

The most forceful argument against a publicly elected Legislative Council made in the House of Keys during the debates on the Constitution Bill in 2007 was it would give the Council Members a much larger electoral base and that they would become super-MHKs and, as a result, would seek more power and control. That is not a view that I personally subscribe to. If the Bill that I am promoting was approved, it would eliminate entirely any thoughts of inequality. All 32 Members of Tynwald would be on the proverbial level playing field. Furthermore, Mr President, should the Branches be in disagreement over legislation and get to a stage where a compromise cannot be reached, the House of Keys would be able, as they are now, to override the Council by the expedient of 17 votes in the Keys to obtain Royal Assent.

What benefits, then, for the electors? All voters would have the opportunity to be represented by three Members in the House of Keys. It would end the inequitable and anomalous situation in respect of one, two and three seats currently operating. If the Island was starting from scratch today to create a system of public elections, I think it would be fairly safe to say that the multi-seat system would not get a look in – or maybe it would for a committed adherent to surrealism, or some such! We all know, Mr President, that the multi-mixture that we have at the present time has evolved over many years. It is due largely to population numbers, increases and reductions in residential locations, but the other added benefit of electors would be the ability to elect Legislative Council Members, thus providing them with a fourth representative to oversee their welfare.

Furthermore, it would eliminate another anomaly, the position whereby 25% of our parliament operate with no public mandate.

Some people say there is nothing wrong with the *status quo* and that was a strong argument until a few years ago. With very rare exceptions, the Council Members came from the House of Keys, most of them with extensive knowledge of Manx politics and many who had given long service in the Keys and won public

support through the ballot box on a number of earlier occasions. But, Mr President, the political landscape has changed. There are three Members in the Council today who have never faced the electorate. We all know, of course, who they are: they are the Hon. Members, Mr Butt, Mr Turner and myself. It also must be said that it is a very long time since one or two other Members received the support of the public, as well. It is conceivable that, if the present situation continues, all eight Members elected by the House could in future be from outside the House.

That takes me on to the most recent set of elections to this Council, which took place between 15th March and 21st June last year, a period of 14 weeks. The first sitting to elect four Members of Council took place on 15th March: Mr Braidwood was elected at the first ballot; Mr Downie at the second ballot; Mr Butt at the third ballot. At this point, a fourth vacancy was to be filled and there were five candidates, including Council Members, Mr Crowe and Mr Waft.

Between eight minutes past 11 and 20 minutes to one, four more ballots took place, with no positive result. Candidates receiving the lowest votes were not being dropped off, as had been the practice previously. The Speaker adjourned the sitting for lunch. The Keys reassembled at 2.30 p.m. for the eighth ballot and by this time, only Mr Crowe and Mr Waft were left in the contest. Not surprising that no outright winner resulted, as seven Members of the Keys submitted blank ballots, which the media described as spoilt papers, and the same candidates then went to a ninth round. The number of blank papers reduced to six, the stalemate continued to a 10th round, again producing no result and at 20 minutes past three, the Speaker called a halt and decided that 15th April would be the deadline for fresh nominations.

The next series of elections took place on 5th May. The sitting began at 10 o'clock and after six more ballots and with the clock at twenty to twelve, stalemate continued. During this period, a Member of the Keys was nominated from the floor of the House, and although Mrs Brenda Cannell stuck at it for four ballots, she remained steadfastly behind the essential 13 votes required to secure a seat. Her nine votes were equal to those of Mr Crowe, Mr Waft having given up when only securing three votes at his 13th attempt.

The result of these escapades was a further abandonment, with fresh nominations being sought by 7th June and, on 21st June, two other non-MHKs joined Mr Crowe and it took a further three ballots finally to fill the fourth seat. After 19 separate processes of balloting and with three separate sittings of the House of Keys over a period of 14 weeks, Mr Crowe was re-elected. He had my congratulations and he should be admired for his determination and tenacity.

I would say that, during this period, seven candidates were discarded, including two Tynwald Members. In the eyes of the public, the process was seen as nonsensical and the media described it as utter farce. In a House of Keys debate on 27th January 2009, the Hon. Member for West Douglas, Mr Shimmin, stated that some Members had undermined the current system to a level whereby it had brought ridicule and shame on the Chamber. The Member of the House of Keys who instigated the reforms of the system of election, Mr Gawne, said himself that the prolonged procedure was completely farcical and it was always his intention that the candidates with the lowest number of votes should be dropped from the election process.

I think the case rests there, Mr President, but the role of the Bishop is something that would be queried perhaps and, as far as the Bishop's position in the Council is concerned, as I stated when given leave to introduce the Bill, I would not recommend any change to the Bishop's role on the Council, but if, at some future date, it was thought that the Bishop's should change in Tynwald, for example, to remain as a Member but without a vote, it would be a matter for the Governor in Council and any proposal that came forward would be subject to the support of Tynwald.

Another point, Mr President, if this Bill were to be finally approved, there is another matter that would probably have to be considered, and that would be the voting system in Tynwald. A very successful Bill, not mine, but any Bill of the kind which elects all 32 Members, should really mean that Tynwald would then vote as one body with no separation of the votes between Council and Keys, but contemplating that change is a long way into the distant future, so I made no reference to it in the Bill.

Critics of this Bill suggest there is little public interest in the subject and it is not something that voters care about. So why is it then that, at the last General Election, it appeared in 12 of the manifestos of Members, who are actually elected into the Keys, all of them making it clear they supported a directly elected Council? Since then, two other Members have confirmed in debates that they are also in favour of direct election to the Council, so there is, Mr President, an appetite for change.

When we debated the leave to introduce Bill, I believe that both Mr Butt and Mr Turner felt that it should be for the Keys to decide this issue of supporting the Council to be directly elected. Well, with 14 Members of the present Keys supporting this principle, the desire is already there and what this Bill would offer them is a straightforward method to achieve what they feel should be achieved and leaving the tricameral system unchanged.

The main provisions of the Bill are to be found in clause 2, which amends the Representation of the People Act 1995 and, in seeking the support of Hon. Members for this First Reading, I would suggest, Mr President, the objectives of the Bill are clear. It would provide, for the first time, total democratic legitimacy. It would give

voters a greater chance of voting equality. In my view, it would neither endanger or change the working relationships between Keys and Council and I hope that Hon. Members can support this First Reading, after which the mechanics of these provisions could be examined in detail and in a timely manner.

Mr President, I move that the Electoral Reform Bill 2011 be read for the first time.

**The President:** Mr Crowe.

**Mr Crowe:** Mr President, seconding this Bill at First Reading, I have a feeling of *déjà vu*. If I take you back in time to 30th November 1999, nearly 12 years ago – and present on that day were three of the present Council, Mrs Christian, Mr Lowey and myself – 30th November is significant because it was the day on which the Third Reading of the Constitution Bill moved by Mr Lowey, and supported by all Members present, was approved. Just to quote something from *Hansard* that Mr Lowey stated, which has still relevant points:

‘This Bill introduces direct election to the Legislative Council by adult suffrage. This Bill creates and brings together a combination of House of Keys constituencies to make the new regional constituencies, realising vitally important principles of direct election and a regional representation without having to redesign existing constituency boundaries.’

So there was no need for the Boundary Commission to look at the existing constituencies. They were an amalgamation of those in force at the time and are still in force.

Going on to another quote, Mr Lowey said:

‘This Bill is short and concise and the more effective for that. It does not confer new rights on this Council. It is worth support for its innovation, its clarity, its effectiveness. In short, it meets most of the demands of those who seek reform and it gives them that here and now, not in the future.’

The words fell on deaf ears in the House of Keys, unfortunately.

He concluded, in winding up... As he said:

‘This Bill does not add any new powers to the Legislative Council, and that is very important.’

The Legislative Council again, at that time, and I hope it still is in place, has shown that it is open to change. We are willing to adapt and we are adopting our traditional role in moving and improving the working practices of Government. Twelve years ago, that Bill received Third Reading in the Legislative Council and went to the Keys, but failed at its Second Reading on 1st February 2000. There have been other attempts and Mr Callister’s attempt is another step on the way, and eventually it may be that popularly elected, publicly elected Council Members will be in place.

In supporting this chance and Mr Callister’s Bill, I would just personally thank him for his kind remarks about my tenacity, which is now 12 months since. With that, thank you, Mr President.

**The President:** Mr Braidwood.

**Mr Braidwood:** Mr President, I will actively support this Reading of the Bill. It has been mentioned about farce; it was mentioned in the papers about farcical elections to the Legislative Council, but this never occurred in the past, when it was... it was only when the electoral system was changed by the Keys for Members to come to Legislative Council, because then you had to vote for four people. If you did not vote for four people, then it was a spoilt paper. So in actual fact you had an election straightaway, you always had your four Members elected and there was never a problem at all with the public, because they had the Members elected by their peers in the House of Keys to Legislative Council. So there was not this continual election. It was only when it was changed, where you can vote for one, two, three or four people.

Mr Callister says, through his Bill, that this way, the Legislative Council will still be a revising chamber. However, the Members of the Legislative Council will also have constituents; they will have the same number of constituents as those Members of the House of Keys, because you are going to have three Members of the House of Keys representing one constituency, one Member of the Legislative Council. The Hon. Member also says that, because of this reason, when we come to Tynwald, we will have to vote as one body, because we all represent the same number of constituents.

**Mr Callister:** Just a point of order.

**The President:** You will get a chance to reply, Mr Callister.

**Mr Braidwood:** By my view... he did mention that it was brought up in the House of Keys, where you would have super members of the Legislative Council, because they are representing the same number of constituents as the three Members of the House of Keys.

My own view is that eight constituencies... I preferred and must admit I voted for in the House of Keys 16 two-seat constituencies, and we had 32 elected people and then it was separated into Legislative Council or Keys as it was. I honestly believe that, when this Bill goes through to the House of Keys, if it passes through its three Readings, it will be rejected by the House of Keys. However, for the purpose of the First Reading of the Electoral Reform Bill 2011, I will support it.

**The President:** And Mrs Christian.

**Mrs Christian:** Thank you, Mr President.

We have been going through this for a long period of time and the Hon. Member is having another crack at it. There are a number of points that I would like to raise at this stage. I will support the First Reading, because I think it needs to be debated, but I do think that, in seeking reform, there are going to be, if we are not very careful – and I am quoting from the consideration of reform of the Lords, which is also topical – that we may have proposals which are ‘dripping with unintended consequences’. I think that is an apposite quote to apply to the particular measure!

There is a suggestion, and it has been going on for years, that the public outside would like to have an elected Council. That is a legitimate argument, but I do think that the consequences are probably not fully appreciated. I do hope that, before we embark upon such a course, we make sure that the possible or probable consequences are fully appreciated.

The Hon. Member referred to the fact that, at the last election, a number of Members featured this in their manifestos. We all can look back at particular times and see that, at any particular election time, there will be particular issues which feature in manifestos. There are fashionable issues of the day – and then they fade away and the next election comes along and they are no longer so strongly supported.

Frankly, over the last few years, there has been very little pressure from outside, as far as I can see, in relation to the requirement to have the Council elected. Indeed, the referendum vote, which we could have had a week or two ago in Tynwald, to clear the point as to whether or not this is what the public want, was in fact rejected.

In some ways that is a pity; it would have been quite useful to have had the referendum and understood what the public truly want. In the absence of that, we have to make our own minds up. Even if we had a referendum, it is for the Members of Tynwald Court to make their own minds up, understanding what they see as the consequences, so I do not think we need to be too worried about what manifestos have said in the past.

The Hon. Member has illustrated the fact that this has partly come about, and even worse in recent times, because of the behaviour in another place when coming to electing Members to this Council. It *has* been a disgrace and one wonders whether or not the law should not be changed to make it work.

The fact of the matter is that there is a difference between the function of the Council and the Keys. The issue of electing Members from outside the House has been a recent... Well, not that recent; it has been a change over the last 10, 15 years. I see no difficulty with that, in the sense that it is an electoral college of the representatives of the people who are deciding who can function well, or who they hope can function well in this Council, and I think their judgement, by and large, has been pretty good. Most Members who have been elected to the Council either from within the House of Keys or from without have made a valuable contribution to the work of the Council.

There is an argument that you have got no public franchise and yet you are voting on matters of policy and finance, and that is a legitimate argument, but let’s go to the position which the Hon. Member now seeks to follow. The Council Members would be elected by the public. You can say that, for any election, you know what you are standing for and you know what your terms of reference will be once you have been elected, and we recognise that currently there is a difference between the function of the Members of the Keys and the Members of the Council, in terms of their powers in relation to revising legislation.

If, in future, Council Members and Keys Members are to be elected on the same franchise in the same constituencies, believe me, it will not be long before they will seek to have the same powers as Keys Members. (**Mr Downie:** Quite right.) (**Mr Turner:** Yes.) Why *would* you stand for a lesser power? (**Mr Downie:** Correct.) So that is an issue that is a consequence, I believe, of the proposal.

One issue that is to be beneficial, I believe, in this is that if you are elected on an equal franchise, the Government would, and should, have the power to select Members from the Council to be Ministers and Members. At the moment they can, but do not, their argument being that we do not have the franchise, the public support, in our elections. Now, my argument is that we have the representatives of the people putting us here, so is that not a good enough recommendation? Apparently not, in the view of some Chief Ministers. So I do think that, whether the Member intends it or not, there will be a change in the perception of what the role of

Council Members should be – within the Council, if nowhere else, because if you are, for example, going to be a Minister, in the Council, why would you not want the power to vote on legislation and not just to revise it? Why would you not want to have full powers in relation to legislation? I certainly think that that would be something that will change.

The Hon. Member has also highlighted the fact that changing the system of voting will probably come about in Tynwald, because if Members have an equal franchise, there may well be a move to say, ‘We want an equal way of voting in Tynwald.’

When we come to the clauses, I do think that there are other issues to be debated here. There have, historically, been many debates about boundary changes and I do support the Hon. Member in saying that we should have a system which gives one person one vote. Whether or not he will succeed in drawing boundaries, which give three-seat constituencies across the Island, is going to be a pretty major hurdle in my view, but if we are dealing with the principle of this Reading, the principle, in my view, is acceptable. Indeed, I did support the single transferable vote and I think it is regrettable that it went, because I do think that there is an inequality in the present system, where some members of our community get three votes or two votes and others only get one.

The provisions in here which allow for a staggering, I think probably are not necessary going forward and, indeed, introduce an extra expense in terms of elections, but again, we can come to those particular issues when we come to the clauses stage.

So, if the public truly want an elected Council, they have, in my view, to be prepared that the whole framework within Tynwald Court will eventually change. I think that the example of Iceland, which was – well, we will not call it our mother parliament, but the situation in Iceland has changed: they are a unicameral chamber now and I believe we, too, will become unicameral. You may argue that that is okay, that is fine, it is doing what the people want you to do, but the fact is that it will change the structure of Tynwald. Maybe that is reasonable, provided we do it in a structured manner, but I do not think that it is reasonable to suppose that, by supporting a Bill like this, we will retain Tynwald in its present structure, going into the future.

**The President:** Mr Butt, I think.

**Mr Butt:** Yes, sir. Thank you.

Mrs Christian has taken a lot of my thunder away here, as usual, I have to say. She said a lot which I was going to comment on myself and support.

My first few weeks in this Council in 2005 were spent looking at the 2005 Constitution Bill, where we spent weeks going through that and we finally honed it down to a version which, to me, as a naive person, seemed quite acceptable. During that, I realised that the tampering with the constitution led to huge knock-on effects and every time we discussed one small part, we had to think about what was going to happen in the future – I think Mrs Christian said the ‘unintended consequences’ – and it was a lesson for me in how the constitution works and how it is tampered with with care because there are great risks in what might happen next.

In the end we came down to, in effect, what has been called ‘the super MHKs’, and the Bill was sent back to the Keys and they rejected it eventually. Now, to my mind, the super MHKs was not really an issue because when we are in Tynwald, we only have one vote. We have no more power than anybody else. We have the one vote, and it is unfortunate, I think, that the Keys were frightened, in effect, of the fact that we may have more power than them. I do not think we would have had.

I was going to point out also that we are at least elected by a college. We do have a mandate from the House of Keys that elect us in and most of us here have been elected in again. I think Mr Callister has not been re-elected yet and Mr Braidwood is new, he has not been re-elected, but the Keys have judged us by our work over the years and re-elected us and if they did not want us, they could reject us. So we do have a mandate of a sort, more than, say, the House of Lords has. The public, perhaps, do not always understand that.

I have always supported the Legislative Council being elected popularly and I still do, but I would like to point out that we do have a mandate given to us by the Keys from the people.

The other point I should make, which I think may not be accepted by the public as a whole, but when we vote in Tynwald, when we speak in here on debates on the Bills, we do not look over our shoulder to see what our constituents are saying. We do not worry what they are going to say in Laxey about my decision over anything or in Douglas or wherever you come from. We make the decisions – and I am being a bit too noble here – for the Isle of Man, and I very much feel that in Tynwald in particular. The decision I make is my decision for the benefit of the Isle of Man. It is nothing to do with where I come from or my constituents. So we do have that freedom and, on occasions, I have noticed that Council have sometimes made a decision in Tynwald which has actually stopped something going wrong which the Keys have perhaps made a mistake over. Having said that, I will support a popularly elected Legislative Council because that is probably the way it will go in the future.

The main point I was going to make is, when you read this Bill and when you listen, when you think it through carefully, basically we do not need a House of Keys and we do not need a Legislative Council, we just need a Tynwald, because the mover said it is going to be a level playing field, we are going to have equal powers. So the question is why bother having separate Houses, in effect. We may as well just have a Tynwald, and that is the way I think this will go. Maybe we should bite the bullet and actually go for that in the future. We will be tampering with history, tampering with the constitution. There will be a huge uproar in some quarters, I think, if we dismantle the House of Keys – probably less of an uproar if we dismantle the Council – but I think that is the way this Bill goes. If you have equal powers for everybody there, why bother having two Chambers?

**The President:** Mr Turner.

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

I feel this is the first step on the road to dismantling Tynwald. I think it is unfortunate that the driver seems to be to satisfy the tastes of a minority lobby group. It has had much publicity over the last couple of weeks. Nobody, as far as I am aware has been lobbying and the public gallery is practically empty.

Mr Callister mentioned this was declared a hundred years ago: completely irrelevant, I am afraid. Completely irrelevant. The constitution of the Council was completely different a hundred years ago. Also, reference made to the Butler Commission, which was over 30 years ago.

I think that to bring forward some legislation which changes the constituencies, changes the whole format of the House of Keys, without any public consultation, is incredibly undemocratic. I think, going back to a point that was raised about how the Legislative Council is elected, you require 50% of the House of Keys, whereas a Member of the House of Keys could be elected on only 10% of the population of that constituency. So if we want to start taking apart democracy and looking at how democracy is, you will never end. You will keep turning over new stones and finding new problems.

I always seem to think that the majority of the lobbying seems to come from people who come to the Island and then criticise the system we have, but the system we have has delivered. Certainly in the last 30 years it has delivered and it is through innovative thinking and determination that we have the success we have in the Isle of Man. You only have to look across the water and look at the mess the United Kingdom is in and certainly, as a Manxman I am very grateful for the opportunities the Isle of Man has given me and I think if we are going to start tampering with all of that, then we will reap what we sow.

If I look through the objectives that have been given to us with the explanatory note, the objectives are to create eight constituencies. Certainly, apart from areas that have grown, such as Peel, for example, where they may well be looking at boundaries, I do not think there is an appetite by the majority of areas to become swallowed up as part of a larger constituency. On balance, people are generally happy with the constituencies and know where they stand and, again, we see no evidence as to where this groundswell of desire to change everything has come from. I think people are more concerned with front-line services.

It says ‘to remove the existing anomaly, which allows some voters to be represented by three’. You would expect larger population centres to be represented by a bigger share. I appreciate you could argue that one rural constituency may have the same population as a section of Douglas, for example but, on the whole, it does seem to work and I am not aware of any decisions that have been made that have particularly been detrimental to the wellbeing of the Isle of Man as a whole. So I think you have got to be very careful again, when going down that route. The larger centres of population have the larger numbers of people, who undoubtedly are going to have more say and that is the same pretty much everywhere.

I am fascinated with why the mover thinks that this body should be elected by the public as equal to the House of Keys and have less power. I think that is completely nonsensical, as to why, and the point has been made by Mrs Christian. If these proposals go through and we are all sat here now elected at the same election by the same electorate, then this body has an equal mandate to that of the lower House, but it still has an equal... it is still elected by the electorate, so I am fascinated to know why, what the whole point of that would be, when you have a lesser mandate. I think there will be conflict, as the point made by Mrs Christian, which was a point I made in Tynwald. The voting between the two Branches is such it reflects the difference in the Branches and again that would have to change, so you then come to dismantling Tynwald as it currently is.

Again, this legislation has not gone out to any form of public consultation. If – and this was the point when we came to the question of the referendum – you do not ask the right question, or if you do ask the right question, you will get the answer you want. If there is to be a proper analysis of what this will mean, then the public have to be aware of all the consequences, as the Hon. Member, Mr Butt, said, of what these changes will mean. Once we change things, it is too late, when things have gone wrong and I do not think there is any evidence of things going wrong. There are challenges but, as a result, the system has delivered. It has delivered the growth that we have all enjoyed.

I still feel that you will be increasing the mandate of the Legislative Council and, with that, I suspect you will be diluting the mandate of the House of Keys. I do come back to the point, to become elected to the Legislative Council you do need half or more votes in the House of Keys, whereas a constituency, you may not.

I will support First Reading for the reasons given before, that we wish to debate this in greater detail, but I think the Bill is flawed and I think it will lead to the destruction of the parliament that we have and will lead to lots of conflict in the future and a unicameral system.

**The President:** Mr Downie.

**Mr Downie:** Thank you, Mr President.

Like my friend and colleague, Mrs Christian, over the years I have met a great number of parliamentarians, both off Island and on the Island, and everybody that I have spoken to has been absolutely amazed at how well our system works. I was even in discussion about two weeks ago with a colleague from the House of Lords who is in fear and trepidation about the meddling that is going on within the House of Lords and the different options that are being put forward there and the great deal of uncertainty that it is going to cause.

Where I accept their system is different from ours, as has been stated today in this Chamber, we are elected by the House of Keys, and as a person who has been through that process more than one time, I can tell you it is very, very difficult to get over 50% of the Keys voting and get into a position in the Legislative Council. It is much harder, Hon. Members, to do that than it actually is to go out and fight and win a seat in the Keys, because the people who elect us into here know what your strengths and weaknesses are. They know whether you are committed to the job or not, and if they feel that you are not worthy, you go. It is as simple as that, but that is politics. Politics is a rough business.

I have a lot of respect for my colleague, Mr Callister, but I cannot believe that we are going down the same old route again. We are trying to – pardon the pun – introduce legislation on the hoof. We are wasting our time unless there is a way we can have a dialogue with the other place. If this is going to progress in any way, shape or form, it has got to be a Keys-Legislative-Council coming together and finding some common ground, and if the Bill gets its First Reading today and it is left until after the General Election, one of my intentions is perhaps to move the Bill to a committee of both Branches where it can be looked at properly. Each and every one of us today who has spoken in this debate has expressed concerns. There are all these imponderables that have not really been investigated and I cannot honestly see the people of the Isle of Man standing by and watching all the historical constituencies of the Island, all the sheadings being broken up to declare this new system. We are actually ruining the basis on which Tynwald has worked for the last probably several hundred years.

I agree with Mr Turner. If I was elected under this new regime, I would expect to have a bit more clout than a Member of the House of Keys, probably because I could argue that I would have had a bigger mandate. If there is only one of me and three of them I am in a much stronger position, I would have thought.

I cannot accept that we can expect to see a situation where this system is actually going to work. I can see a unicameral system working and then draw lots as to who is going to sit in the revising Chamber or in the Legislative Council, but you have got to be an equal with your peers. But, really, is that what we want? I do not think it is what we want.

One of the main strengths in the Legislative Council is at least you have a group of people in here who have got some experience: they have got some years in Government, they are used to dealing with major international issues. That experience at that basis is there. You could find, if we go down the route proposed by Mr Callister, there are eight brand-new people in here who have no experience whatsoever. Once you have lost that experience, it is gone, and you need that because that is what has made the Isle of Man the place it is: the evolution of the Island, its economy and the experience and commitment of the Members of Tynwald.

I cannot, in the present form, see the House of Keys even warming to this Bill. We have yet to hear the report of the Boundary Commission and, as has been stated, some constituencies in the House of Keys would not even justify one Member now. The time has come to revisit that. Peel has grown out of all proportion: I think Peel must have nearly 4,000 or 4,000-plus people living on that side of the Island, whereas my hon. colleague's constituency in East Douglas and my old constituency in West Douglas have remained static, because there is nowhere else to build any property. If you actually look at the workload, there is probably more work in East Douglas, where you have a mismatch of people coming and going, traffic problems, planning problems and so on, than you have in a rural area. So all of this really needs to be taken into consideration.

I am very reluctant to support the Reading of this Bill today, but I will, because I think that common sense should prevail, and rather than us trying to rewrite history in here – which I do not think we should be doing, I do not think it is our role – and trying to come up with a compromise, which might curry favour in the other place, I think that when the time comes, after the General Election, this matter should go to a committee of both Branches, where they can actually sit down and get proper advice and a proper understanding of what may or may not work. But as we are at the present time, I do not think this has got any chance at all of receiving any support from the other place, from the House of Keys.

Thank you, Mr President.

**The President:** Mr Callister, it is your turn to reply, but I think you did interrupt Mr Braidwood. If you have a direct question to Mr Braidwood, I would allow him to answer, but if you can deal with it in your reply, then reply now. Thank you.

**Mr Callister:** First of all, I would certainly thank Mr Crowe for seconding and, indeed, for his comments and putting this into some historical perspective, as far as the desires of the Council were in the past, certainly in 1999. People are free to change their mind on issues and I am quite sure that is part of politics.

In 1999 a Bill came forward by Mr Lowey. I was reporting at the time. It seemed to me a Bill that would be worth giving serious consideration, but Keys threw it out, I think, at Second Reading, as Mr Crowe said. They did not seem to take it seriously at all. I thank Mr Crowe for supporting and seconding.

Mr Braidwood, in fact, is certainly on the record as having said in manifestos – and I think elsewhere – that he would support a publicly elected Council. He referred, though, to the system which was in use before, that is to say, four people were to be voted on and it was a requirement to vote for the four people, or not vote at all and then that was changed. It was changed so you could vote for one, two, or three. The whole business of spoilt papers, as they are called, came in from that stage, I think, as well and certainly the changes that have been made and even the most recent change to the system, which was brought in by a Bill from Mr Gawne, apparently has made matters worse, (**Mr Downie:** Hear, hear.) rather than improve them. (**Mr Downie:** Meddling.) Then, as he said, he felt that dropping off of the lowest number of votes, the candidate with the lowest number of votes, was part of it, and that needs to be looked at again.

Mr Braidwood, again, on constitutional issues, this voting as one body, as I said earlier, I have not included that in the Bill. That would be something that maybe would have to be considered in due course if this Bill ever gets to that stage.

I think, also, Mr Braidwood was concerned about having an electorate, but to be elected under this Bill he would have to have had the support of that electorate in any case. As far as having constituents is concerned, I am sure all of us get matters coming from constituents in various places at the present time. Certainly, I know, and I am sure other Members will know, that when Mr Delaney was a Member here, he was probably dealing with as many constituency problems as he was when he was previously an MHK. I think he would tell you that himself. So I do not think that matter of constituency issues is something that we should get hung up about.

Mr Braidwood also said he favoured the idea of the two-seat constituency system. Well, that failed, of course, and it has failed. (**Mr Braidwood:** Only just.) It has failed on a number of previous occasions as well.

He also said, I was intrigued to hear, first of all, ‘when this Bill goes to the Keys’ and then quickly corrected by saying ‘*if* it goes to the Keys’ –

**Mr Braidwood:** If it achieves the Third Reading.

**Mr Callister:** Mrs Christian now: the unintended consequences. She specified some of the unintended consequences and some of the comments she made are correct.

There is little pressure from outside, I would have to agree with that, but I will come to that again later.

The referendum vote that took place in Tynwald was a matter where we were both considering the position of the Chief Minister being elected by the public and whether there should be a referendum, and it was a pity, in a way, that that was dealing with the two issues. I think it might have had a bit more support if it had just dealt with the position of the Legislative Council. However, that has gone and that is lost now.

Mrs Christian says she feels the electoral college system that we now have is pretty good, that the Keys’ judgement has been very good, more or less, for the Members that they have elected to the Council, and that there is a difference in the function of the Keys and the Council. There is, and I do not see that that would change under the Bill I am proposing.

The Legislative Council would want the same powers as Keys Members: they have the same powers, more or less, as Keys Members now.

**Mr Braidwood:** No, we don’t.

**Mr Butt:** No.

**Mr Callister:** Let me put it another way: this would not change the responsibilities or the other powers of the Legislative Council in relation to the House of Keys and I do not see how it would.

The matter of having Members as Ministers I think is an important matter, Mr President. There are people certainly in the Legislative Council, in the period I have been here, who I would have considered ideal as Ministers – and I am not counting myself in that; that is the last thing I would want to do – that, if we take this

line that there can never be Ministers in the Legislative Council, it is losing a great deal of benefit for Tynwald and the Island as a whole and I think that is something that needs to be seriously considered.

STV was mentioned by Mrs Christian. I have kept away from it, because although I am a full supporter of it, that would be something, if this ever gets through, for future consideration.

If we get rid of the unicameral chamber, if we go back – sorry – to a unicameral chamber, we have no Speaker, we do not need a Speaker –

**Mr Downie:** Save money, cost cutting!

**Mr Callister:** – that removes one of the roles that has been very important historically. It may be that, in times to come, that is the way it will go, but that is not what I am promoting, sir!

**Mr Downie:** There is one vote you have lost! *(Laughter)*

**Mr Callister:** No, Mr Speaker is one of the Members who very strongly said, ‘All Members of Tynwald should be directly elected by the public. The present system, where eight Members of Legislative Council are appointed by Keys Members is wrong.

Turning to Mr Butt, who believes that the changes to the constitution has dangers. Well, they can be considered in due course, because I am sure there will be a number of Members wishing to point that matter out in various ways. The constitutional committee was disbanded recently and Mr Lowey, who I spoke to – I know he is not present today, but I spoke to before this meeting – and his view was that if this Bill got through First Reading, he would like to send it to a constitutional committee. Well, that particular committee is not there, but I am sure another committee appropriately could be found and I certainly would not oppose that.

Continuing on Mr Butt’s views, again about looking over the shoulder of the constituency issues, I do not think that is a big matter. I do not think it is a major matter, Mr President. Then he also said why bother having separate Houses, why not just have Tynwald? If you did, you would still have to have, in my view, a system of carefully examining legislation by one means or another, so what would you do? You would form a committee, you would form something similar to the existing Legislative Council set up.

I cannot agree with the comments made by Mr Turner. The fact that the Public Gallery is practically empty is something that –

**A Member:** It always is.

**Mr Callister:** – can often be said not only of this Chamber, but of the House of Keys, very much so in the House of Keys, and also in Tynwald to a large extent. So it is not a matter to be unduly concerned about.

He tells me, Mr President, there is no interest in the public and people are happy with a multi-seat system. I do not know whether they are happy or not. I suspect quite a lot of them probably are not very happy about it. However, there will be time, as time is on our side with this, for the public to have an opportunity to have their views, and the fact that we have not had a consultation, as such, because this Bill cannot move now, finally, to the House of Keys if it does that until after the General Election, we have several months where anyone and everyone can have their views given...

Also, as far as Mr Turner is concerned and going on to the points he made about the fact that there has been no interest in it, well even just in recent times Mr Victor Kneale brought, I think, up to three Bills through, brought them forward. All of them, for various reasons, failed. One of them in particular because it ran into an election period, but he did come quite close at one time to being successful.

Following that, there was a Bill to do the same thing or similar work, a Bill from Mr Quine that was taken by Mr Rodan. A Bill was brought by Mr Cannan in recent times and that was taken over by Mr Quayle. We have heard about the Bill that came from Mr Lowey just here. So the interest in changing the system is very high indeed among the politicians.

Now, I will accept that there is somewhere around a 50-50 feel to this in the House of Keys, and that has always been one of the stumbling blocks, but Legislative Council also, when Bills have arrived here, have amended them and sent them back and they did not like it, and so on. So it has gone on for some time, but do not say, Mr Turner, that there is no interest in this issue. I think there is great interest.

**Mr Turner:** But they have all failed.

**Mr Callister:** Now, there was one past attempt to have a 32-Member elected Tynwald, which would then be separated and there would be a Legislative Council elected after that. That one also hit the buffers, I am afraid.

I wonder if Mr Turner feels that he should be able to make decisions on behalf of the public which involve the finances of the public, the welfare of the public – because he has no public mandate to do so. I think it is wrong to pre-judge, Mr President, what the Keys might do with the Bill, if it gets there.

Mr Downie spoke about the parliamentarians elsewhere who think our system works well. I am well aware of that, and I know that it is admired in many places. Nevertheless, things can change, things do change. Tynwald has evolved over the years and this would only be a further move in the evolution of the parliament. I do not think that comparison with the House of Lords is quite right, Mr Downie, and certainly as far as the hereditary peers are concerned, that seems to be an extraordinary situation. I think that will end, probably. Whether they will ever get an elected House of Lords remains to be seen. Maybe we can show the way, Mr President.

**Mrs Christian:** We already do!

**Mr Callister:** Mr Downie said he would like to see this go to a committee of both Branches. Again, I would not oppose that. I think the more it can be discussed, the better we would find the ultimate result, Mr President. So maybe Mr Lowey's idea of the constitutional committee... that he would support that in due course.

Drawing lots as to who would sit on the Council seems to be a rather curious means of doing so. I do not think that would go down quite well, out of 32 Members just to have this drawn by lot.

**Mr Downie:** How else are you going to do it, then?

**Mr Callister:** We do not need to do it. If you support the Bill, Mr Downie, we will not be worried about drawing lots.

Again, Mr Downie referred to the Boundary Commission. They are sitting at the present time. I was asked to go and discuss this Bill with them and other matters and they really have very few... There are only three options for them – I suppose you could say there are four: 24 single seats, 12 two-seats or eight three-seats.

Maybe they want to consider 32 seats, I do not know, but they do not seem to. Having in the past had so many rejections for the single-seat system, for the two-seats system, my view is that this eight three-seat method has not been properly tested. It certainly has not been debated at any length.

**Mr Downie:** Eight fours, 32.

**Mr Callister:** Sorry, eight fours, I beg your pardon. Eight threes? Cutting them down – that would save money!

No, Mr President, I think the situation really is that we have got something here that is entirely new, as a proposal at least, anyway, and is worth further examination.

Mr Downie also referred to imbalances in the present constitution. I am not quite sure what was meant by that, but maybe we can pursue that in due course.

So if I am tilting at windmills, Mr President, and I am Don Quixote, then I think my seconder, Mr Crowe, will be my Sancho Panza. *(Laughter)*

I beg to move the First Reading, Mr President.

**The President:** In that case, Hon. Members, I simply put to Council the motion that the Electoral Reform Bill 2011 be read for a first time.

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

Constitution is a tender plant. *(Laughter)* It gets blown from side to side on a number of occasions, but if the root is firmly in the ground it will continue to flourish.

That takes us to, I think, our completion this morning. Thank you very much and we adjourn Hon. Members. Thank you.