



**SELECT COMMITTEE  
OF  
TYNWALD COURT  
OFFICIAL REPORT**

**RECORTYS OIKOIL  
BING VEAYN TINVAAL**

**PROCEEDINGS  
DAALTYN**

**REVIEW OF THE  
COMMITTEE SYSTEM**

**HANSARD**

**Douglas, Tuesday, 2nd June 2015**

**PP2015/0091**

**RCS, No. 1**

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**Members Present:**

*Chairman:* Hon. J P Watterson MHK  
Mr C C Thomas MHK

*Clerk:*  
Mr J D C King

**Contents**

Procedural.....	3
EVIDENCE OF Mr A L Cannan MHK, Chairman and Mr C G Corkish MLC, Vice-Chairman, Public Accounts Committee.....	3
<i>Mr Butt and Mr Coleman were called at 11.24 a.m. ....</i>	16
EVIDENCE OF Mr D M W Butt, former Chairman of the Environment and Infrastructure Policy Review Committee and Mr M R Coleman MLC, Chairman of the Economic Policy Review Committee .....	16
<i>The Committee adjourned at 12.22 p.m. and resumed its sitting at 12.25 p.m. ....</i>	33
EVIDENCE OF Mr R Tomlinson and Mr A Jessopp, Positive Action Group.....	34
<i>The Committee adjourned at 1.05 p.m. ....</i>	44

## Select Committee of Tynwald on the Review of the Committee System

*The Committee sat in public at 10.30 a.m.  
in the Legislative Council Chamber,  
Legislative Buildings, Douglas*

[MR WATTERSON *in the Chair*]

### Procedural

**The Chairman (Mr Watterson):** Welcome, ladies and gentlemen, to this meeting of the Select Committee on the Review of the Committee System established by Tynwald.

I am Juan Watterson, I am the Chairman. Mr Thomas is sitting to my left and the Clerk, Jonathan King, to my right. We are having a technical problem with Leonard Singer, which is due  
5 to the delay in the incoming aircraft, but he will be joining us as soon as possible.

I will ask everybody to make sure that their mobile phones are switched off or put on airplane mode, otherwise it will interfere with the *Hansard* recording system. Also for the benefit of *Hansard*, I will be trying to ensure that we do not have two people speaking at once and that will apply to the Committee Members as well as the witnesses.

10 The previous Select Committee on the Committee System reported in December 2010. Its Report, which was debated in January 2011, led to the creation of the current system of Scrutiny Committees based on the Public Accounts Committee, plus three Policy Review Committees. When we were set up in March 2015 we were given a broad remit to look at the Committee system. We have decided to focus on the system of Standing Committees and Select  
15 Committees, which was reviewed in 2010.

Today, therefore, we are going to hear about the experiences of four Tynwald Members who have been active in those Committees. The Positive Action Group has sent us a written submission which we have published and we will also hear later today from them as well.

### EVIDENCE OF

**Mr A L Cannan MHK, Chairman and  
Mr C G Corkish MLC, Vice-Chairman, Public Accounts Committee**

20 **Q1. The Chairman:** So, welcome, gentlemen. If for the benefit of *Hansard* you could just state your name please and your role in the Committee System.

**Mr Cannan:** Alfred Cannan, MHK, Chairman of the Public Accounts Committee.

25 **Mr Corkish:** Geoff Corkish, MLC, Vice-Chairman of the Public Accounts Committee.

**Q2. The Chairman:** If I could just ask at the start, what do you see this Committee being for as opposed to, for example, the Policy Review Committees? How do you differentiate the role between the two?

30 **Mr Cannan:** The Public Accounts Committee has a broad remit and if you look at its terms of  
reference under Standing Orders you will see the Committee has the remit to: 'consider any  
papers on public expenditure and estimates presented to Tynwald; consider any financial matter  
relating to a Government Department; and consider such matters as the Committee may think  
fit.'

35 I would think the general interpretation and general view of the Public Accounts Committee  
is that its role is specifically to look at public finances, the expenditure of public finances and the  
use of public finances; but in theory the role is broader than that and occasionally, from time to  
time, the Committee will look at issues that are slightly broader in perspective rather than just  
purely financial.

40

**Q3. The Chairman:** So what would you consider the best achievements of the Public  
Accounts Committee since 2011?

45 **Mr Cannan:** The Committee has undertaken a number of investigations and delivered a  
number of recommendations. We have looked at, for example, the commercialisation of the TT  
and the contracts surrounding that, the investigation into the case of Dr Dirk Hoehmann, the  
Review of Social Security, etc.

I think the Committee always sets out to effectively ensure that lessons are learnt – although  
that is an old adage and one that is frequently used, it is nevertheless a very important one  
when it comes to public finances. Also where necessary, I think the Public Accounts Committee's  
50 role is to hold people directly accountable for their actions. The Vice-Chairman, Mr Corkish, has  
probably got a couple of more specific examples of where our recommendations that have been  
put to Tynwald have, I think, led to improvements in the process.

55 **Mr Corkish:** Yes, thank you, Chairman.

Just going back to the original question about the committees and the PAC's role, it may be  
seen that the PAC was a final stop in the overarching view of the other committees.

60 With respect to the commercialisation of the TT – and that was a major part of what went on  
in Government – there were five recommendations made for that: that the Treasury should  
continue to monitor and assess the use of the FD8 waivers on a regular basis; to consider the  
additional enforcement mechanisms that can be put in place to ensure that the Departments  
and Boards comply with any terms and conditions; to ensure best practice; that Ministers and  
the senior civil servants making such decisions should be aware of the risk presented by such  
65 fundamental relationship breakdowns in the working environment and processes that  
happened; and, finally, recommendation 5, the Council of Ministers should consider what  
arrangements could be put in place to improve performance management in relation to the  
posts of Chief Secretary, etc.

So, the Public Accounts Committee has a peculiar and, I think, more direct impact on what  
Government is doing.

70

**Q4. The Chairman:** So you would see yourselves as not just the guardians of the public purse,  
but also of good governance as well?

75 **Mr Corkish:** It is the... can I use the word 'conscience', perhaps, of how we operate, I would  
think.

**Q5. The Chairman:** And how, then, is that translated into setting the agenda for meetings?  
What would go on the agenda for PAC investigations?

80 **Mr Cannan:** We have a very good relationship with the Internal Auditor, we see all his  
internal audit reports produced by his Department and we review those on an individual basis.

85 That, traditionally, has been the mainstay in terms of where we might decide to launch an investigation. It is not the only way... and in fact I think, in discussions in the last couple of weeks, perhaps more of our recent work has come about directly from Committee members themselves who have brought items to the agenda of the Public Accounts Committee, or from direct referrals.

90 So we will, from time to time, have letters or requests from Members of Tynwald to launch investigations and we tend to do those investigations: (a) where there is firm evidence in order to launch an investigation, i.e. the allegations or assertions that have been made are also backed up with clear factual evidence; or, (b) we believe the investigation to be in the broader public interest. Let me just give you a quick example of that: the most recent example, the one that is very much in public's mind at the moment, is the Peel Marina issue – the contracts surrounding the removal of silt. We have got some circumstantial evidence that we know it is a high profile story, we recognise there is some concern from the contractors involved, we have assessed that as being in the public interest for us to look into that. So we are taking that particular one forward... in fact we will be holding a public hearing in the near future. We have had one or two other examples along that similar line.

100 **Mr Corkish:** In a small community like ours it is important that there is a committee there that can look at it... and that certainly is, I would have thought, a great comfort to the public that there is somebody there who *can* look at it. In a small Island we get to know about these things, of course.

105 **Q6. The Chairman:** You mentioned about having a good relationship with the Internal Audit Division and Quality Assurance Division now.

What difference do you believe it would make to your work if we had the Tynwald Auditor General post in place?

110 **Mr Cannan:** The Auditor General is an interesting one. I think from my own understanding of how the Auditor General works in other jurisdictions, they have quite a lot of teeth. I was on a Public Accounts Committee World Bank-sponsored initiative in 2013, which is essentially an improvement course, or an understanding of a public accounts committee and how they work, and you could see there that the Auditor General particularly in this case – which was British Columbia – had a lot of teeth, could choose what to investigate, when to investigate it and of course they had a public accounts committee below that.

115 In theory, having an auditor general would be excellent with the total powers to go and investigate absolutely anything at any point, but then the next steps would be interesting because with the Public Accounts Committee as well, would it cause a lot more added bureaucracy for a small jurisdiction such as the Isle of Man?

120 So, whilst I think it is positive that the auditor general position is in theory in place, I think in practice the aspects around affordability would be a big question and, secondly, the aspect of would it be another layer of bureaucracy – and in fact in a small jurisdiction would it make the Public Accounts Committee redundant?

125 **Q7. The Chairman:** You said there that one of the advantages would be that they could go into anywhere and look into anything.

Have you found that is not the case for the work you do at the moment?

130 **Mr Cannan:** No, absolutely, we have that remit. I think it has been respected by Departments, it is respected by Ministers. I think that the process takes time though, it is not always a quick process.

I think with an auditor general they literally could react immediately, could be effectively completely in control of their own timescales, would be able to walk into a Department, demand

135 to see the paperwork and they would have to show them the paperwork. So from that  
perspective, yes, I can see how an auditor general has a speed advantage over a Public Accounts  
Committee, but it does not necessarily mean the Public Accounts Committee is not going to be  
as effective in eventually reaching the outcome – and I know that can be frustrating at times,  
possibly for Members of Tynwald, possibly for the public. Nevertheless, as it stands at the  
moment the Public Accounts Committee does an effective job and I think there would have to  
140 be more of a debate around what impact an auditor general would have, and what difference  
and auditor general would have, outside of purely just the timings of being able to get to the  
bottom of something.

**Mr Corkish:** It certainly ticks a box, I think, for Government, in that it is a commitment to  
145 secure and good government. That would be my view on that.

**Mr Cannan:** I think, sorry, one final point on that from me at the moment was that there  
must be clear communication between Quality Assurance and Internal Audit in any case in the  
Public Accounts Committee for it to work effectively. Similarly, if you were going to have an  
150 auditor general that line of communication would equally need to be as clear.

**Q8. The Chairman:** Before I hand over to Mr Thomas on this part, are you happy that the  
general remit of the Public Accounts Committee provides you with everything that you have  
needed to do, and it is specific enough?

155 One of the things that has been raised is that perhaps the remits need to be changed, and I  
was just wondering whether you had a view on whether the remit of the PAC was still fit for  
purpose?

**Mr Cannan:** I think the remit of the PAC is still fit for purpose. I think the relationships with  
160 the other committees, which is what you are exploring, is something that does need some  
investigation – and I know my Vice-Chairman here has a view on that.

One of the things I should perhaps raise with the Committee at the moment... we have an  
interesting scenario where we are currently experiencing quite a lot of conflict of interest,  
particularly for the Chairman in his role as Chair of the Public Accounts Committee –  
165

**The Chairman:** Can we just come onto that later?

**Mr Cannan:** Okay, sorry, but in terms of its remit as it stands at the moment, I am happy with  
170 what it has got to do.

**The Chairman:** Okay, thank you.  
Mr Thomas.

**Q9. Mr Thomas:** One thing that our Committee is considering is the roles... or in larger terms,  
175 the roles of the various committees, whether they are about opposition, whether they are about  
scrutiny, or perhaps they are about contributing to policy development.

One thing that we are thinking about is whether or not there is a difference between the  
Public Accounts Committee and the Policy Review Committees, our line being that perhaps the  
Public Accounts Committee is more about scrutiny whereas the Policy Review Committees – and  
180 perhaps it is in the name – are more about contributing to policy development.

I wonder if either of you could comment on views about where we should come down in  
terms of opposition, scrutiny, contributing to policy review?

**Mr Cannan:** I do not think any of the Committees should be seen as opposition – for me, I do  
185 not think that is the remit.

I certainly think the Public Accounts Committee has got to have teeth, but in order to have that it has got to have the political will to succeed. I do not think any of these committees will go anywhere in terms of their effectiveness unless there is the political will.

190 But I think, speaking from the Public Accounts Committee's perspective, certainly its focus is around scrutiny of public finances and accountability. Opposition is definitely not a word that I would use.

195 Certainly my view of the relationship with the Policy Review Committees in terms of what their function is, yes I see them as having a role which is very much focused around the policy of the Department both present and going forward into the future; and aspects around historical expenditure of public finances and how that is interacted with policy, I think, is quite a fine line. But my view is past expenditure matters should always be in the Public Accounts Committee so we do not start blurring the lines – and there is a slight risk we are running that.

**Q10. Mr Thomas:** Thank you.

200 The second one is focused on building on your answers about the Tynwald Auditor General. Obviously, it would cost money to have an auditor general. More generally, then, my question is: is your work constrained by the lack of resources? For instance I remember recently, earlier this year, Zac Hall made quite a pointed speech that there was no point in setting up a committee on National Insurance because there were no resources to support its work, so therefore the  
205 committee was pointless.

Do you feel that the lack of resources to support the committee system actually constrains your work?

210 **Mr Cannan:** Not at present. I think the secretarial support that we get is first class, the advice that we get... yes, things could be quicker. So for the secretarial support and for the clerical support and the advice we receive, yes it would be great if things could happen in a faster manner. But I think generally the quality is absolutely excellent. I think for the size of jurisdiction we can get things moving and what I have personally found is if the Chairman is willing to push things along and seek a faster pace then we do get a faster pace.

215 So I do not really have any issues around the support that is currently being given, although I suspect that the evidence would be that the secretarial support, the Clerk's Office, is probably at its optimum level of ability to support the current levels of committees that we have.

220 **Q11. Mr Thomas:** So, if you needed a technical contribution about National Insurance activity or about accounting activity, could you afford to buy it and would you buy it? Those were just examples, by the way.

225 **Mr Cannan:** So far where we have needed to do that, we have had to think very carefully about bringing in cost expertise – but I know the Vice-Chairman does have some views on that.

**Mr Corkish:** Yes, cost aside, I think in some cases in the past and certainly in the future there would be opportunities for the PAC to invite people in who were experts in a particular field. I do not want to see the term 'who is policing the police'... it is good to have some kind of outside expertise brought in, otherwise we could appear to be too insular in what we are trying to do.

230 Cost is a different point and the Chairman has already explained that, but I think there is scope for inviting outside expertise in to assist the general overview of the PAC.

**Q12. The Chairman:** We segue neatly from that into...

235 You have talked therefore about expert witnesses on that front. Have you a view on either lay members of the Committee, or advisers to the Committee, being more permanently embedded within the Committee for a particular project or piece of work – or generally lay members?

240 **Mr Cannan:** Conceptually, from time to time, the Committee needs legal advice and it needs financial advice on technical accountancy matters. So, yes, I think the concept of having an adviser for legal matters and for accountancy matters, or some external support in that respect, would be good. I do not think that would necessarily need to be on a full-time basis, but to have it there would be something that would be useful.

245 Having said that, again there is probably a case for discussion as to whether you could have a full-time lay member of the Public Accounts Committee; but if you were to do that I think that they would have to bring a specific skill, (**Mr Corkish:** Absolutely.) and I think that specific skill would ideally be in law or have a legal qualification.

**Q13. The Chairman:** Do you have a view as to whether that is a good thing yet?

250 **Mr Cannan:** I think it would enhance the Committee, I do not think it would be a step backwards. It would certainly be something that could be worth trying on an interim basis to see whether it brought the advantages that we are seeking.

255 Certainly, when you look back at the investigations, for example the clearest one to my mind was the Ci65 National Insurance Fund investigation. There was a lot of argument about the interpretation of the law surrounding the withdrawal of the money from the National Insurance Fund – the use of the £750,000 – with Treasury taking a very firm interpretation of what was written. I think that interpretation could have been looked at either way, and we never really got to the bottom of a firm outside legal opinion as to what that piece of legislation determined.

260 But there again, the Public Accounts Committee has recommended that the Treasury bring forward improvements to that legislation, so that kind of fuzziness around that particular clause is removed.

265 **Mr Corkish:** I think that was another recommendation that the PAC had. Recommendation 1, just to follow up on that on the Social Security aspect:

‘That the Treasury should bring forward legislation at the earliest opportunity to prevent funds being transferred out of the National Insurance Fund in respect of novel or significant administrative expenses without the express prior approval of Tynwald.’

270 So there are teeth there...

**Q14. The Chairman:** Okay, moving on to the combination of jobs that the Isle of Man system has been heavily based on consensus, and mixing parliamentary scrutiny with executive roles; and you both have executive roles within Government.

275 Have you had any practical difficulties in combining the executive roles with the parliamentary duties? Do you have a view as to how that should pan out?

280 **Mr Cannan:** Yes, I think again speaking from a personal perspective, when I first came into the Public Accounts Committee as Chairman in 2012 I held the post of Chairman of the Civil Service Commission and the Whitley Council, and also Chairman of the Public Accounts Committee. As Chairman it worked extremely well because there was very little, if any, conflict at all with anything, because I was not sitting on any Departments.

285 Subsequent to that, in recent months – and, in fact, probably over the last 12 to 14 months – it has become slightly less easy for me to function in that role, because as Chairman of the Manx Utilities Authority and sitting on Health Department, initially for children and families and now sitting on the Economic Development team with responsibility for e-commerce and manufacturing, you can see there is a very significant part of Government now on which I am conflicted. That has made life difficult because we have had further conflict, particularly with Health, because Michael Coleman MLC is also on the Health Department.

290 I have been on the Health Department, Dudley Butt who has now left was on the Health  
Department, so we were actually unable to discuss Health business at times – and of course Mrs  
Cannell has been off indisposed, which we all recognise. But there have been these conflicts and  
it has become increasingly difficult.

295 I think there is very much a case to consider whether the Chairman of the Public Accounts  
Committee should be involved in executive Government and, if so, should that be limited in  
terms of should they only have one Department; and should that be a certain Department, or  
should that be multiple Departments? If it does function like that, what safeguards are in place  
within the Committee to make sure that it can continue to operate fully and effectively?

300 **Q15. The Chairman:** So you would say for both of you, then, that the biggest problem you  
face is more about conflict of interest and the challenges around that, than it is about finding the  
time to do both jobs effectively?

305 **Mr Corkish:** I think that is probably a fair statement, and that is because it is a relatively small  
Committee.

**Q16. The Chairman:** The Public Accounts Committee?

310 **Mr Corkish:** Yes.

**Q17. The Chairman:** And do you feel that as members of the Public Accounts Committee,  
Government Departments and others take your recommendations seriously?

315 **Mr Cannan:** One of the improvements that we have made in the last three years or so was to  
actually bring reports to Tynwald for debate – we do not just lay them. What used to happen  
was that they were laid in front of the Court and they were never brought forward for actual  
debate. They have been brought forward for proper scrutiny now every single time. There may  
have been occasions in the past when they were debated, but every single report is now laid  
where we carried out an investigation.

320 Our view is that there should be tangible outcomes from these reports, and that tangible  
outcome to us is through engagement with parliament. The recommendations are then laid  
down for the Departments to action, and then the Department will take those recommendations  
forward after debate

325 **Mr Corkish:** Can I perhaps broaden this out a little bit, Chairman –

**The Chairman:** You can try!

330 **Mr Corkish:** – not to stand on your toes, but somebody mentioned a little bit earlier about  
how serious perhaps innuendo was, how serious Government or the Membership take the  
deliberations of the PAC – and we are here to review committee on committees.

335 It may well be that the PAC could evolve into something a little bigger, with stronger and  
bigger teeth that Government could take more... I cannot help looking back at Mrs Hodge in the  
UK and the impact she has. It may well be perhaps that the PAC could evolve into a bigger  
committee with a chairman who was independent, that used the chairmanship of the PAC as  
being a paid position. And that may also mean that the Policy Review Committees could be  
reduced or indeed 'dispensed with' so that the PAC becomes more strengthened, more  
deliberate perhaps in what it does – and that there would be more impact from it, and  
Government and people would take more effect of what it did.

340

**Q18. The Chairman:** So, Mr Corkish, what you are saying is that you support a fully independent Chair, somebody who does not then serve an executive role as Chairman of the Public Accounts Committee?

345 **Mr Corkish:** I am *suggesting* that could be a way forward, if we are reviewing.

**Q19. The Chairman:** I think we know the options there, we are looking for your views so –

350 **Mr Corkish:** I give you my view that the Public Accounts Committee could be stronger for the benefit of good governance.

**Q20. The Chairman:** So Mr Cannan, would you support the idea of the Public Accounts Chairman being somebody who would be debarred completely from any executive role in Government?

355 **Mr Cannan:** I think the Public Accounts Committee *must* maintain the threat of scrutiny over the Executive, and a totally independent chairman with no other attachments would be perceived and would be able to act without conflict in any area.

360 I think the view expressed by Mr Corkish, that we could potentially bring all the Committees together as the Public Accounts Committee and then operate it to cover the policy areas as well, would be a way forward that should be considered. I think that suggestion does certainly bring a lot of clarity from the public's perception as to work of the Public Accounts Committee, and it does not dilute anything; and perhaps the public in terms of their confidence that matters are being scrutinised then would just have one committee reporting, which I think is a fairly clear, transparent manner to do so.

365 But of course Public Accounts Committee would obviously have a lot more work on its hands, and an independent chairman without other responsibility could guide that more efficiently and more effectively potentially; and it perhaps would not be necessary for the whole Committee to meet every single time, but perhaps those members working on the particular cases or looking at the Departments could meet with the Chairman and discuss how things are progressing and what needs to be done.

370 **Mr Corkish:** It would also dilute the risk of conflict as well, when we are debating various aspects.

375 **Q21. Mr Thomas:** So we will come back to the role of the public and public participation, which is one issue you just raised, in a moment; but before we conclude on members and the remuneration and the conflict of interest, I just wanted to ask a couple of questions about that.

380 The first one is: what amount of your time, activity and interest do you see taken up by your role as Public Accounts Committee Chair and Vice-Chair, *vis-à-vis* your role as Chair of Manx Utilities, a departmental member, and so on – in your case, Mr Corkish?

What percentage in different things?

385 **The Chairman:** Just to two decimal places will be fine!

**Mr Thomas:** Just approximately, or even just minor and major, however you want to reflect back the answer to my question.

390 **Mr Corkish:** It is very difficult to define as to what time... it depends on the issues, how long the issue would last, the amount of people you would need to call for such a decision to be arrived at. I do not think I could really give you a time spent in terms of how involved you get.

Yes, you do get involved in it because the issues that come before the Public Accounts Committee are national issues, so you have to give it due care and attention. But I have never needed to define a time. I am sorry I cannot define a time.

395

**Q22. The Chairman:** Would you equate it to, say, something about as equivalent to being a member of a Department, or more or less than that, for example?

400

**Mr Corkish:** Probably less than a Department, because with a Department you are living with it day by day.

405

**Mr Cannan:** I think the final point is the key one, although I have a very important role as Chairman of the Public Accounts Committee, in actual fact Public Accounts is the least time that I spend. When I consider my role as Chairman of the Manx Utilities Authority, which effectively requires some form of day-to-day communication normally... certainly regular meetings with the Chief Executive, and a full board meeting once a month.

410

When you look at the role on Economic Development, again there is normally some form of day-to-day communication with somebody in the Executive, certainly bi-monthly meetings with the full team, and day-to-day meetings giving support to local businesses – and on top of that your constituent's business as well.

So you can see actually how that role for a very important committee can quickly get diluted.

415

**Q23. Mr Thomas:** Just to round up, my perception listening to you is that you would not believe it was unfair if the Chair and members of the Public Accounts Committee were remunerated in those roles; and also that we should definitely be considering expanding the role of the Public Accounts Committee.

Would that be a fair summary?

420

**Mr Corkish:** Just to clarify can I just say I did mention the Chairman, not the members.

**Mr Thomas:** Okay.

425

**Mr Cannan:** We are a small personal jurisdiction and we are a multi-faceted Government, we are a consensus Government, so there is no opposition as such. So if you brought a committee together where everybody was remunerated and everybody just did the Public Accounts Committee, I think you would find that either the business of Government would come to a standstill or the members of the Committee are going to be twiddling their thumbs.

430

**Mr Corkish:** I would agree.

435

**Mr Cannan:** I would think there is a case for the Chairman to be fully independent and remunerated, or to be specifically allocated another role. As I go back to my example, when I was previously Chairman of the Civil Service Commission and Whitley Council, it worked perfectly well in terms of my ability to conduct the business.

**Q24. Mr Thomas:** Thank you.

Moving now on to public participation and transparency of your work: what efforts have you made from your Committee to actually involve the public in your work?

440

**Mr Cannan:** Basically, you are asking have we called for public evidence?

**Mr Corkish:** Outside witnesses.

445 **Mr Cannan:** I do not think, at the moment, there have been any significant changes to the way the public is engaged with the Public Accounts Committee. What we have tried to do is to make our work more transparent. I think we have tried to be much more regular with our hearings. I have not had a private hearing as far as I can recall, but the majority of our hearings are certainly for public consumption, they are open hearings. Again, the issue of reporting when we come back, we have got to make sure that we come back with reports that deliver some outcomes and improvements for Government.

450 The fact that these are debated in Tynwald I think engages Tynwald Members and *vis-à-vis* the public. Certainly when we are questioning executive officers around their roles in either procurement or general policy, we do tend to overlap in terms of the engagement that they have had potentially either with the public or in terms of consultations, and/or private businesses – which I think you could probably also interpret as being public.

**Mr Corkish:** And just going back to an earlier question, we cannot be oblivious to public opinion anyway, dependent on the seriousness of the problem that besets PAC.

460 **Mr Cannan:** One thing, I think, the potential of having... I am not quite sure when you say 'public engagement' if you are thinking along the lines of actually having public input into Public Accounts Committee's investigations? I think things would start to get quite muddled if you were thinking along the lines of bringing the public directly into Public Accounts Committee's investigations, because there would be a lot more broad questions which would delay the process.

**Q25. Mr Thomas:** We have got some questions about that in a minute.

First of all: how would the public know what you were actually investigating at any one moment in time?

470 For instance, in Westminster there is the Bercow Committee recommendation which talks about using social media and the internet to tell more people about what they are doing, and trying out ways of using digital technology to get people involved in the work of committees.

475 As a parliamentarian, I was disappointed that both Manx Radio and Isle of Man Newspapers chose to bill our work as 'a committee reviewing committees' as if it was a pointless activity. To me we should be making sure that the public are engaged with our activity and I wondered to what extent the Public Accounts Committee Chair and Vice-Chair agree with that?

480 **Mr Cannan:** I absolutely agree that the public should be fully knowledgeable about the work of the Public Accounts Committee and I would argue that there is probably always some room for improvement; but whenever we are hearing a case in public it is well publicised.

Again, the Clerks do a good job, I think, in getting the message out that there is a public hearing. I think the radio stations tend to report that well and when you get high profile cases, more often than not, you will have the relevant members of the press here to then relay that out.

485 So, personally, I think the Committee would fully support any recommendations that meant the public were more aware of the work that we were doing; but we also have to temper that by acknowledging that we are to an extent limited with our secretarial support.

490 My personal view is that over the last three or four years we have done a good job to raise the profile of the Public Accounts Committee, done a good job in terms of delivering outcomes with our investigations, and have picked up and have not been afraid to investigate matters which we regard to be in the public interest whatever the potential political ramifications of that.

495 **Mr Corkish:** Totally agree.

**Q26. Mr Thomas:** That leads on to the question about the public directly affecting the work that you do and the investigations that you carry out, which you said you were troubled with; but I wanted to give you a couple of specific possibilities and ask for your comments on them.

500 One would be, at the minute if you walk up to Tynwald Hill and put down a petition you then have to get an individual Member to pick it up. What about your Committee or one of the Policy Review Committees being able to pick it up because it has been raised as a significant issue, rather than an individual being able to pick it up in some way?

505 Secondly, if we have an e-petition system organised officially, would that not be a way that a significant group, or a large number of people, could actually raise an issue and then would get the attention automatically of your Committee or one of the other Committees?

**Mr Cannan:** Again these are my personal views: to me the petitioning of Tynwald Hill is a very public petitioning, is a very historical (**Mr Corkish:** Unique!) and unique – yes, thank you – process; and I think, rightly, it should be dealt with in the public forum in Tynwald as to whether that matter is weighty enough, and has enough credence and credibility, to be taken forward.

510 I think if the Public Accounts Committee picked it up and decided not to take it forward, it could then end up in a situation where the Public Accounts Committee either loses credibility or there are lots of allegations around the fact that the Public Accounts Committee has failed to recognise the seriousness of the matter. I think that is a Tynwald issue.

515 In terms of e-petitions: I think if there was a matter that the public felt strongly enough about, that had not been investigated and they felt should be investigated, and they wanted a petition for investigation, then absolutely. You can clearly see that working in the UK and I think that is a way certainly for the Public Accounts Committee to potentially progress in terms of its investigations.

520 **Mr Corkish:** Just on the first point, of course, with the public petition system at Tynwald, either addressing it to Tynwald in general or to the PAC, surely is more or less the same kind of result anyway.

525 **Q27. Mr Thomas:** Okay.

My last question, especially given the time: you mentioned some training that you had as Chair going, I believe, on a World Bank training course.

Do you think there should, more generally, be training for members of committees?

530 **Mr Corkish:** I think every Member of Tynwald, no matter what position they are in, can always benefit from training. And in an age when regulations and legislation differ so much and public scrutiny is so much sharper, I think yes, it certainly does help.

535 **Mr Cannan:** To me some form of induction, certainly, would be key to understanding the role of the committee, understanding its terms of reference or the legislation governing the role of that committee. If there was time to add in any other relevant training, then I am always supportive of that – but certainly an induction.

540 **Q28. The Chairman:** Okay.

In terms of the size, structure and interaction do you think that the Public Accounts Committee, plus three Standing Committees, is the right structure and is serving us well?

545 **Mr Cannan:** As we have discussed, there is a danger that the lines can become blurred. I think that we should look again at the specific roles and terms of reference for the Committees. I think it is important and I do absolutely believe that the Public Accounts Committee should be the Committee overall that carries the threat of scrutiny and accountability more perhaps than the other Committees – and it is very important that is retained.

550 I think that I would support the Vice-Chairman's comments around having a fully independent chairman. I think there is a case to say we will have to have one Public Accounts Committee and for that Public Accounts Committee to discuss broader matters as well as just purely financial accountability matters.

555 **Q29. The Chairman:** So, would it be better if you had an expanded Public Accounts Committee and then different subcommittees of it?

**Mr Corkish:** That may be, and I think we alluded to that earlier on where, if it were to evolve into a bigger PAC it would not necessarily mean that the full PAC would have to meet on every occasion – that would give an opportunity, perhaps, for smaller committees to grow from that.

560 **Q30. The Chairman:** And would you support a move where the Public Accounts Committee, or one of the Policy Review Committees, could potentially go back to Tynwald and say, 'We have a job of work on at the moment, and we are finding conflict of interest a difficulty. Will Tynwald please appoint an additional member in order to help us deal with the particular problem?' – and if so, actually co-opting through Tynwald for specific project work?

565 **Mr Cannan:** There are no issues with that. Certainly it is something that we would be willing to do. Indeed, as a Committee, we are currently conscious of the broadening conflicts issue which is developing at present, and something that we are considering actually whether to come to Tynwald and ask for an additional member, full stop, for the Committee.

570 **Q31. The Chairman:** But do you think that, having the separation between the Policy Review Committees and the Chair and the Vice-Chair, which are directly appointed by Tynwald as a helpful thing, has *helped* that situation – or has it aggravated it?

575 **Mr Cannan:** Sorry, I am slightly lost.

**Q32. The Chairman:** Just in terms of, you have got three Policy Review Committees which obviously have restrictions on their membership. The Chair and Vice-Chair are selected directly by Tynwald – is that something you have seen as an advantage in the role?

580 **Mr Cannan:** Well I certainly think it is imperative. I think that Tynwald must select the Chairman and the Vice-Chairman of the Public Accounts Committee, and I think having that division between them and the Policy Review Committee is absolutely vital. And yes, it is an advantage to maintain that.

585 **Q33. The Chairman:** So would it be an advantage to you if there was a recommendation that there should be a liaison remit brought into the PAC, to liaise between the Policy Review Committees and Public Accounts Committee?

590 **Mr Cannan:** We already have that, because the chairmen of the Policy Review Committees sit on the Public Accounts Committee. So I think that issue, to a degree, is largely covered.

Obviously myself and the Vice-Chairman cannot see what is actually happening on a day-to-day basis in the Policy Review Committees, but we assume that communication is happening – certainly it is happening at our level. Generally it is being progressed well, although occasionally there are overlaps – and I think the biggest example of that, as we have mentioned, was the Peel Marina issue.

595

600 **Q34. The Chairman:** You mentioned that briefly, and that is a good thing to pick up in terms of how those sorts of differences are raised and decided upon, and who ultimately has the final say as to whether an issue falls between PAC and the Policy Review Committees.  
How is that determined?

605 **Mr Cannan:** There are no real rules around how that is determined. We have sorted out this particular issue in Committee with the Chairman of the Environment and Infrastructure Committee, so that has been resolved; and we resolved that the Public Accounts Committee will continue to look at the actual procurement and the finances behind the expenditure, whilst the Environment Committee will be looking at, for example, the planning issues and other technical issues surrounding the removal of the silt and how that has been managed.

610 And going right back to the beginning, I think it is useful to look at the terms of reference of the Committee, and it is useful to have very firm terms of reference in terms of the role so that we do not get overlap. Generally, having said that, it has worked reasonably well so far.

615 **Q35. The Chairman:** So what you seem to have actually decided is that the elements of public finance should stay within the Public Accounts Committee, and you have found a dividing line between the public finance aspects and the public policy aspects and you have done it that way. Is that correct?

**Mr Cannan:** Right.

620 **Mr Corkish:** Yes.

**Q36. The Chairman:** I believe there have been at least two incidents where there has been bit of an overlap, the other one being the investigation into the film industry

625 Was that devised on similar lines? If I remember rightly, I think the whole investigation fell either one side or the other and it ended up being taken up by the Policy Review Committee?

**Mr Cannan:** That is right, the Policy Review Committee in the end continued to investigate that. I think it is fair to say that there was some consternation as to how that was being managed and how that was being looked after.

630 Occasionally I think in any scenario, especially in a small government, you are potentially going to have conflicts like that. I think it is important that there is a very clear mechanism for resolution; and also ultimately – and I go back to my original point – that it is absolutely vital that the Public Accounts Committee, from the public's perception and also from Members of Tynwald, is the Committee with the most teeth and the one that has the biggest threat potentially over the Executive, in terms of scrutiny and accountability. I think that should never be diluted and it is very important that it is retained.

640 The other thing, Chairman, if I may – and again it is a point that I raised earlier – the success or otherwise of the Public Accounts Committee is determined by the political will for it to succeed and be taken seriously, and if that political will does not exist then you are not necessarily going to get the best out of the Public Accounts Committee.

**Q37. The Chairman:** Are you concerned that it does not exist?

645 **Mr Cannan:** No. I think actually it does, generally, in Tynwald; but I think there have been times where you wonder with the reports you are presenting, as the Chairman, how closely they are studied and how seriously they are taken. But I do think the political will in Tynwald remains for proper scrutiny and accountability, and especially I think when we have got this consensus system of politics which we have without a clearly defined opposition *per se*, that we do have

650 proper transparency and we do have proper scrutiny, and that there is some sense of accountability when it comes to public finances.

**Q38. The Chairman:** Thank you.

I think we have covered just about everything that we needed to pick up on this side of the table.

655 Is there anything that we have not raised that you particularly wanted to pick up with us and give us your views on?

**Mr Corkish:** Not from me, Chairman.

660 The purpose of being here today was to review what we could, and I think from my point of view I have explained perhaps how I could see a future – and a suggestion.

**The Chairman:** Okay, well thank you very much, both of you.

**Mr Corkish:** Thank you.

*Mr Butt and Mr Coleman were called at 11.24 a.m.*

#### EVIDENCE OF

**Mr D M W Butt, former Chairman of the Environment and Infrastructure  
Policy Review Committee and**

**Mr M R Coleman MLC, Chairman of the Economic Policy Review Committee**

665

**Q39. The Chairman:** Mr Butt and Mr Coleman, come on down, the price is right!

Thank you very much for joining us. Could you just state your name and your role in the committee system, please?

670 **Mr Butt:** I am Dudley Butt. I was Chairman of the Environment and Infrastructure Committee until quite recently; also a member of the Economic Scrutiny Committee; and, as Chairman of the first one, a member of the Public Accounts Committee.

675 **Mr Coleman:** My name is Michael Coleman. I am an MLC; I am Chairman of the Economic Policy Review Committee, and I sit on the Public Accounts Committee.

**Q40. The Chairman:** Thank you.

We have obviously got the written remit of the Committees but I was just wondering, from your perspectives, what do you see the Committees being for?

680

**Mr Coleman:** If I can take the Economic Policy Review Committee?

685 I think it is to garner information about what is going on in the Departments that we are meant to be looking at. Basically, we look at the Chief Minister's Department, we look at the Treasury Minister, we look at DED, and we appear now to be looking at the Cabinet Office. Also, thanks to a certain MHK, we now look at the FSC, the Gaming Commission and what was the Investment and Pensions Authority – but because they are going through the merger we have not got to them, and we will wait until we get the combined organisation.

As far as our role is concerned it varies, I think, by the Department – I will say more about that, but maybe Mr Butt would like to say...

690

**Q41. The Chairman:** No, perhaps if you want to, carry on.

**Mr Coleman:** Okay.

695 I think when we ask for evidence from the Chief Minister, as far as Economic Policy is  
concerned, a lot of it involves confidence in us as a whole, as a legislature. So if there are issues  
about any fragmentation in his CoMin, or if there are any potential constitutional changes, then I  
think that we need to discuss them, because to the outside listening public it may lessen their  
confidence in perhaps bringing a business to the Island – and therefore improving the economic  
situation for the Island. That, of course, also comes into the Treasury policy and DED as well, and  
700 in the FSC – it involves a situation where we are making certain that we are friendly to incoming  
economic growth, really.

**The Chairman:** Okay, thank you.

**Mr Butt:** Thank you.

705 Just to confirm, I am doing the Economic Committee from the beginning, so I agree with what  
Mr Coleman has said about the remit of that Committee.

Overall the purpose of the Committees from my point of view is three-fold, or maybe four-  
fold. Firstly, it is to hold the Executive to account. As long as they know we are there, they may  
be a bit more cautious and a bit more circumspect about the way they deal with business. If we  
710 were not there at all, it could be that things would be done in a more *laissez-faire* way, in a  
slacker way if they know we are there to look at them on occasions.

We regularly meet the Ministers of each Department that we are involved with, and in my  
case in the Infrastructure Committee we have DEFA and DoI, and I know they are going to meet  
us regularly and they know we are going to investigate things that happen.

715 The second thing that happens with both of these Committees, and I think with Public  
Accounts Committee, we sniff the air. We do not get things separately referred to us all the  
time, we sometimes think, 'What's happening out there that the public are not happy with?  
What's going on?'

720 The Post Office was a good example. We thought, 'The Post Office is starting to kick off, let's  
have a look at the Post Office.' The silt was the same in Peel – 'That's kicking off, let's look at it.'

In the Infrastructure Committee in particular, we looked at the Peel Road layout and how  
that was done. Nobody complained to us saying that there has been a mistake in Peel Road and  
we need to have that investigated. We picked it up and said, 'What are the public concerned  
about? Should we look into that?'

725 Then there are two types of inquiries – and this is where I do feel there is a problem with the  
Committees. One inquiry is the sort of inquiry we had with, say, the MEA Inquiry or the Ci65 or  
the Sefton, where something has happened and needs to be looked into – something like an  
investigative inquiry. And that takes particular expertise, it takes certain people who are experts  
in investigating, a lot of resources, a lot of time.

730 Then you get a second sort of inquiry which is like, say, looking at the Open Skies policy –  
how does the Open Skies policy work? How does the BBC work? How does the Steam Packet  
contract work? And you could look at those really as an overall political view, just saying, 'How  
do we, as politicians, see these aspects working?' As opposed to the investigative one like  
saying, 'What happened with the Sefton? What happened with the MEA? What happened with  
735 Ci65?'

So they are different sorts of inquiries and I think they need different sorts of skills, and  
maybe I believe in a way, different people.

**Q42. The Chairman:** Okay.

740 I think you have covered a lot there, about how you set your agenda as well.

Would you like to build on how you set your agenda: where you pick your priorities from and  
how you deal with that?

745 **Mr Coleman:** As far as the review of the Departments which are looked at by the Economic Policy Review Committee, we have an annual schedule where we get them in and we just go through a session with them.

As far as other things, our agenda can be set by Tynwald. I give you a case in point which was the discount rate for personal injuries, where the Minister for Treasury said that if we accepted the 5% rate he would refer it to the Economic Policy Review Committee. We have done a Report which says we should go for periodic payments rather than lump sums which would negate the discount rate anyway. So we get things coming through those routes as well.

750 I think the Sefton Report itself, which was done under the previous Chairman of the Economic Policy Review Committee, was a far-reaching Report and the debate was quite lengthy; but again it was referred to us by, I think, the Chief Minister.

755 **Mr Butt:** Yes, we are the same with the Countryside Care Scheme. The Tynwald debate meant that eventually it came to our Infrastructure Committee to investigate the Countryside Care Scheme. So it was not referred to us by the public, or by an idea that we picked up and thought we had better investigate; it came via Tynwald – that is another example.

760 **Q43. The Chairman:** You picked up some examples there of work you have done since 2011 when the Committee was founded.

What would you consider each of your Committees' best achievements and why? What is it that has set it apart to say, 'That is what we did and we are very proud of that?' And what lessons have been learnt on the back of that?

765 **Mr Butt:** I think from a personal point of view on the Economic Committee, the Sefton Inquiry was quite a good one and it was referred to us via the Chief Minister.

770 **Q44. The Chairman:** And why was it, because it was a mixture of both policy and investigation and it ticked a lot of boxes?

775 **Mr Butt:** It did have a result which I think made Government be more careful about how they did things in future and hopefully look at their powers, their regulations, and what they can and cannot do. I think that actually brought home to the Executive that these Committees *do* have some effect and we have to be careful how we do things properly; and we hope lessons have been learnt.

780 Actually, the remit of the Committee is not to try and trip up our fellow Members of Tynwald, it is to actually try to make things better – that is what I believe. I think some of the actions our Committees have done in the last few years – as has the Public Accounts Committee over the last two decades – is the reason we are there.

785 **Mr Coleman:** I think I would agree with that about the Sefton, it was a very interesting one and it was quite a detailed study, tracking documents through a number of Departments, going backwards and forwards – and tracking documents that did not exist, that should have existed.

But at the end of it we came out with a decision which was essentially to say that Government stretches the limits of the law – that was basically one of the things we said. And on that view they accepted some of the points that we made and said, 'Well, we really should have done it under a different piece of legislation' – and they have gone back to it now and had all the documentation done under the previous [*Inaudible*].

790 So I think that is a positive result from that particular investigation.

**Mr Butt:** And there is a parallel to that: at almost the same time we had the Ci65 Inquiry, which was a very similar sort of thing where there was a view that maybe the regulations had been stretched a bit to make [*Inaudible*].

795 So there were those two examples around the same time which I hope would actually, in the future, make sure the Executive do look at their rules and regulations and everything else before they take action.

800 **Q45. The Chairman:** And do you both believe that the Executive take the Committee and the recommendations which are produced seriously, and really take note of that?

**Mr Coleman:** I think the fact that one Minister threatened to fall upon his sword – and subsequently did so – means that they take notice.

805 **Mr Butt:** I think in a way we are in a split situation. We have Members of Tynwald criticising us for being lackeys to the Government machine – regularly – which is very annoying. And then when we do produce reports, all our reports go through to Tynwald for a decision – and the Council of Ministers nearly always feel obliged to put an amendment in. That is sometimes quite annoying – you think they just feel they have to have their final say on that.

810 Although they do politically accept most of the recommendations, they always have to have the final word at some point, which is quite annoying for members of Committees and the Clerks who put a lot of work into them over months, sometimes years, and there is always an amendment from the Council of Ministers – as if to say, ‘Yes, we accept what you are saying but we do not quite believe you.’ That does sometimes rankle a bit.

815 I am not sure if my colleague agrees with that?

**Mr Coleman:** It doesn't rankle me that much, to be perfectly frank.

820 On the Sefton Report, essentially, the differences that occurred were we had a legal opinion which came from the AG's department and then Mrs Beecroft requested a legal opinion outside which differed to the legal opinion that we got from the AG's department. Most legal opinions are never tested in court and we do not know which opinion was right.

I still feel that the Report on the Sefton did the right thing. What has happened with the Sefton since that time I think proves part of the point that what we basically said was we think it was not done that well – but it was done for the right reasons.

825

**Q46. The Chairman:** I think this one that we have picked up with the Public Accounts Committee – and it would be interesting to get your views as to whether it would make much difference on the work that you do – whether the appointment of a Tynwald Auditor General would in any way change the way that you worked, what you did and how you did it? Or would you see that being something that is more for the Public Accounts Committee?

830

Mr Butt.

**Mr Butt:** Yes, I think it would be. I personally would agree with that.

835 When I went to Northern Ireland with you, Mr Watterson, we spoke to their auditor general and saw how the system worked.

I will give an example of the MEA Select Committee, which I was on for eight years. That was a very complex inquiry into events which had happened in the past. Wearing my previous hat as a lifelong investigator, if I could have had a team of three or four people I could have done that in three or four months – investigated it, gone through all the detail, seen all the people, got the evidence and then produced a report for a political view over what we found out.

840

It could have been done in less than a year probably. Instead, we had five fairly senior people spending eight years in a Committee going through things. A lot of the delays were not the Committee's fault, they were to do with the legal process, but it took a lot longer than it should have done.

845

In fact when we did finish we still had not completed our inquiries because there were still another couple of years, I think, investigating further aspects; but, if you had had a professional

850 team of investigators who could investigate that sort of thing... this is the type of inquiry that has already happened. In terms of a forensic investigation, an expert team to do that would be much more efficient than a team of – I have to say that we are amateurs in a way, investigating stuff ourselves – and no matter how good the Clerks are it still takes a lot of time. I think a professional investigator with his team, who then presents the facts to a committee to say, ‘This is what we found; what is your political view? What do you think the outcome should be?’ That is probably a better way to go on both sorts of inquiries.

855 If you have an inquiry where it is ‘Let’s look at Open Skies policy, how do we think that works? What is the political view of that?’ That is a different sort of inquiry, that does need political input.

**The Chairman:** Okay, thank you.

860 **Mr Coleman:** I have two views on this. On one side I agree with Mr Butt’s comments that we do need a professional independent person to look into these things; but then I look at it and I say, ‘Well, is it going to be a full-time job? Are we going to have that many complex things that we need to look into?’ And I think I balance my pragmatism with my desire to see such a role.

865 If we could do something which is... rather than have the full-time Auditor General but have it as a thing where, if a particular issue arises which needs that type of organisation and time spent on it we actually create external independent audit teams to do that role.

**The Chairman:** Okay, thank you.  
Mr Thomas?

870 **Q47. Mr Thomas:** Thank you, Chair.

875 First of all to Mr Butt: picking up on your idea that you have mentioned twice, that there are two types of work – there is the scrutiny work and then there is the policy, blue sky thinking work. You mentioned Open Skies and you also mentioned the farming issue and I think that is very much in the second type of work, which is policy.

I wondered if you could comment on two things: the first one is whether you have a view about whether the Government Department and the Committee involved related to each other in the right way, in the sense that perhaps the Government Department was trying to persuade you to change your mind, whereas perhaps there was a different approach they could have had?

880 The second question is about whether you feel the role of a committee in that situation would be to not only talk to the Department but also to be talking to farmers’ representatives and other representatives as well?

885 **Mr Butt:** In that case, the Departments always try to defend the *status quo*, whichever Department it is – whether it is the farming... DEFA proposal or whatever. But we did speak to other people as well, we did not just speak with the Department. We spoke to the Department initially to get an overview of what the scheme was about, and then we invited comments and had evidence given in public from witnesses from the farming community.

890 So we had to cover everything, but we did find that we could have carried on for another couple of years if we had needed to speak to everybody who expressed an opinion – there was a limited amount of time you could spend on these things. In a way, this is what I am saying about the professional Auditor General, who could perhaps investigate in his own time with his own team and then produce the facts to a committee – that is why I am saying it is a better use of time, perhaps, and a more efficient use of time.

895 **Q48. Mr Thomas:** Okay, we will come back to that about the person and the training a bit later.

900 I could not help but notice, Mr Coleman, when you were describing the role of the Economic Policy Review Committee you talked about, very specifically, some bodies that you now extended your work to cover – you mentioned the FSC and the Gaming Commission. It was obvious to me that there might be other bodies that are within the scope of your general remit, for instance the Office of Fair Trading, or Work Permit Committee, or Employment Tribunal decisions, or Social Security Tribunals, or tripartite bodies more generally.

905 Has the Committee ever thought about putting together regular dialogue with those sorts of bodies to set your agenda?

910 **Mr Coleman:** No, we have not. Essentially it has been extended by Tynwald to the new bodies – that was a motion in Tynwald – and one would assume that, based upon it being a motion, maybe the motion is the thrust to look at the others that would be required.

**Mr Thomas:** Okay.

915 **Q49. The Chairman:** I think you would agree, though, that it was important that we made sure that the coverage by the Scrutiny Committee was complete in one form or another, whether that be ensuring that every £1 of public money was able to be tracked by the Public Accounts Committee; or, in your cases, the policies being set across the whole span of Government, not just by Government Departments, was covered?

920 **Mr Coleman:** I would agree with what Mr Thomas said about the other parts of the Government, but they are not all relevant to economic policy. (**The Chairman:** No.) You think about Social Security Review Tribunals, is that really to do with economic policy? I see this as being things which are there to grow the Island and make sure that we do things in a way where that is possible.

925 As I mentioned earlier, to question the Chief Minister about the changes in the constitution, and to question him about the fragmentation – if there is any – within the Council of Ministers, I think is a valid question when you are looking at external ears listening to what is being said. And looking at confidence generally... we go out and say we have got a stable Government constitution and everything, and yet if there are issues about it being changed then it is valid to ask the questions of him.

930 **Mr Butt:** Can I just say in terms of the remit of the Committee, I do not think we do feel limited just by the terms and criteria of what Tynwald has said. For example, on the Infrastructure Committee if we decided we wanted to look at Manx National Heritage to see how they were running Laxey Wheel, although it is not in our brief anywhere, we would feel no compunction about saying, 'Let's get in the Director of Manx National Heritage, Mr Edmund Southworth, bring him in and ask him some questions.

935 We feel free that we could speak to whoever we need to and they would usually respond to the invitation and come in. So I don't think we feel limited or restricted. If we had an issue that came up and we wanted it investigating, we could do so.

940 **Q50. The Chairman:** So you think the broad remit is an advantage rather than a disadvantage to the Committee?

945 **Mr Butt:** We are not really restricted as much as maybe the remits dictate.

**Q51. Mr Thomas:** Just to come back with a supplementary to Mr Coleman if that is alright, which is that obviously the Social Security Tribunal could be raising points about National Insurance or about benefits more generally which are quite clearly in the realm of Treasury, which you cover, so to me they might be useful sources of information.

950 Secondly, your Committee quite clearly covers constitutional issues, I think that is inside its remit, so I suggest – and I am looking for your comment – that it is not only economic growth that your Committee should be considering, it is other things to do with –

**Mr Coleman:** I think it is the economy, whether it be growth, failure or whatever, that we should be considering.

**Q52. Mr Thomas:** Okay; back to Mr Butt, if you don't mind?

I could not help but notice that you said you thought the Committee structure had made the Executive – and you sort of implied you meant politicians – take seriously what you were saying. I wonder whether you would extend that to civil servants, because I could not help but notice the title of a forthcoming social policies document is 'Over-referral and Under-preparedness by Civil Servants'.

I wondered whether you particularly – but also Mr Coleman, if he has got any comments – could suggest any views about whether your work has made the civil servants take their roles more seriously, especially when being called to Committee?

**Mr Butt:** I personally think they take it more seriously than the politicians.

I think from my knowledge of working in many Departments over the years, senior civil servants do take these committees – Public Accounts and the other three Committees – very seriously. They do a lot of preparation. I would not say it is an ordeal for them to come in front of us, but some of them do treat it with a bit of trepidation – sometimes the politicians do not, I have to say. I do think our civil servants do take things more seriously and they are better prepared than their politicians, their masters, often – I think it is a good effect.

**Q53. Mr Thomas:** Any comments? Anything else?

**Mr Coleman:** I think it has a good effect as well. I think some of the investigations that we have done, Ci65 and Sefton, have made some of the civil servants involved perhaps less acquiescent to their political masters, because where particular documents have not been created – FD8 waivers, and things like that – I think now they are saying, 'Well, hang on a minute, we need to do this stuff.'

**Q54. The Chairman:** Okay, thank you.

Moving on then in terms of executive and scrutiny roles, and just about the balance of time between the two, and what challenges you have faced in balancing your roles, both of you, in your time as executive members?

And perhaps now that you have left some of the executive roles, Mr Butt, whether you have had a chance to reflect on how much time you were spending on scrutiny as a part of the overall package?

**Mr Butt:** Yes, I have, actually.

**The Chairman:** Please, tell me more, tell me more!

**Mr Butt:** Basically people go into politics – or I did, anyway – to try to make a difference and to make things better and good. And you are only guaranteed five years.

If you spend those five years on an executive scrutiny committee and do not do anything else, you would be spending your five years basically being a critic and trying to dismantle what other people have achieved, and trying to be critical of people – and that is not a healthy thing to do as a politician, you come here to do some good.

1005 I have spent eight years on the MEA Committee, I have spent nearly 10 years on Public  
Accounts Committee, I spent four years on these other two Committees as well, so a lot of my  
time has been spent investigating my colleagues and investigating procedures – in a way being  
negative. I know we have got to have scrutiny and it is the most important thing we need to hold  
Government to account; but as an individual, a politician could suddenly find themselves enter  
that area doing what I have done for many years now, and it is quite a negative effect on your  
career in a way, that all you are doing is being critical rather than doing good. I did have the  
benefit of being in, usually, two or three Departments at the same time as well, and that is when  
you do your good and where you try to make a difference – and there was not the disparity in  
1010 that.

My recommendation would be, if you have got anything to say in future, that people should  
not go to these Committees until they have had some experience within Government  
Departments and learned how civil servants work, how Government works, and how the Council  
of Ministers work and *then* they go into scrutiny committees. I think you need that insight first  
1015 and then scrutiny committees.

You only get five years guaranteed, and to spend that five years on one Committee being  
critical all the time would be very demoralising for what you were originally trying to achieve.  
That is my belief. If you are going to achieve, ‘Yes, I just want to be a critic’, that’s fine – but that  
is not what people go into politics for.

1020 **Q55. Mr Thomas:** But, surely another way of looking at that observation would be that what  
you said there is the role of the Committee is scrutiny, even opposition. Perhaps the role of the  
Committee is to contribute positively to policy development alongside a Government  
Department? So perhaps you have –

1025 **Mr Butt:** It does do that, I agree, that is the point of it to make things better – to make people  
behave better and do things in a better way.

When you are spending most of your time saying, ‘How can I be critical of this, and that, and  
of the other’ – that is not what you go into politics for. But you do need that, and that is why I  
1030 think the auditor general will be a good role to have to actually say, ‘Let them do the spadework’  
about sorting out what happened and what needs to be looked at; and then the politicians are  
coming in and having their political viewpoint as to, ‘This is how things should progress in the  
future and how things could be improved.’

1035 **Q56. The Chairman:** Thank you.  
Mr Coleman?

1040 **Mr Coleman:** I think that we have contributed in the Economic Policy Review Committee. Just  
to think about it, when we looked at the personal injury damages and we said we would like the  
law changed such that Deemsters can specify periodic payments of damages rather than a lump  
sum... I think that is a move forward and that would actively change policy. Government said  
they would keep a watching brief on that and they have not done it. But that is moving towards  
changing policy for the benefit of people – so that is doing good.

1045 I have only been in politics for two years, the first year I spent on the Economic Policy Review  
Committee, and the last year I have spent on both Public Accounts and the Economic Policy  
Review Committee. I tend not to look at these review sessions as trying to find fault: I am  
neutral and *then* I find fault.

1050 **Mr Butt:** The final point I make I suppose was that there is a view that we should actually  
keep people separate from Government, have them only on scrutiny committees, and be paid  
and get their 10% or 30% to be a member of a committee, rather than a member of  
Government.

1055 **Q57. The Chairman:** But in your experience of mixing up executive and scrutiny roles as you have done for 10 years, would you say that just being the Chairman of a Policy Review Committee would be a light workload?

**Mr Butt:** Not being Chairman, no, maybe a member. Being Chairman you also... for example, I was on at the same time, simultaneously, two Departments –

1060 **The Chairman:** The question was...

1065 **Mr Butt:** – Chair of the Infrastructure Committee which put me on Public Accounts as well, and another Committee; so, once you become Chair of the Committee you are on Public Accounts as well and Public Accounts can be quite time consuming, so you are on two quite big Committees.

If you are just a member of the Committee it is a twice a month affair.

1070 **Q58. The Chairman:** The distinction I was trying to draw there is that if the only job you had was as Chairman of a Policy Review Committee and therefore being on Public Accounts Committee as well, with no executive role, would you consider that a far lighter workload than being a member of the Department, or something?

1075 **Mr Butt:** Yes, it could be much lighter, unless you could condense your inquiries into... really, spend all your time on the inquiry and go through them quickly – but there are not that many seriously big inquiries that need to be done. There might be only four or five a year, so therefore that would not be filling your whole time.

**Q59. The Chairman:** Mr Coleman?

1080 **Mr Coleman:** I think the workload is a relevant factor. I am on two Departments, I am on the MUA and I am on Economic Policy and... well, at the moment I am on two Departments and Public Accounts.

1085 I actually think that working within just a committee role would put you in a silo, and what you gather by being in Departments is you hear things about what is going on, and you can think, 'Hang on, maybe we should talk about looking into that.' I think you would be excluded from that informal information flow.

I can think of one team when we went into something just because of that, on Economic Policy – *(Interjection by Mr Butt)* I think it was through Health, yes.

1090 So I think being kept almost in an ivory tower is actually a disadvantage.

**Mr Butt:** You would also, I think, culturally become very separate from your colleagues. There would be a division between *they* are the people that do the investigations and *we* are the people do all the good stuff. I do personally think you need to mix with both.

1095 The way we are selected is so randomly within Tynwald, and because of that randomness I think... as we came in at the end we heard Mr Cannan talking about suddenly Public Accounts has now got three members of Health on it, which is not healthy, because a lot of those things need to be investigated and we are conflicted. So the way you are selected by Tynwald Members – arbitrary by people in Tynwald deciding 'I like him, I don't like him' – actually means that you get a mix-match *[Inaudible]* Public Accounts Committee.

1100 There might be room for having a larger Public Accounts Committee – that is one of my views, too.

**Q60. Mr Thomas:** Well as both of you have taken the line that making suggestions to us about how Committees could work better, I just wanted to ask about something that we have

1105 mulled over in our Committee a little bit, which is to what extent the Policy Review Committees could become more involved with pre-legislative investigations to inform Government Departments' work when they draft something?

Also whether, during the legislative process, perhaps there could be a referral automatically of legislation back to the Policy Review Committee acting as a legislative committee, and any other ideas like that that you might want to share with us about an enhanced role for the Policy Review Committees, particularly relating perhaps even to secondary legislation?

1110

**Mr Butt:** I think in the original debate setting up these Committees, when Mr Brown was Chief Minister, it was very clearly explained that the remit of the Committees was not to prejudge policy or become involved in policy before it happened.

1115

**Q61. Mr Thomas:** And was that right?

**Mr Butt:** It was actually to investigate policy events *after* the decisions had been made, because otherwise Government would be totally stultified by committees jumping in before anything ever happens – and that was very clearly stated in the debate.

1120

We have stretched them I think since then, these committees have stretched them. The principle behind these committees was to post-event rather than pre-event, so it might need some slight change...

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**Q62. Mr Thomas:** We know that, and we know that was the intention, and that has been the operation and we agree that it was stretched; but I am asking you about the merits of stretching it and going back to revisit that initial instruction from the debate?

**Mr Coleman:** I thought that we had a Committee that did that, that looked at legislation? I thought it was called LegCo.

1130

**Q63. Mr Thomas:** So Legislative Council is within the remit of our investigation, is it?

**The Chairman:** Let's not go there!

1135

**Mr Coleman:** That is not a committee.

**Q64. Mr Thomas:** I wanted to move on a bit more about training and even the type of person that you have in committees because, particularly Mr Butt, you have mentioned that a couple of times. You have even suggested that there are two types of investigations and we need two types of person.

1140

Tell us a bit more about that starting from the point of, do you think Members need more training? And do you think Members of Tynwald should be actually looking for particular types of people to be electing to serve on these Committees? And to what extent do you think we could supplement it with outsiders?

1145

**Mr Butt:** I think firstly we need to spread the load a bit more. I have found that I have been on several committees – I really do not know why I am on them all. It seems to be a very small coterie of people doing the Committees, and there are many Members of Tynwald who do not get anywhere near these Committees at all – and for these people it would be good experience for them to be on those Committees. Maybe five years on a Committee was too long a time; maybe there should be a roll-over halfway through, with a two-and-a-half-year period, and mix it up more and get more people involved in investigations and committees, including the Public Accounts Committee.

1150

1155

You could spend years... Mr Watterson was five years on Public Accounts Committee and we had a very small team and nobody else got anywhere near that. I think it would be good for newer Members on occasions to become involved as well.

1160 In terms of training, I do think we are amateurs – we are investigating things as amateurs. We rely on our Clerks very heavily to guide us through things. We do have induction and we have some small training. I suppose I am lucky that I have been an investigator, but most people are not and do not always see... I do not grasp everything I hear, or every point that seems to be made either.

1165 Often the Clerks are the people who sit back and say, 'Just a minute, have you considered this, have you considered the other?' The Clerks are the experts, I suppose you could say they are trained; but to train everybody to a high level would be difficult. I just think maybe give them more experience by moving the committees round a bit.

1170 **Q65. The Chairman:** What sort of training do you think would be valuable, either through the different Policy Review Committees or for the Public Accounts Committee?

1175 **Mr Butt:** The Economics Committee which we did in your time, Mr Watterson, on Public Accounts... somebody from the UK gave us insight into how balance sheets work, and how spreadsheets work, etc, which was new to me – it would not be new to Mr Coleman. But it was useful to have that sort of input.

There are skills in questioning people too which you could get from, say, a BBC training programme and that sort of thing would be quite useful.

1180 **Q66. Mr Thomas:** You made the point that it might be helpful to have two and a half years and then two and a half years, and you also said that sometimes information was only available to a small 'coterie' – I think you used – of people rather than the whole Members.

1185 How would you deal with that? Perhaps evidence submitted to Committees should actually be distributed more widely to Members, or perhaps even just published, and that would get round –

**Mr Butt:** The evidence *is* published –

1190 **Mr Thomas:** Eventually, but not during the investigation – the investigation might be going on for a couple of years, or something like that, and it might be that there is information which is lost to the wider membership of Tynwald.

1195 **Mr Butt:** Most of the meetings where we have evidence given to us are in public – probably 99% of them are – it is on *Hansard*. *Hansard* is recorded and it is live on the radio now. I do wonder whether Tynwald Members, when they get the report, do actually read it? Do they read the *Hansard* on the back?

I suspect many Tynwald Members do not actually read these things and are not that interested. That may be doing some of my former colleagues down, but do you read every bit of *Hansard* on the back of every big, thick report? Some people do not, I know that.

1200 **Q67. Mr Thomas:** One specific question that we have, is that we have noticed there are many – at least some – instances of Tynwald Members tabling questions on topics at the same time as a Committee is investigating them.

1205 Do you have a view on this? My suggestion of publishing things as you receive them would be one way of tackling that.

**Mr Coleman:** In some of the investigations we have done, I think we have published them straight away. I think certainly on the personal damages one we published straight away. I stand to be corrected but I think we also did that on the Sefton.

1210 **Q68. The Chairman:** So do you think we would recommend that as best practice?

**Mr Coleman:** Yes.

1215 **Q69. Mr Thomas:** And should Members be able to question inside Tynwald at the same time as they are on committees?

**Mr Butt:** Sometimes I think Ministers try to use the excuse that, 'Oh, that is being investigated by the Public Accounts Committee' or by so-and-so Standing Committee, 'so I cannot answer the question.'

1220 I think that is wrong, they should still answer the question, they should not use our Committees as an excuse not to answer questions.

**Q70. Mr Thomas:** Okay.

1225 I wanted now to talk further along these lines, about involving the public even more in the work of both of the Committees that you have chaired. For instance, how do you feel you keep the public involved and engaged and informed about the work that you are doing?

Also, could the public actually raise an issue with you in some way, either by walking up to Tynwald Hill or through an e-petition, or by writing to you? Could they actually engage your attention to look at a matter in any of those ways? And would that be a good thing if they could?

1230

**Mr Butt:** Yes, being slightly frivolous I am on Twitter and I tell my 500-odd followers what I am doing – and I do not think I have ever seen any of my Twitter followers in here listening to the Committees yet.

1235 **Mr Thomas:** They do not need to now, they are all listening on the broadcast which is going on live, and so on...

**Mr Butt:** I would like to know listening figures for these...

1240 I think I heard you mention in the question to Mr Cannan about the Tynwald petitions, there is a set procedure in that – that is an old tradition that has to be followed and there is a separate procedure for that. We probably need to create some new method on the approach to the Public Accounts Committee assigning these committees.

1245 We do get letters from the public asking us to investigate things – quite rarely. We often get things from some politicians asking us to investigate, and sometimes we have to say 'No, we can't do that', or 'Where is the evidence?' or 'Go to the Department concerned and ask them to answer the questions first.'

I think there is nothing to stop us being accessible to the public.

**Mr Coleman:** I would agree with that.

1250 I think that when we issue the notice of these proceedings – and similar proceedings in other committees – they are published and it says, 'Oral evidence is being taken.' It could equally say... there are some public representations to this Committee. Whether they are public or they are just political organisations, or quasi-political operations, then I do not know. I have no problem if the individuals wanted to come in.

1255 I am just trying to think how it would have worked with the Sefton study or the Ci65, if people wanted to make comment.

1260 **Mr Butt:** I have had individuals come to me about issues over Infrastructure which I have then raised with letters to the Department concerned and said, 'What is your position on this; and what is happening over this?'

And they have gone back to the individual, and then we decide as a Committee do we need to investigate it further once we have had a letter back from the Department.

So I, personally, have responded to the public.

1265 **Q71. The Chairman:** So as a member of the public, sometimes you could say that the first time you would hear about what a Policy Review Committee is doing is when it starts hearing oral evidence.

How else would the public know what you are investigating if, say, you did not choose to take public evidence on an issue?

1270

**Mr Butt:** True, yes. For example we asked questions about the Horse Tram relocation of the Department some months ago, before the latest plans came out – and there is now a public petition about that.

1275 If I was still on the Committee I would make that one of my enquiries now: *[Inaudible]*... which says horse trams are very important and the relocation, let's enquire into it. So it would be the public driving it –

1280 **Q72. The Chairman:** Yes. So you are saying that more could be done to make the agenda of the Policy Review Committees more open, so that people would know what you were looking into and could, therefore, feel free to contribute or submit evidence to you?

**Mr Coleman:** The notice of these sorts of meetings goes in and asks for submissions.

1285 **Q73. The Chairman:** And you do that as a matter of course whenever you start a new thread of investigation?

**Mr Coleman:** We could do... whether we actually do it or not... I know we do go into the press to say that evidence is being taken.

1290 **Mr Butt:** I think, Chair, you are referring to... say somebody speaks to me and says the hedges have not been cut properly at Ballacraigne or something, you are the Chairman of the Committee what are you going to do about it? And I would be writing to the Department and saying, 'Can you cut the hedges please' or 'Do they need to be cut?' and we get a response back. Should we make that public?

1295 I do not know if that is quite our remit. There are lots of things to happen like that.

1300 **Q74. The Chairman:** Just to build on the question that Mr Thomas asked about, do you think there would be merit in changing Standing Orders to allow the Policy Review Committees to directly pick up petitions for redress, as opposed to having them going through Tynwald first?

**Mr Butt:** I do not think so, I think a petition is a complex thing really and the public state 'I am putting this before you Tynwald Members' – and then it is up to Tynwald to debate it, I think.

Maybe Tynwald should debate it if it is picked up, and then it should automatically go to a committee... because it is not always picked up is it?

1305

**The Chairman:** No, that is true.

**Mr Butt:** On something that is debated, if it is not picked up, it goes nowhere.

1310 Maybe it should be debated and it should be an automatic process whereby that petition would go to a committee. That would, of course, create a lot more work if there are 15 or 18 petitions a year, or something.

1315 **Q75. The Chairman:** Yes, so of course if Tynwald picked up the committee you would feel obliged to look at, but it was more a case of whether you felt that the committees of their own volition... if they felt something was of merit, whether you would still feel that it was constructive to go to Tynwald first and *then* to the Policy Review Committee, as opposed to the Policy Review Committee say, advising Tynwald that, 'We intend to look into the petition for redress of grievance of such and such; and, just for information, we are going to pick it up as opposed to setting up a Select Committee on it'?

1320 **Mr Butt:** There is nothing to stop us doing that now, we could pick up a petition and we could actually look at an issue, 'Well that is interesting', and do an investigation. But I think the petitioner must have their day in court, in effect, with Tynwald as well, because that is why they have gone to Tynwald.

1325 There is no reason why we could not look at the list and say, 'That is an interesting one, that perhaps needs a further inquiry, we would like to [*Inaudible*]

**The Chairman:** Oh, okay – that is interesting, thank you.

1330 **Mr Coleman:** Can I ask a question?

**The Chairman:** It is not supposed to work the other way round, but we will try!

1335 **Mr Coleman:** I am just intrigued as to what is the perceived problem with petitions of grievance?

**The Chairman:** It was to see whether there was a view that Policy Review Committees felt that they could not just pick it up of their own volition, and whether they felt they would need to have it referred to them by Tynwald – that is the query.

1340 **Mr Coleman:** I think my view would be the latter.

1345 **Q76. The Clerk:** One of the objectives that was sketched out by the previous Select Committee on the Committee System was that if there was a comprehensive system of standing committees covering all subject areas, then perhaps the number of select committees would drop and you would not need to set up select committees every time something came along.

In fact there are still select committees, but a lot of the select committees are there to look at Tynwald Hill petitions, which rather begs the question does a Tynwald petition need a select committee or could that also be worked into a system of permanent standing committees?

1350 **Mr Butt:** It could be, there is no reason why it should not be.

**Mr Coleman:** A Standing Committee on Tynwald petitions?

1355 **Q77. The Chairman:** Okay.

Just to pick up on the overall size and scope of the current structure: obviously at the moment we have a Public Accounts Committee Chairman, Vice-Chairman and then the Chairs of each of the Policy Review Committees.

1360 Do you think that is the right model?

**Mr Butt:** It seems to work, but I am not sure it is the right model. I am not sure that we need... I feel there may be merit in an expanded Public Accounts Committee with subcommittees that could do the committee work in a way.

1365 **Q78. The Chairman:** So actually it may just mean that, shall we say, the Public Accounts Committee core needs expanding, or do you feel that the PRC Chairs should not be on it?

I am just trying to get a feel of how *you* feel it should be structured in a way, the whole scrutiny system?

1370 **Mr Butt:** I think, despite the initial reservations about it, the actual system does work very well; and then when we as Chairs report into Public Accounts, we have got a good knowledge of our Committees and we discuss things with the Chair and the Vice-Chair of Public Accounts and we thrash out the what the priorities are and who is going to do what. For example on film, there was a question about do Public Accounts do it, or do another committee do it? It was  
1375 agreed that Economic Committee would carry on doing their enquiries as and when necessary.

So, I think it does actually work quite well.

**Q79. The Chairman:** But do you feel is that PAC has primacy in the balance?

1380 **Mr Coleman:** Yes, I do.

**Mr Butt:** No, I think we are equal. I think we have got equal balance, but when we meet together as Chairs, with the PAC Chair, we do come to conclusions that the Public Accounts Committee takes priority in the batting order, should I say. We have all got the same powers,  
1385 these Committees, but if the Public Accounts decide we would like to take over the Sewage at Peel Inquiry we would say, I think, 'Yes, that is an important issue – get on with it.'

**Q80. The Chairman:** And would you concur with that, Mr Coleman?

1390 **Mr Coleman:** Actually, I do not think we necessarily need an expanded Public Accounts Committee, I think what we need is the ability to be able to co-opt people onto it. Not necessarily for their skills – although that would be useful – but simply to get round this conflict, because at the last Public Accounts Committee we could not consider items because of the Health people and the Manx Utilities people. But to be able to bring people in when that  
1395 circumstance occurs, ad hoc from the Keys or from LegCo, would be useful.

I would also say the ability to get expert advice more readily, in PAC especially, that it would be regarded as being totally neutral; and I again quote the example of Mrs Beecroft getting the legal opinion with reference to the Sefton issue – I think that would be more highly regarded. The Committee had an Attorney General legal opinion but I think that the external £5,000  
1400 opinion carried more weight than anything else.

**Mr Butt:** Can I just comment on that as well? The perception of being independent is compromised by the fact that we do occasionally use the Attorney General or Roger Phillips, who is qualified, for our legal advice. And for a lot of people – it is only perception – but Mrs  
1405 Beecroft and Co would say, 'You are not independent, your advice has come from within Government.'

**The Chairman:** The Clerk would obviously not... that would be different rather than... I can see your point about the Attorney General –  
1410

**Mr Butt:** The Clerk gives good advice, I am not criticising the advice, but the perception of outsiders is that you are only going along with the Government line, because you are taking their advice as well.

1415 **The Chairman:** Mr Thomas – sorry.

**Q81. Mr Thomas:** I come back up just to ask a question of Mr Coleman about bringing in other people from time to time.

1420 But first of all I wanted to go back to your mention, Mr Butt, of the sewerage situation in Peel. How would you have divided the investigation, as a former Chair of Environment and Infrastructure, between the Public Accounts Committee and the Policy Review Committee?

1425 **Mr Butt:** It actually started off when I was the Chair and again it was about sniffing the air on the zeitgeist and what is out there. Our Committee thought, 'There is something going wrong in Peel, we think, we are not sure what is happening in Peel.'

So our Committee decided without referring to the Public Accounts Committee, 'Let's write to the Department and get a timeline of the chronology of what they have done in terms of planning, in terms of expert advice, in terms of scientific advice.' And our Clerk was taxed with writing to the Department to say, 'What is the story on this so far?'

1430 Shortly after, Public Accounts had the same notion, 'What's going on? There is something brewing at Peel.' And then I got an e-mail saying, 'We are looking at this' and I said 'Well, before we conflict with each other why don't the Clerks speak to each other, to see what each other is doing?' And then my view was it should go to Public Accounts because it became quite an important issue.

1435 So it was easily done: the Clerks spoke to each other, the Committees agreed that it should go to Public Accounts, but we both spotted the same issue at the same time and thought, 'This is something that would be useful for you too.'

1440 **Q82. Mr Thomas:** I think we heard earlier on, in fact, it has not all gone to Public Accounts, part of it is being looked at by the (*Interjection by Mr Butt*) Policy Review Committee and part of it is being looked at by the Public Accounts Committee – the financial part is being looked at in the Public Accounts Committee whereas the Planning and the Environmental Health and Public Health issues are being looked at...

1445 So it seems like you (*Interjection by Mr Butt*) would concur that, from time to time, there needs to be an issue to be looked at and then resolved?

**Mr Butt:** I thought that myself, and I thought it would be sensible for one inquiry to be made on the whole thing, but if they split the issue, fair enough.

1450 **Q83. Mr Thomas:** And back to the point that Mr Coleman was making, about bringing in people... I believe you meant that only Members of Tynwald should be brought in to supplement, but by the end of your answer you were implying that we should get in experts.

Are these two separate issues or are they similar?

1455 **Mr Coleman:** I think there are two separate issues.

The first issue is conflict, and then I would co-opt a Member of Tynwald for a particular issue. When we need expert advice then obviously – I think it would not be proper to take someone from Tynwald anyway – but if we need professional advice, like accounting or investment management or national insurance or actuarial information...

1460

**Q84. Mr Thomas:** Okay, so you think it should always be seen as professional advice, it should not be co-opting an additional member from outside Tynwald for the purpose of a particular investigation?

1465 In other words, should the external people have the vote, or not? Should they be equal to a Member?

**Mr Coleman:** I would have said when you co-opt, they have a vote. When they are from outside and they are professional, I would say no.

1470 **Q85. The Chairman:** So just to get a view, then, as to whether you would support or not support full lay members of the Committee?

**Mr Thomas:** As in Guernsey, or somewhere like that.

1475 **The Chairman:** Yes, where you recruit people from outside, who may not have any specialist knowledge, but as full members of the Committee with equal rights as Tynwald Members. It may be that you do not have a view particularly?

**Mr Coleman:** I have never considered it.

1480 **Mr Butt:** This is where I would say we need the Auditor General maybe, as a role, where he brings in people who may be lay members and experts as well – but that is perhaps a separate issue?

1485 **The Chairman:** That is more of an officer.

**Mr Butt:** In terms of conflicts can I just... I think it does need resolving. The way that we are elected into Chairs of these Committees is almost random because Tynwald Members have a free vote, and it ended up with three of the Chairs that are on Health, and really there should be some mechanism to stop that because it is causing lots of problems.

**Q86. The Chairman:** Yes, notwithstanding absences, if there is another member on the Public Accounts Committee that could solve the issue, couldn't it?

1495 **Mr Butt:** It sometimes leaves us inquorate, with only two members left.

**Q87. The Chairman:** Yes, but if there was an additional member on Public Accounts Committee then that would be one way of solving that?

1500 **Mr Butt:** I think there were six members –

**The Chairman:** As indeed there used to be, yes.

1505 **Mr Coleman:** I have a comment about bringing the lay people in rather than bringing in Members of Tynwald. Perhaps the devil you know is better than the devil you don't know?

**Q88. The Chairman:** So are you talking about the political analysis that committees do there, rather than an outside/inside conflict of interest matter?  
For the record?

1510 **Mr Coleman:** The point is, Members of Tynwald know their way around Government and you have an advantage just knowing where to go for information, having some background. Lay

people coming in would only get experience from what they were considering as they go through the committee system rather than it being a day-to-day infusion of the place.

1515

**Mr Butt:** I think it would be good, personally, to have a lay member on the Public Accounts Committee just to give that outside scrutiny – one member. Not on the other Committees, but on the Public Accounts Committee.

1520

**Q89. Mr Thomas:** And, if you do not mind, there are actually lay members on... if we stick to Health, for instance, there are a few lay members in various Health bodies, Health Services Consultative Committee... I forget what they are called... Patient Safety and Quality Forum, or something like that.

1525

**Mr Butt:** On every Health Committee now in Health Department, we have a lay member on each committee, nominated by the Health Service Consultative Committee. They send a member to each committee meeting.

1530

**Q90. Mr Thomas:** So would you agree that perhaps the scope of our Committee's investigation should include looking at those examples in Health?

**Mr Butt:** Yes, I find it very useful. They sit there and they are not part of the Department and they are actually a bit of a sounding board, and we can say, 'What is your view of this as an outsider?' It can be very useful.

1535

So I think there is merit in having a lay member on the Public Accounts Committee. In the inquiries, maybe not so, but for the overall policy on the Public Accounts Committee there may be merit in them.

1540

**Q91. The Chairman:** And would that extend to that being a voting member as opposed to, say, a special adviser to the Committee?

**Mr Butt:** That is difficult to say, that might cause problems within Tynwald, I am not sure; but to be there would be useful.

1545

**Q92. The Chairman:** Okay, is there anything to add on any of the issues we have covered, or anything that we have not raised that you would like to particularly mention?

1550

**Mr Butt:** I think one point I was trying to make was that the load amongst Tynwald Members should be shared around, so that they all get experience of being on Public Accounts Committees and Scrutiny Committees, because some Members of Tynwald are very critical. Involve part of them, and we should be part of them.

The main example I have is it is very annoying when you are accused of being, on these Committees, a 'Government lackey', you are only there for the extra money, and you are always doing what Council of Ministers say – and that is very annoying.

1555

It is demeaning really, because you are not there to make the money; you are there to be an independent, effective inquirer into what Government have done, and the people who are making those criticisms should be put on the committees as well, and made to do their share of the work, I think. If there could be some mechanism to make that happen...

1560

**The Chairman:** Okay, thank you very much.  
Do want to take a five minute break? Can we just take a couple of minutes?

*The Committee adjourned at 12.22 p.m. and resumed its sitting at 12.25 p.m.*

**EVIDENCE OF  
Mr R Tomlinson and Mr A Jessopp,  
Positive Action Group**

1565 **Q93. The Chairman:** Thank you very much for joining us.  
If you would not mind just stating your names for the record, and your role in this system?

**Mr Tomlinson:** Roger Tomlinson, Positive Action Group committee member.

1570 **Mr Jessopp:** Andrew Jessopp, Positive Action Group committee member.

**Q94. The Chairman:** Okay, thank you.  
I believe you would like to make a short opening statement?

1575 **Mr Tomlinson:** Yes, all I would like to say is that Positive Action Group is a public group and, as such, we give evidence to this Committee from that perspective rather than the perspective you have already had from Members of Tynwald, and also the evidence you received from Members of Tynwald.

1580 So I very much want to emphasise that we are coming from a public perspective, therefore it will be an external view of what goes on in committees.

**Q95. The Chairman:** And you have sought the views of your membership in formulating the views that you are going to represent here today?

1585 **Mr Tomlinson:** Yes, as far as we could.

**Q96. The Chairman:** Okay, I am just trying to get a feel for how that has come together.  
In terms of the Public Accounts Committee and the Policy Review Committees, what do you feel that the function and purpose of these committees is and should be?

1590 **Mr Tomlinson:** Andrew?

1595 **Mr Jessopp:** Well, I think the point that has been made previously is that certain committees seem to be looking at reactive investigations and there seems to be some opposition to... committees seem to be interfering into the work and policy decisions of Departments or Tynwald.

1600 I think Positive Action Group's view is that it would be better to correct mistakes before they are made rather than always be trying to clear up the mess afterwards. So I think there is a role for investigation after the event, but I think there certainly should be an opportunity for people to scrutinise and challenge emerging policy-making and also legislation, just in case somebody has overlooked it.

1605 **Q97. The Chairman:** Okay, and how do you think overall the committee system has performed in its previous guise, because you have both seen it in its previous guise as Public Account Committees, and various Select Committees and a few Standing Committees, and its current way of operating?

How would you contrast the two?

1610 **Mr Tomlinson:** I think, to me, there is a distinct difference between Select Committee performance and Policy Review Committee performance. My perspective is that the Policy Review tends to be a general chat rather than incisive questioning.

That is very much a generalisation, I recognise, whereas a select committee tends to get right down to the bare bones of the issue and come up with recommendations.

1615 **Q98. The Chairman:** Could you give an example of that? Needless to say from my perspective I have not been involved in Select Committees in more recent years, so from that perspective of Policy Review Committees could you perhaps give us...?

1620 **Mr Tomlinson:** Yes, for example in the Economic Policy Review – I think it was the last meeting or the meeting before last – it was very much a general chat, and before the Committee were the Chief Minister and the Treasury Minister. The Chief Minister was giving very much generalisations, for example, ‘We cannot consider the tax system; we are not going to look at tax system.’

1625 I think the Committee at that point should have said, ‘Well, why not, Chief Minister? Explain your viewpoint on that.’ That is a typical example of what went on, and very much after that it was a free-ranging discussion.

In our submission to you we mentioned that there was a reference to LegCo and the Chief Minister was allowed to go on for quite some time about LegCo and its function.

1630 **Q99. The Chairman:** Okay, thank you very much.  
What difference do you think it would make if a Tynwald Auditor General was appointed?

1635 **Mr Jessopp:** I think if you have got somebody specifically looking into financial affairs in a bit more depth with, hopefully, a little bit more knowledge and experience, they may be able to drill down a bit deeper into some of the decisions as to why we have spent certain amounts of money on a scheme.

1640 There is a big perception outside that there is an awful lot of money still being wasted within Government and within Departments. So I think that is an area that, following on from work from, maybe, the Public Accounts Committee they could work in conjunction to actually do more in-depth investigations; plus it gives another alternative if they feel that money has been misspent or is being expended in a way that could be done more cheaply and efficiently, then they have got another avenue to go and raise their concerns in regard to public expenditure.

1645 **Q100. The Chairman:** So in terms of the role then, you would see it as being something that was almost entirely independent of the political structure, that they would decide their own work programme and what they investigated, rather than being subject to the direction of the Public Accounts Committee in terms of what they looked into?

1650 That is obviously a big change in itself, as the Public Accounts Committee at the moment chooses what they investigate and tasks the Clerks with various aspects of that. That would be quite a different approach, wouldn't it?

1655 **Mr Jessopp:** Yes and no, because we have already got other people set up, like the Data Protection Supervisor, who I think would argue that he has got a fairly free and independent role and he does not wait to have his lead given to him by somebody else.

1660 So I think again, because of this public perception that it is ‘jobs for the boys’ too often in the Isle of Man and there is too much cronyism, if you have somebody who is clearly perceived to be wholly independent of Government and is not taking a political steer or attempting to gloss over things that should be, and deserve to be, properly investigated then I think that will satisfy an awful lot of public concern.

**Q101. The Chairman:** I do not think there is any doubt about the requirement for the independence of the Tynwald Auditor General, I think where I am trying to draw the distinction is whether he or she sets their own work programme, or whether the Public Accounts

1665 Committee would direct and task to some extent, or entirely, what the work programme of the person should be?

**Mr Tomlinson:** I think the Tynwald Auditor General would be very much a supporting role for the Public Accounts Committee and they would have to work in conjunction with one another. When the Tynwald Auditor General Act 2011 came into being there was another function and that was value for money, and one of the considerations I am *guessing* why the Auditor General has not been put in place is cost.

1670 I feel that perhaps that cost was over-inflated, I think it was £1 million or something. The function needs to be costed and if the cost can be afforded and resources can be allocated, I think it would be a very valuable role to give confidence to the public, working in conjunction with the Public Accounts Committee, that proper supervision is being put in place.

**Q102. Mr Thomas:** I just wanted to demonstrate that we all were acting in an interactive way as a Committee, rather than just letting people pass on.

1680 So my question is this: the style of investigation or interrogation by Committees that you describe is one that I would associate with Westminster – Margaret Hodge challenging the Chief Minister at that point that you mentioned earlier on. Perhaps, I suggest to you – and I am asking you a question whether you agree with me – that is what puts people off politics in the United Kingdom and that is why people like the politics of the Isle of Man, because it is not adversarial, it is more about consensus. So perhaps the Committees reflect the culture in the Island and what you are trying to do is bringing a foreign culture into the Island?

**Mr Tomlinson:** If I can give my personal opinion again, the Margaret Hodge approach turns me on to politics in fact; but surely in a small jurisdiction like this there is room for both types of approach?

1690 There will be times when any committee has got to be more confrontational and there will be times when they have got to eke out information from the committee. So I think there is room for both, whether we are a small jurisdiction or not.

**Q103. Mr Thomas:** I am not sure if you heard Mr Butt’s characterisation of two types of committees earlier on? He said sometimes committees were acting in the scrutiny way and at other times they were contributing to policy development.

1695 Perhaps you would agree that in each of those situations the style of committee interrogation could be different? When you are contributing to policy it is perhaps more consensual than when you are scrutinising something?

1700 **Mr Tomlinson:** I think that gets back to one of the points we made in our submission: it depends on the meaning of the committee, and one of the points we make is that the remit of the Policy Review Committees should be more specific, and it could be changed each time. But I think it needs to be clear – just as I am somewhat unclear as to the remit of *this* particular Committee.

1705 I read the contribution from Mr Rodan and he said you are looking at the size of the Public Accounts Committee and also other committees, and also whether there should be full-time chairmen. After that he added the rider, ‘I think they should be reviewing the work of committees.’

1710 So it is a very wide remit, and I think for each committee session that comes before you the remit should be a lot tighter so that the public knows what they are supposed to be considering.

**Q104. The Chairman:** Before we move on to remit, Mr Jessopp do you want to add something to Mr Thomas’s question? I could see an excited reaction...

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1720 **Mr Jessopp:** Yes, there is definitely a role for both the good cop and bad cop situation whereby sometimes, yes, a nice cosy little chat softening somebody up and thinking that you are on their side can make them let slip something that they would not necessarily have given you in terms of information. But on the other hand, quite often I have been to committee hearings and I have just been so frustrated by the fact that people do not have the right follow-up questions, they do not push questions to some of the people that they have had before them, far enough or hard enough.

1725 We have had some successes with committees, but there have been many committees which have basically just left things hanging. The MEA was a classic one whereby only half a job was done.

So there definitely does need to be a bit of tightening-up on the method of investigation I think, in certain committees.

1730 **Q105. The Chairman:** Would you put that down to a training issue, potentially, or are we missing something bigger?

**Mr Jessopp:** Again, it depends who is actually on the committee.

1735 Sometimes the committees are set up... say, for example, a certain committee and the person who is has actually promoted the formation of the committee has a bee in their bonnet about it, and they may tend to be a little bit more assertive, and even aggressive at times, with their questioning of people. There are obviously issues sometimes with personality clashes between politicians, and it is an opportunity for them to have a 'pop' at each other at a committee.

1740 Training could possibly overcome some of the problems people have, but I think it is sometimes actually within you as to whether you are going to investigate or not – you are born not-trained.

**Q106. The Chairman:** Okay, so training is part of the problem.

1745 But is there another solution in addition to that on the basis that, needless to say, Tynwald can only elect members to a select committee from its own number; and there is a limited pool of people available from those who have been sent by the public, or selected by the House of Keys in Legislative Council, to draw on for committee membership?

**Mr Jessopp:** Certainly I believe that lay people should be on these committees.

1750 I am ambivalent about whether they should have a vote or not, they are there to have an input into the proceedings and hopefully would put a slightly less political stance on it, because they do not have that relationship with other colleagues.

1755 Again, some people feel that the committee is more politically driven as opposed to getting to the crux of the issue, whereas the public person or lay member may steer people back to focus them on the issues that the public are concerned about, in terms of getting answers rather than necessarily somebody doing it from political expediency, or for some other reason.

1760 **Q107. The Chairman:** So would you feel that any lay membership to a committee would have to be considered expert in the field, or are you just looking for some sort of jury service equivalent, where you would just pluck someone from the streets and make them a lay member of the committee?

1765 **Mr Jessopp:** No, I think... like you have currently with appointments committees for sitting on various tribunals, you could advertise for people who would be interested in sitting on some of these committees, so you will find people who have a particular interest maybe in Infrastructure issues. I think someone from TravelWatch may be a very useful member to have on a committee

looking at some form of transport issue, because they have knowledge and an interest in that particular field.

1770 **Q108. The Chairman:** The evidence you are giving leads me towards thinking more about special advisers, project-by-project, rather than having a permanent lay membership of the committee?

**Mr Tomlinson:** That is what I would see, yes.

1775

**Q109. The Chairman:** In the same way, for example, that was used over Kaupthing Singer and Friedlander, where two special advisers were brought in as opposed to having lay members on the committee?

1780 **Mr Tomlinson:** That is right, yes.

**Mr Jessopp:** Again I think you do not necessarily have a good example there, because I felt there were certain people it conflicted, that were brought on as special advisers to that particular committee.

1785

So there may be a role in some committees where you bring somebody in specifically to do a task, but I think in other committees you might find that there is somebody who has a more general skill in terms of a role that they can fulfil within that committee, to give a more public perspective and balance to it.

1790 **Q110. Mr Thomas:** You focused on the fact that even our Committee did not have a tight remit, in your view; and you quoted Mr Rodan, the Speaker's, speech moving for this Committee to be established.

My own recollection is that there was a set agenda for our Committee and Mr Rodan floated the idea that we might choose to investigate Committee work and the interactions between Committee work and other parts of political activity and social activity more generally.

1795

Surely, that is a healthy thing? Surely it was good for the Speaker to have said, 'Have the remit that you want to have and you feel able to have'?

**Mr Tomlinson:** It seems to me that when Tynwald approved this Committee it had a fairly tight remit: the size of Committees – it was going to be the Public Accounts Committee – and I think the other point was full-time Scrutiny Committee chairmen. That is a fairly tight remit.

1800

Then Mr Rodan added in his comments:

'to review the Committee system.'

1805

To me, that says, 'Go away, lads, and look at Committees.'

The point I am making is with particular Committees, Policy Review Committees particularly, the remit should be much tighter and could vary with each committee as it appears.

1810 **Q111. Mr Thomas:** Well let's be very specific then, because I actually supported the widening of the scope of the committee in my speech, and then I was elected to this Committee. So I take the view that I have got a degree of a mandate to actually have a wider-ranging Committee.

You chose in your evidence to make a very specific connection between our review and the work of Legislative Council, and the conclusion you told us from the evidence you gave us was that Legislative Council only meets for a maximum of 22 hours a year:

1815

'From this it is clear the major proportion of the job of an MLC is fulfilling a Government role. The duties of being an MLC are far less onerous than those of an MHK who has constituency responsibilities.'

1820 PAG suggests a restructuring of the remuneration of MLCs to reflect the discrepancy in roles, and further suggests the compensatory funding of Chairs of Committee via monies so relinquished.'

(*Interjection by the Chairman*) So you have widened the role of this Committee in your submission...

1825 **Mr Tomlinson:** Yes, because I had looked at what Mr Rodan had written, of course, and this is a particular point. If you are looking at full-time committee chairmen and you are going to remunerate them... and the evidence you have received from Mr Henderson and Mr Gawne talks about the remuneration of committee chairman, so that seems to be the preoccupation of those two submissions from those two politicians.

1830 What I am saying is okay, well how are you going to do this? One of the ways of doing it is to really analyse how Members of Tynwald – particularly the Legislative Council – work.

What I would suggest is the information that we gleaned there of 21 or 22 hours per annum in considering legislation, is taken further in saying, 'How do the Members of the Legislative Council spend their time?'

1835 If you talk to any Member of the Legislative Council they will say that they are *extremely* busy. Yet the information that is available on the Tynwald website tells me that they are working to consider legislation 22 hours a year.

I am not talking about 22 hours a week, I am talking about 22 hours a year!

1840 So how can we better use their time? What I am suggesting is that they are divorced from Government, they do not have any Government role because they are *not* popularly elected, and they could then really devote time to being a full-time committee chairperson.

Now, if what I am saying is correct and they are spending formally 22 hours a year considering legislation, with the rest of their time they could be considering these sorts of matters we are considering today.

1845 **Q112. The Chairman:** You mentioned about the remits of the Policy Review Committees and how you felt they should be tighter.

1850 I don't know if you could give an example of that, but certainly the evidence that we received from the Chairmen of the Policy Review Committees was that they found the flexibility of the remit to be extremely useful to them, in making sure that they were able to get at the various parts that met the public interest test, as opposed to finding themselves falling outside of the vires of the Committee, and would therefore may not be able to look at things that people were finding interesting.

1855 Are you perhaps talking about setting a level of expectation, or *minimum*, in terms of their remit, rather than just saying what you can and cannot do?

**Mr Tomlinson:** I think so, because with the Public Accounts Committee we do make the point that the remit is much tighter, we made that point our submission –

1860 **The Chairman:** Whereas the remit is not necessarily –

**Mr Tomlinson:** – whereas in the Policy Review Committees the overall purpose is to scrutinise the implemented policies as deemed necessary by each Committee.

1865 What I am suggesting is that each of those Policy Review Committees actually publishes what they are trying to achieve in the next review – for whatever review they are doing – so they can make it much tighter and they will be able to target their resources better.

1870 **Q113. The Chairman:** So it is not about, necessarily, the remit of the committee, it is about when the committee starts on a piece of work – setting out the scope and the expectation from the piece of work – rather than the remit of the committee?

Is that perhaps where you are going with this, rather than necessarily changing the remit of the committee, which may inadvertently lead to it not being able to look at matters?

1875 **Mr Tomlinson:** The overall remit of the committee is blatantly obvious, but I think it needs to be targeted within each session of the committee.

**The Chairman:** Yes, so better scoping the objectives of the work they are doing rather than... okay, thank you, that is helpful.

1880 **Mr Jessopp:** Just to add to that on the way that remit is set up: if they meet and decide 'Well we do not think anything is worth investigating', they do not do anything.

1885 **Q114. Mr Thomas:** So, to build on the opening statement you made, about you were in some sense the voice of the public, I wanted to move onto ideas that you have already put to us in writing; but to give you a chance to amplify and for us to explore further your ideas about how we could further engage the public's interest, and activity and initiative, in the work of the committees, which is something that Mr Speaker asked us to do.

1890 We have not thought about that previously, it is not inside those two specific questions, but we are trying to think in the light of e-petitions and the work of other parliaments around the British Isles, what we can do to actually engage the public with our work.

**Mr Tomlinson:** I think what you have suggested is... well I know what they have suggested, and it is e-petitions.

1895 We are all very proud of what goes on on Tynwald Hill on July 6th this year, and in previous years, but that is a very stylised, formal type of engagement with the public. With modern technology we feel that perhaps we should use that modern technology to engage the public and have a much wider remit, inasmuch as the public is engaged via social media; and, as the public gets engaged by social media with Tynwald, the e-petition idea – which has been very successful in one jurisdiction I looked at, and that was Wales – I think we should really, seriously consider that.

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**Q115. Mr Thomas:** Okay.

One thing that the Digital Democracy, the Bercow Commission Report, said though was that not everybody uses social media and the internet and the quote from them is:

1905 'Not everyone can use the internet. Parliament should build links with local community organisations so that these organisations can help people to use the internet...' [to engage people in politics].

1910 Is that the sort of role that somebody like the Positive Action Group should be playing? Or what sorts of local organisations would be appropriate for that in the –

**Mr Tomlinson:** The Isle of Man has got a 99% coverage of the radio waves, and the like. Of course there is going to be a section of the population that is not involved in that, but then you have got the current system that could be used by those people.

1915 We are not saying *replace* the current system with it, we are saying supplement it to engage people more widely.

1920 **Q116. Mr Thomas:** Do you think if we had a six-monthly publication of the agenda for the committee work that would be helpful to engage people, because then they could say, 'What about this omission?' and 'Why are you obsessed with that, it does not matter?' and so on, if they knew more clearly periodically what all the committees were considering.

Do you think that would help engage the people?

**Mr Tomlinson:** It would be better than what happens at the moment – and what is there to lose?

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**Q117. The Chairman:** What do you feel the major weaknesses are then, at the moment, in terms of engagement with the parliamentary scrutiny system?

**Mr Thomas:** Or policy development system?

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**Mr Jessopp:** I think it is like with politics in general on the Island, there are a lot of people who feel disenfranchised because they think whatever they do nobody is going to take any notice of them anyway – so how you overcome that is sometimes very difficult.

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But in terms of engagement with people, you will find – as in anywhere you go to – if there is an issue that somebody feels strongly about, whether they have got an e-mail or the ability to write, they will find a way of letting you know about it. So I do not think having e-petitions is a form of excluding other people, it is a way of trying to open it up to those people who would not necessarily think of publicly walking down over the rushes on Tynwald Day.

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It is a quaint tradition and I would not... as somebody who has presented petitions on numerous occasions – and you may be interested to know there is probably one coming your way this year, on financial regulation – I certainly think that making it easier for people to exercise their democratic right to actually bring to the attention of their politicians a matter that is of concern to them that they want addressing, then it is a far more immediate way of doing it.

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**Q118. The Chairman:** But do you not accept that we have probably a system in the Isle of Man that is more open than many others, in that people's e-mail addresses, telephone numbers and addresses are in the telephone book; people are very close to their Members and vice versa.

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What more do you think could be done? We have talked about e-petitions, but what more do you think could be done to make the scrutiny system closer to the people and improve those communication links?

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**Mr Jessopp:** Going back to the fact that, as you say, people can approach their politicians more easily... but if they are trying to garner more public support, then obviously just writing individually or phoning up their politician is not necessarily going to bring about the response they need. From my own experience with certain politicians it is, 'Well, that is just what you think.' Whereas, if you have got a petition and there is something like 5,000 people who have signed it, then it is not just what one person thinks – it is obviously what a lot of people think.

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I am not saying it is a perfect situation, but it certainly gives you a little bit more of an indication. It is a bit like with the horse trams that you have mentioned, there are a number of people who are very concerned about the decision to move the horse trams onto the prom – and to me that is a good example.

1965

I have used the UK system, and I think the system whereby once you have got x number of people to sign it means that a response has to be issued; and when you get to another level it triggers that you have got to have a debate in Parliament – to me, that does give people an opportunity to engage in politics.

**Q119. The Chairman:** Well, if you want to build on that – and then we will bring in Mr Thomas?

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**Mr Tomlinson:** Yes, I think your question was how do you engage people in politics, and your feeling is that the public is close to our politicians in the Isle of Man. I would question that, personally, the fact that their names are in the post book... does that make them closer? I don't know.

1975 But this is a problem we have got in Western democracy, of engagement of the public in the political sphere. What has happened in the UK in the last 12 months that really fired people up? The Scottish referendum! The Scottish referendum had an impact on the general election and will continue to have that impact for years to come, simply because of the election of the 56 SNP candidates.

1980 If you mention a referendum on the Isle of Man, senior politicians will immediately say, 'No, we are here to govern; you have elected the MHKs and we are here to govern.' For example, I think it was Mr Thomas who was looking at the constitution: why not have a referendum about that? Let's get it out in the public domain, let's create an atmosphere in preparation for *our* general election in September 2016.

1985 It seems to me that you have got to be more flexible as politicians in accepting these sorts of premises.

**The Chairman:** Mr Thomas.

1990 **Q120. Mr Thomas:** I will not get drawn down the referendum one, because I think that is perhaps beyond the scope of reviewing the Committees, if you do not mind. So I listened, and I heard, and appreciated the mention.

1995 My question is going back to the horse trams issue, because you mentioned it and also in a previous evidence session Mr Butt mentioned the horse trams issue. On thinking about it, I do not actually remember knowing until today that the Environment and Infrastructure Policy Review Committee was investigating that issue.

I think it is something that has been revealed, and I wondered what we could learn from that in terms of how we carried out our Committee work?

2000 **Mr Jessopp:** Just to backtrack a bit in terms of public engagement, obviously the Positive Action Group is all about trying to bring more people into the political sphere – we choose topics which we think are of interest and importance to the public, and our last one drew a large audience in regard to the Health Services, and there were a lot of people there who we had not seen at other meetings.

2005 Getting back to Mr Thomas's question, I will let Roger answer and I will get a bit more thought on it.

**Mr Tomlinson:** And the question was?

2010 **Q121. Mr Thomas:** As a Member of Tynwald, I would have thought I would have known what the Environment and Infrastructure Policy Review Committee was investigating. I think I did not know until today that they were considering the horse trams, and to me that is disappointing.

2015 I would think if we had had a six-month agenda for the work planned for the next six months that would be helpful for me, I would then know what information is being collected and what analysis is being done – and that is what I was thinking you might say. But is that what you think?

**Mr Tomlinson:** Yes, I would support that.

2020 I think it gets back to what Mr Watterson says, which is that he feels... and most MHKs, I think, feel that they are in contact with the public. I think there is quite some dissonance between the public and political engagement

**Mr Thomas:** Just to complete the questions that I have been –

**Mr Jessopp:** Could I just add to that?

2025 I think, again, there is a feeling that... I know there was a comment earlier about how people think that in the Isle of Man the politics should be done in a very cosy, friendly, non-confrontational way, and there are people who have been conditioned to think that is the way it should run. I know there are other people who think that it lacks excitement and it is boring.

2030 I think if there is an issue that people are really interested in, they will find about it. How you actually advertise to engage with the people who are just trying to get by, is again going to be a very difficult one. But I think this issue of certain politicians trying to put down the likes of the Positive Action Group, trying to say we do not want party politics, is putting some people off political engagement. I think we need a wide spectrum and we should be encouraging people, whatever type of engagement or organisation they want to be involved with. I think that is good for democracy, and to me it is anti-democratic to be trying to condition people into thinking just one particular way.

**Q122. The Chairman:** You have talked about trying to get a wide variety of feedback, and what turns people on and turns people off in that scrutiny environment.

2040 Do you think that Government can be sometimes accused of consulting too much, or is too much never enough?

2045 **Mr Jessopp:** I think there is an issue about how they go through the process, but whether they actually listen... I know sometimes there is the danger of certain subjects where people are whipping them up into a frenzy, and you get a very populist response, and it might not be about an issue that is really a very high priority in terms of Government priorities. So you have to be able to accept that will happen from time to time, but you have really got to try and concentrate on the things that really do matter at the time.

2050 So I think at times we do get bogged down with issues that are popular but trivial, and some of the bigger more important issues get swept to one side, because it is not convenient to actually investigate those properly.

It is bad for the Isle of Man when, as I say, we are supposed to be an open, honest and transparent jurisdiction.

2055 **Q123. The Chairman:** Do you want to give an example?

2060 **Mr Jessopp:** Well, I think the issue around forever arguing about whether the Isle of Man is or is not a tax haven. Whether or not economic policy and that type of issue is... I think there is a perception at times that if it is seen as potentially washing our dirty laundry in public, that tends to over-ride, what I would say is the imperative, which is to actually getting to the bottom of a decision and holding somebody accountable for a bad decision, or a bad policy that is being made.

2065 There are issues to do with ethics as well that sometimes people say, 'Well, we are not particularly wanting to expand on that particular area. You have got to just accept the fact that we are in charge, we think that is the best for the Isle of Man, like it or lump it.'

**Q124. Mr Thomas:** Okay, we have got two very specific questions which will be my final ones, given the theme.

2070 The first one is that you made a very specific recommendation about training, you talked about training in chairmanship and also the inquisitorial aspect of committee work.

I wondered where we would find the training for the inquisitorial aspect of committee work: do you mean we should all be trained as police investigators? Is that what you really mean?

2075 **Mr Tomlinson:** No, that is skewing what we are saying. We are saying you need to be trained. Are you trained in this sort of work? Are you?

**Mr Thomas:** We have an induction programme, apparently – I am not sure I have ever had one, but I learned today that typically speaking the new committee members have an induction programme.

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**Mr Tomlinson:** And do you consider that sufficient to serve the next day on a Select Committee?

**The Chairman:** I think we are getting this the wrong way round and I think we are supposed to be trying to get your views... But I will perhaps say that (*Interjection by Mr Tomlinson*) I have come in with five years' worth of training in getting answers to questions and being quite focused in that; but I appreciate there is always more that can be done and I am sure will be considering that as part of our report.

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**Q125. Mr Thomas:** My final question just before we come to the end was: Mr Rodan, as you floated, asked us to review committees and you were a bit sceptical about whether that damaged our chances of being able to do anything useful because it was too wide-ranging a remit.

2090

Do you think we should be reviewing committee work more generally or should we just be focusing on those two specific questions?

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**Mr Tomlinson:** Parliamentarians should *always* be reviewing their work in general, whether it is committees or the way they operate as an individual; and I would urge you to do that.

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**Mr Thomas:** Okay, thank you.

**The Chairman:** Thank you very much.

*The Committee adjourned at 1.05 p.m.*