



LEGISLATIVE COUNCIL OFFICIAL REPORT

RECORTYS OIKOIL
Y CHOONCEIL SLATTYSSAGH

PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 10th November 2020

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Present:

The President of Tynwald (Hon. S C Rodan OBE)

The Attorney General (Mr J L M Quinn QC),
Miss T M August-Hanson, Mr P A Greenhill, Mr R W Henderson, Mrs K A Lord-Brennan,
Mrs M M Maska, Mr R J Mercer, Mrs J P Poole-Wilson and Mrs K Sharpe
with Mr J D C King, Clerk of the Council.

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Legislative Council

The Council met at 10.30 a.m.

[MR PRESIDENT *in the Chair*]

The President: Moghrey mie, good morning, Hon. Members.

Members: Moghrey mie, Mr President.

5

The President: The Chaplain of the House of Keys will lead us in prayer.

PRAYERS

The Chaplain of the House of Keys

Leave of absence

The President: Please be seated.

Hon. Members, I have given leave of absence to the Lord Bishop.

Order of the Day

1. Manx Care Bill 2020 – First Reading approved

Mrs Sharpe to move:

That the Manx Care Bill 2020 be read a first time.

10 **The President:** Turning to our Order Paper, Item 1 is the Manx Care Bill 2020 for First Reading, and I will call the Hon. Member, Mrs Sharpe, to move.

Mrs Sharpe: Thank you, Mr President.

15 Hon. Members, I am pleased to move the First Reading of the Manx Care Bill 2020. The passing of this Bill is a matter of national importance and goes a long way to accomplishing several recommendations made by Sir Jonathan Michael in his Independent Review of the Isle of Man Health and Social Care System. All 26 interlinked recommendations were unanimously approved by Tynwald Court on 21st May 2019 with the aim of providing the people of our Island with a modern, fit-for-purpose health and social care system.

Central to the purpose of the Bill is the recommendation that, and I quote from the Review:

The setting of priorities and the development of policy ... should be separate from the delivery of services. A comprehensive governance and accountability framework should be established aligned to agreed standards and underpinned, where necessary, by legislation. A single public sector organisation ... should be responsible for the delivery and/or commissioning from other providers of all required health and care services.

20 This legislation will establish a new Statutory Board called 'Manx Care', which will be responsible for the provision of health and social care services as mandated by the Department of Health and Social Care. By distancing the Department away from managing day-to-day operational issues, policymakers within the Department will be able to focus instead on strategic direction setting and policy development, allowing for a better understanding of what services are
25 required and to make evidence-based decisions. It would also allow Manx Care to focus exclusively on the delivery of high-quality, integrated care based on clinical need.

An effective governance and accountability framework in which responsibilities will be clearly defined will be established between Manx Care and the Department of Health and Social Care. A key component to this governance and accountability framework is the requirement set out in the
30 Bill for the Department to obtain health and social care services via a written agreement with Manx Care, known as 'the mandate', and for the Department to hold Manx Care to account for its performance under the mandate.

The mandate will set out the detail of what is expected of Manx Care by the Department in terms of services, quality and performance, as well as the level of funding to be provided to Manx
35 Care for the provision of those services. The Department will be required to lay the mandate before Tynwald prior to the start of each financial year, and to lay before Tynwald an annual report on Manx Care's performance against its mandate within six months after the end of each financial year. As a result, transparency and public accessibility to information and to regular reports in relation to our Island's Health and Social Care Services will be increased.

40 Whilst the Department has for a long while sought to adopt best practice in relation to transparency and accountability this Bill will, for the first time, make openness and transparency a *statutory duty* by introducing a duty of candour for the Department and Manx Care. Regulations for the duty of candour are currently being drafted and will set out the process by which a service user must be notified about incidents affecting their safety. The aim is that these regulations will
45 come into operation at the same time that Manx Care is established on 1st April 2021.

The Bill also introduces other important statutory duties for the Department and Manx Care, including a duty to reduce inequalities in access to and outcomes of services provided; a duty to promote public involvement and consultation in the planning, development and operation of health and social care services; and a duty to promote education and training of those working in
50 health and social care services. Manx Care also has duties specific to it which focus on effectiveness and efficiency, and having enhanced clinical and care governance.

The Bill seeks to deliver the foundations to enable a future structure that gives autonomy to Manx Care to deliver high-quality, integrated, person-centred care in the best possible way for our Island.

55 As Hon. Members will be aware, a number of Government amendments were made to the Bill in another place. These amendments addressed additional detail, worked through by the Health and Care Transformation Programme, as well as addressing concerns that Hon. Members had raised, particularly in relation to independent inspections of health and social care services.

Mr President, I beg to move that the Manx Care Bill 2020 be read for the first time.

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The President: Mrs Lord-Brennan.

Mrs Lord-Brennan: Thank you, Mr President. I am very happy to second this Bill and supportive of Mrs Sharpe and the Bill. I am very interested in the progress and the success of healthcare transformation. I will keep my comments very brief.
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I think in checking this Bill I feel sure that Legislative Council will use this opportunity well to question that which needs to be questioned and to remedy anything which needs to be remedied.

Thank you, Mr President.

70 **The President:** Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President.

I very much welcome this Bill. As the Member of the Legislative Council who sat on the Health Care Transformation Review process I feel passionately strongly that what the Sir Jonathan Michael Review seeks to achieve is important, and this Bill is a critical part of delivering that.

75 At First Reading I do just have a couple of questions for the hon. mover, so if I flag those up and if there is something that she is able to answer today then that is great; or if not, perhaps she would be kind enough to provide the answers at our next sitting.

80 The first question is in relation to clause 13(5), which was a new provision inserted in another place, and it specifically is the provision that novates contracts and agreements that exist currently with the Department and which will be the subject of the mandate. Having listened to the debate in another place around this clause with questions being asked about knowledge of all the different agreements and contracts that may exist, it was openly acknowledged that unfortunately there is not a definitive list of every single contract and agreement that may exist

85 at the moment.
My question for the mover is that whilst that may be the case and it is understood that there will be a lot of agreements out there, perhaps some of them very historic, is there a due diligence process ongoing to at least try to capture as comprehensively as possible what agreements and contracts may exist?

90 My second question is also just to follow up on a matter that I know was raised in another place, but I do not recall quite hearing the full answer to the question. That relates to clause 32, which is the provision in the Bill that provides for the Department to lay the annual report and publish its letter before Tynwald.

I had a look at the Police Act 1993 and there is express provision in section 4A(2) of the Police Act that actually requires that the Chief Constable's annual report not only is laid before Tynwald, but actually that the Minister for Home Affairs is required to move a resolution that the report be received. So there is an active trigger in the legislation for a debate. We do not have an active trigger in this Bill.

100 I fully welcome the amount of transparency that the Bill provides for in both laying the mandate before Tynwald and the annual report, but I wonder whether it would be helpful to provide a specific annual trigger point for a Tynwald debate? My worry would be each time something is laid before Tynwald, and there is nothing to stop this, but we could have multiple debates and perhaps it would be preferable to have a point in the cycle which is a natural trigger for a Tynwald debate, and perhaps that might be after the annual report and the Department's response each year.

105 My final question for now, Mr President, is a question that I raised at the very helpful presentation we had last week on the Bill. That is just to double-check that clause 36, which is the read-across provision that says that every time there is a reference to 'the Department' you should read in 'Manx Care', is robust enough to capture things like the duty of candour. My reason for raising this is that in another place there was an amendment made to the duty of candour to be expressed that any apology offered by the Department would not of itself be sufficient to be an admission of liability, for example. I just want to check that if Manx Care were to provide an apology as part of *its* duty of candour, that *it* would have the benefit of that provision earlier in the Bill that applies to the Department. So I just would like the reassurance that this read-across provision in clause 36 is enough to make sure that everything that applies to the Department in

115 this Bill absolutely will apply to Manx Care where it is appropriate.
Thank you, Mr President.

The President: Miss August-Hanson.

120 **Miss August-Hanson:** Thank you, Mr President.

I, too, am very supportive of seeing the Manx Care Bill in Legislative Council, and I am sure we will do just as good a job as we always do in going through this in detail. I thank the mover for already engaging with us at such an early stage as well, organising a briefing and being so open to having conversations with us about various parts of the Bill, even before this stage that we are
125 now at.

I have spent some time in Keys and I have watched this Bill go through the clauses stage in the Keys, and there were a few different things that have been picked up particularly by Mr Thomas and Mr Hooper, the Hon. Members downstairs. I have some comfort from the mover that perhaps those might or might not, or are being considered for being addressed at this point in time,
130 particularly certain things like, for example, in 4(2)(a) of the Bill, the National Health Service Act 2016 is made reference to – it is the National Health *and Care* Service Act 2016. So things that perhaps need to be tidied up within the Bill. But there are obviously other much larger matters that came to the fore in Keys as well regarding autonomy and the matter that my colleague on Council, Mrs Poole-Wilson has just raised regarding the annual report.

I am hopeful as well that Tynwald will get an opportunity to debate an annual report from Manx Care and would very much welcome and encourage that. I think that Mr Thomas in another place asked specifically about the Chief Constable's Report, and planning something very similar to that being laid in a very similar way, so that Tynwald Members have the opportunity to debate it. The Minister for Health and Social Care responded by saying, 'I do not have a problem with that
140 at all, debating the annual report. I think it is a very good idea'. So I would hope perhaps that might be something that would be under consideration, and if the mover would be so kind as to feed that back in I would be very grateful. Perhaps it might be considered that we change that and actually put it into the legislation itself.

There are some questions on autonomy regarding clause 6(2) that I would not mind bearing
145 out, but I am hoping that the mover will be open to those discussions down the line. I wish her a very easy and very detailed passage of this Bill from one end to the other and then back into another place.

Thank you, Mr President.

150 **The President:** Thank you.

Mrs Sharpe, I have Mr Henderson. Would you like to respond at this stage or deal with everything at the end?

Mrs Sharpe: I can deal with everything at the end.

155 Thank you, Mr President.

The President: Okay. Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

160 I am very supportive of the Bill before us. I have no problems with that. I have been a keen follower of the Sir Jonathan Michael Review from day one, as it were. I have made it my business to meet this gentleman several times, and I have made it my business to be in considerable communication with the AG's Chambers over the construction of this Bill and what it contains and what it does not contain.

165 I have produced a consultation document with regard to the Sir Jonathan Michael Review, as called for, a *substantial* consultation document I may add, Eaghtyrane, that took many, many, many, *many* hours to put together and reference in relation to issues with the current Isle of Man Health Service, shall we say. So to see the fruits of Sir Jonathan's Review, or some of them anyway here today, is very encouraging.

170 What I would like to point out, Eaghtyrane, though, I understand – and I do not expect the mover to come back with the answers today, but maybe at the next sitting – that the legislation

will be coming in two slabs: this one, and there will be another one following; and in special regard to my enquiries in relation to consultant medics who work for our Health Service and line management accountability.

175 Currently, consultant doctors do not have a line management accountability to the senior management team within our Health Service. That, to me, has been one of the single largest failings within our Health Service, where consultants and others have been able to ostensibly run their own empires and run their own budgets, and run their own way of doing things – which is fine usually. But what we have is a large number of staff employees who are currently only
180 accountable to their own professional body, as far as I understand it, and with my own experience within the Health Service, thereby giving rise to many management issues, confrontations, budgetary matters and so on.

I would just like the mover to confirm that there is a second tranche of legislation on the way, when she is able, which addresses line management accountability or line management structure that lassoes the consultants into that line management structure. I am aware that this was being
185 looked at, and I am aware that the forthcoming second wave of legislation, if I can call it that, will address this to some point, but I would like some sort of confirmation.

The reason I labour those points, Eaghtyrane, is the fact that if we are going to get this right – and I applaud everyone’s efforts in trying to get this right, and their enthusiasm and so on – that
190 if we do not get the legislative framework in for a proper line management structure, as we see in other jurisdictions to lasso everyone into the organisational structure with proper line management accountability, if I can put it like that, then this will not work as well as we hope. Absolutely not.

So we need confirmation of that and the forthcoming legislation. But this is the first step on
195 the journey, Eaghtyrane, and I am fully supportive.

The President: Mrs Maska.

Mrs Maska: Thank you, Mr President.

200 I will be brief. I would like to express my support and I am heartened that this Bill is coming forward, and I thank the hon. mover for arranging for briefings and for prior information on this. It is a very difficult climate to be bringing such a major transition forward, given our experience in the last nine months, so I do look forward to seeing the progress and the scrutiny of this Bill as we go through the clauses.

205 One of the matters that has been evident for a long time is the lack of evidence-gathering and scrutiny and transparency, so hopefully the process that has been identified in the separation of policy and the delivery of service is going to enable even more ability to scrutinise the operation and delivery of that service.

210 One of the major concerns I have focused on in recent years is mental health, and the difficulties of access to appropriate levels of service for those who are going through mental health difficulties. I really hope with the separation and the evidence, as has been mentioned in another House, that it will be possible to really have a first-class service that is fit for purpose in its delivery to our community.

215 I look forward to seeing the progress of the Bill through this Hon. Court. Thank you, Mr President.

The President: I call on the mover to reply, Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President.

220 I would like to thank all Hon. Members for their contributions this morning. Turning individually to Mrs Lord-Brennan, I would like to thank her for her support in seconding this Bill.

Mrs Poole-Wilson, who I know has worked very hard behind the scenes with her involvement with Sir Jonathan Michael and Transformation, I would like to thank her for all her efforts.

225 Specifically, she mentioned the provision which novates contracts, and she would like to know if there is a due diligence process going on. I will feed that back to her at the next sitting with confirmation on that.

She also mentions clause 32, which is the provision for the Department to lay the annual report before Tynwald and that there is no active trigger in the Bill in terms of triggering a debate which we see with the Police Constable's report, for example. Miss August-Hanson also mentions this and reminds us that in another place the Minister did say he would not have any problems with the idea of putting in some kind of trigger to the Bill. It is a question that has been raised over the past few weeks.

235 The Department felt that because any Member *could* put forward a motion in order to trigger a debate that it would not necessarily be a problem. However, obviously, if it is the will of Members that there should be a trigger inserted into the Bill, it seems that there would not be any problems. But I will come back to the Hon. Member next week with more news on that.

Clause 36, she would like some reassurance that when it comes to duty of candour Manx Care would have the benefit of this clause as well as DHSC. It should do, but I will come back to her to confirm that so that she has some comfort on that issue.

240 Miss August-Hanson, I would like to thank her very much for her comments. She referred to Mr Hooper and Mr Thomas who both had comments and queries in another place. I can confirm that there are some changes yet to be considered and agreed by the Council of Ministers, which would be put forward at the clauses stage of this Bill, but I will keep Members informed of that.

245 Mr Henderson, I would like to thank him for his support. I know that he has been a very keen follower of the Sir Jonathan Michael Report, especially bearing in mind his past career in the Health Service and his personal interest there. I can confirm that legislation will be coming forward in two slabs, as he put it; and that the legislation project within the Transformation Programme is dealing with that and we will be seeing the National Health Service Reform Bill coming forward in due course, and any further legislation which is needed to support the overall framework.

250 Specifically, he mentioned line management accountability and the scenario where consultants, as he puts it, have been running their own empires. You would hope that is not something we would be seeing with Manx Care in place, and the degree of scrutiny which separating out delivery and policy and strategy and so on should have. I will come back to him with confirmation, (**Mr Henderson:** Yes, please.) because he makes a really good point, and that is certainly something which, going forward, we would not want to see in our Health Service. (**Miss August-Hanson:** Hear, hear.)

260 Mrs Maska, I would like to thank her for her support. She is right: it is a major achievement for DHSC and the Transformation Programme to have brought this Bill here to this Hon. Chamber today because they have all worked so hard. DHSC has been the Department which has borne the full brunt of the COVID-19 pandemic, and yet they have still committed to delivering Manx Care on 1st April. They have been working so hard and I would like to thank all officers for their work on the Transformation and also on this Bill.

265 Mrs Maska mentions that in the past there has been a lack of transparency in DHSC, and she is quite correct. It is hoped that this separation will improve scrutiny. Mental health, she mentioned specifically, and I will talk to the Department to bring Mrs Maska some more information on the future of Health Services and how that will fit into the round.

So I would just like to thank officers and thank Members for all their support. Thank you.

The President: Thank you, Hon. Member.

270 I put the question that the Manx Care Bill 2020 be read for the first time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**2. Select Committee on the Business and Functioning of the Legislative Council –
Report received and recommendations approved**

Mrs Lord-Brennan to move:

That the Report of the Select Committee on the Business and Functioning of the Legislative Council [[PP No 2020/0195](#)] be received and that the following recommendations be approved:

Recommendation 1

That the amendment to Standing Orders at Annex 3 to this Report be made; and that all information held by the Select Committee on the Business and Functioning of the Legislative Council be transferred to the new Standing Committee.

Recommendation 2

That the draft amendments to Standing Orders set out at Annex 4 to this Report be referred to the Standing Orders Committee of the Legislative Council, to consider and report.

The President: Item 2, Select Committee on the Business and Functioning of the Legislative Council. Mrs Lord-Brennan to move the Report.

275 **Mrs Lord-Brennan:** Thank you very much, Mr President.

When the motion first came to this place to put forward the idea of having a Committee on the Business and Functioning of the Legislative Council, I think it was on the basis that there was a clear will to think more about what we do and how we do it, with a view to improving so that we get better outcomes in our legislative scrutiny and the approach that we take with that.

280 I was very glad to have support for that at the time, but it was also the case that we probably did not know exactly what that was going to entail or how it was going to work out. So I am really pleased that things *have* progressed as they have. I felt the work that has gone into this Report and that has led to it has been with the full participation of members of that Committee talking to all of the Members of the Legislative Council, and reaching out as far as we could and as far as we have been able to in that timeframe to Members of the House of Keys; and with the excellent support of the Clerk, which has been so valuable.

285 I am actually quite impressed to see the amount of progress and specific recommendations that have come out and have been done in quite an agile way. I think that in deciding to go forward with this approach the Committee, and us as Council Members, let ourselves be open to adjusting some approaches to things, but also putting them into practice quite quickly so that we could see how those sorts of things have worked. I am not going to seek to list all of that because it is effectively covered in the Report.

290 But I think that certainly if it were to be considered initially potentially as a trial, has it made a difference in our readiness for legislation? Has it made a difference in terms of how we have been able to apply ourselves on specific points and topics; or indeed prioritise our work and think about the timing of that in order to either progress things quicker, if we needed to, and have those early conversations; or to be open and honest about the extra information that we might need to settle particular points?

295 That has all happened and I think that without the focus of the Business and Functioning of the Legislative Council Committee, for which I am seriously heartened and appreciative of the input of every member of that, I just do not think we would have been able to respond in that way. Members are incredibly busy, so I think that we have been able to achieve a lot in this.

300 In terms of the specific recommendations that this has boiled down to, is the idea that the work of this Committee would be transferred to a new Standing Committee. I think we have proven the value already in this. I have absolute conviction that in continuing the work of this as a Standing Committee we will further refine and improve what we do in our scrutiny role in the

handling of the primary legislation, which is our major concern. So I think it would continue to add value. But I do think that it was the right thing to do, to have a Select Committee to start with.

310 On the second recommendation, and thinking about how we handle the upcoming business of the Legislative Council in terms of the way that we take the stages of the Bills and the focus on that, it was really good to be able to get some clarity around how that might be handled and pinned down in future. This is where the recommendations in terms of draft amendments to the Standing Orders are outlined in the Bill.

315 That of course is a matter for further consideration by the Standing Orders Committee of the Council, and I hope that Committee will have as full information as it needs to in order to consider the suitability of that. Of course the benefit has been particularly in the consideration of what is the difference between the First Reading and the Second Reading, as we have looked at it, and making space for this evidence stage. Also, anticipating that.

320 I think much of what we have spoken about in every way has been about anticipating particular matters that might come up, for the very purpose of being able to prepare better for them, to make the most of them and make sure that things are being dealt with at the right time. The right time is not always about it being quick as well, sometimes fuller thought has been needed. Indeed, Members have spoken up for that important aspect of the Legislative Council about it being a second look and about allowing the time. Sometimes it is just simply time that is needed.

325 So I would just really like to thank everyone involved again.

I beg to move, Mr President, the Report and the recommendations therein. Thank you.

The President: Thank you.

Hon. Member, Mrs Poole-Wilson.

330

Mrs Poole-Wilson: Thank you, Mr President.

I am very glad indeed to second this motion this morning. I do not want to repeat what Mrs Lord-Brennan has said, but I fundamentally agree that this has been such a worthwhile Select Committee.

335 I think she is right that we did not know quite what the Committee would consider and come out with, but I think what has absolutely been proved is that it has been extremely beneficial to be able to sit down and talk about how we approach our work scrutinising legislation. Then in parallel, in our public-facing work in this Council, to actually trial different approaches and see what works; and to consider different methods, particularly, for example, the evidential stage. Also to be responsive to different legislation, for example, where a Bill does herald significant change or brings forward new social policy, to be able to adapt our approach and perhaps take evidence and perhaps give more consideration around the policy aspects behind that legislation, as well as the language in the Bill itself.

340 I think that what we have in the Report before us is an articulated, clear, practical way forward to improve the way in which we approach our work of scrutinising primary legislation. I think it has been a very worthwhile exercise and I think Mrs Lord-Brennan is right, contributed to by all members of the Committee.

350 I also welcome the constructive feedback so far that we have had from the Attorney General's Chambers' Legislative Drafting Division and believe that this collaborative working is to the benefit of us all. I think there are some very helpful suggestions that have been brought forward from the Legislative Drafting Division that again build on the Report and provide food for thought, and other ways forward for constructive improvement.

355 I also think it has been helpful that the Select Committee had positive discussion and exchange of ideas with Members of the House of Keys and, although the opportunity to fully explore that dialogue was curtailed due to the impact of COVID-19, the recommendation now that we set up a Standing Committee I hope means that Members in another place will be able to continue dialogue with a Standing Committee. I also hope that Members in another place do find the Report

of interest and hopefully of benefit that it provides some ideas and food for thought that we, all of us in Tynwald, may find of help in our work scrutinising primary legislation.

360 In terms of the recommendations, I think Mrs Lord Brennan is right, the first recommendation to change the Select Committee to a Standing Committee, the proof of the pudding is in the Report. As a member of the Standing Orders Committee of Legislative Council, if that recommendation is supported, I personally will look forward to the Standing Orders Committee then meeting to take forward the proposed changes to Legislative Council Standing Orders.

365 Finally, I would just like to congratulate and thank Mrs Lord-Brennan for all her work with her idea on this Select Committee, and all her work on it. And to our Clerks, Dr Jonathan King and also Inge Perry for their *excellent* support and work in helping us refine our thinking and bring forward some very practical and, I believe, positive ideas that will improve things for the future.

Thank you, Mr President.

370

The President: Thank you.
Mr Mercer.

Mr Mercer: Thank you, Mr President.

375 I too would like to welcome this Report and I fully endorse the recommendations made. I believe that this and subsequent annual reports will be invaluable for incoming Members of the Legislative Council, and it will also help with the transfer of knowledge to the new Members following their election to this Hon. Council.

380 This Report and its publication also brings additional transparency to the functioning of the Legislative Council, which will be appreciated by those interested in how our parliamentary system works and by the wider public.

Thank you, Mr President.

The President: Thank you.

385

Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President.

390 I would also like to take this opportunity to thank the Clerk of our Council, Dr King and Inge Perry for their assistance during the life of this Select Committee; and also my hon. friend, Mrs Lord-Brennan, for her ongoing determination in setting up the Committee in order to look at how we in this Hon. Chamber might enhance our scrutiny.

395 This kind of idea was mooted in very general terms when some of us first became Members of the Legislative Council, but it is Mrs Lord-Brennan who has really goaded us into considering the necessity of how we approach the business and functioning of the Legislative Council. This led to some interesting discussions and I think it was a very sensible idea to first pilot a Select Committee. I think Members do agree that the Committee has given us space in which to refine our ideas and to distil them down into these draft recommendations, which I believe will all help to enhance our scrutiny.

400 So I think it is entirely sensible that we seek to make this Committee a Standing Committee, and I wholeheartedly support both recommendations.

Thank you, Mr President.

The President: Thank you.

Mrs Maska.

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Mrs Maska: Thank you, Mr President.

As my hon. colleagues have done, I would like to express my thanks to Mrs Lord-Brennan for having the vision and the commitment to bring this matter forward. We have had some really revealing and interesting meetings. The fact that it has been the purpose to scrutinise the

410 process – it is not about the policy, it is the process – and how we can actually add to that process
as we go forward is something that I have found very helpful and revealing.

One thing that has become even more important to me working within Departments, is that it
is vital that we encourage the good quality potential to give good drafting instructions for
legislation. If we are going to improve the passage of the Bill in time and also in meaning, having
415 good-quality instructions and a better ability to refine instructions that do arise from
Departments, then that is to be welcomed.

I would just like to thank the Clerks and everyone involved, and my colleagues who have served
on the Committee, for what I think has opened up a really good horizon for making excellent
progress and adding to transparency and clarity.

420 Thank you, Mr President.

The President: Mr Greenhill.

Mr Greenhill: Thank you, Mr President.

425 I am fully supportive of this motion. The Report has been very helpful to me as a new Member
to come into this Chamber and understand how things are happening and what we can do to help
to move things forward. So I am fully supportive.

Thank you.

430 **The President:** Thank you.

Miss August-Hanson.

Miss August-Hanson: Thank you, Mr President.

Some of us will remember Mrs Lord-Brennan bringing us together over the course of the
435 summer of 2019 to sit down and discuss what could be improved within the Legislative Council,
how we can enhance the scrutiny that we do in this place; and she has done an absolutely fantastic
job of bringing this about. Not only that, but helping us along, helping the formation of the
Committee itself and then how the agenda might run, and essentially turning something that we
were already doing relatively well into something that I actually think we are doing far better than
440 perhaps we were doing before.

We are improving on a product, the legislation that comes out of here and the amendments
that are coming out of here that go down to Keys. I think we have improved on better
communication and transparency and honesty among Legislative Council Members, and integrity
among Legislative Council Members, to contribute now I think to a very well-oiled machine in
445 here. We are still testing the system, we are still looking at the system and we are still trying to
figure out whether or not this might work better, or that might work better, much like Mrs Poole-
Wilson was saying.

It is so incredibly valuable to be open to making enhancements to the way we do our job in
order to better the product, the legislation, the amendments that come out of this place and the
450 legislation that leaves this place. It has been a wonderful transformation to sit here and watch,
and I hope that this Committee, in whatever form it then takes, is around forever – or for as long
as possible – because it sits there as a function to have us look at our practices.

I think the Clerk has done a fantastic job on the reports, I really do. I think Dr Jonathan King
and Inge have done a fantastic job. But I am very proud of my colleague on Council, Kate Lord-
455 Brennan, for doing all the work that she has done that has brought us to this point.

Thank you, Mr President.

The President: Mrs Lord-Brennan to reply.

460 **Mrs Lord-Brennan:** Thank you very much, Mr President.

I think some really worthwhile points have been made by everyone who has contributed and supported and I thank everybody very much for their support.

465 Mrs Poole-Wilson made some excellent points, particularly around the ability to be responsive and show adaptability. I think that *is* what we have needed to do, particularly throughout the COVID period, and actually the point I would make that it was a very unusual time. It was really helpful how we kept our business committee meetings running during that period at a time when actually people were not having those conversations or meeting each other in the office as usual. I thought that it gave us a good foundation there.

470 I would like to echo Mrs Poole-Wilson's comments in respect of the very helpful contribution made by the Attorney General in response to this Report, particularly around the comments to do with the constructive engagement with the Legislative Drafting Division. That is a point that Mrs Maska touched upon, because as part of this journey of looking at what we do and how we get ready for legislation, some other points have certainly come out. She mentions the drafting instructions.

475 These are not just matters that are relevant to Legislative Council but as a side benefit of us taking the time to look at how things work and maybe how things do not work, we have been able to identify other issues that are not relevant to all Tynwald Members, but also ultimately are relevant to the outcome of legislation. For example, if we are identifying that actually we could be helped if there was better-articulated policy, and if there is a view from different aspects whether it is from the drafters' division or whether it is from other Members, that is something that is really going to help us as we go along. So I would like to thank Mrs Maska for flagging up that point, particularly from her departmental experience as well, it is something that we can hopefully speak to other people about to see how we can bring about something in one way or another that improves that.

485 Mr Mercer and Mr Greenhill: I am really glad that, as new Members, you have found this Report to be of use. I think that when you were elected to this Council you were probably, and I think hopefully, met with a barrage of enthusiasm for how we wanted to improve some of the things in a co-ordinated way, improve our approach to doing what we do and actually make it easier. Because certainly as fresh blood, when we came in, which really is not that long ago ...

490 I am somebody who takes an interest in continuous professional development; and there is only so far that the very excellent induction process that you get can take you. It gives you an excellent starting point, but actually we are generalists, but also we need to be specialists to some degree and bring our own qualities to when we are dealing with legislation. So I am really glad that you have found it to be of help in that, and hopefully future Members will do too, as we build up whatever documents or observations that the Committee has. So thank you for highlighting, 495 both of you, the point about transfer of knowledge to new Members and also transparency.

Mrs Sharpe, thank you so much. I do try and be the person who pushes things along, but you cannot do this sort of thing by yourself. This is why I am genuinely grateful for everybody having their input on all of this and making time amongst all their busy schedules. I think the point about space to review, because we can carry on day after day but if we do not get an opportunity to look at how we are doing things then that is an opportunity lost, isn't it, really? So I think that is what this Committee has been able to do.

505 Of course the reason for all of that *is* to bring an increased professionalism to the job, to be able to use whatever resources that we can to do a better job and to give value to Members. But also, and much more importantly, to give value to the public as a result of our deliberations and consideration, as the part of Tynwald that takes that second look and is quite often the last chance saloon to fix something potentially before that legislation makes its way out into the world.

510 So I thank everybody for allowing us to do that and demonstrate, give transparency, and work to improve the future value of the Legislative Council in this role. I have enjoyed working with you all very much on this. Thank you very much.

I beg to move, Mr President. Thank you.

The President: Hon. Members, I put the question that the report of the Select Committee be received and the recommendations are approved. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

515 Thank you, Hon. Members. My own observation is that the history of Legislative Council is one of continual evolution and progress. Certainly since the reforms of 1919 the role and function of the Council has changed considerably over the years; and changes also in the 1960s and 1980s. Today's Council, I think, shows itself to be in a very healthy condition, not afraid to look anew at our procedures and, as has been said, how we can best add value to the legislative process and
520 the people we are here to serve. So thank you very much for a very good job.

Hon. Members that concludes the business of this morning and Council will now stand adjourned until Tuesday 17th November in Tynwald Court.

The Council adjourned at 11.24 a.m.