



HOUSE OF KEYS OFFICIAL REPORT

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PROCEEDINGS

DAALTYN

HANSARD

Douglas, Monday, 22nd June 2015

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Present:

The Speaker (Hon. S C Rodan) (Garff);
The Chief Minister (Hon. A R Bell) (Ramsey);
Mr D M Anderson (Glenfaba); Mr L I Singer (Ramsey);
Hon. W E Teare (Ayre); Mr A L Cannan (Michael); Hon. T M Crookall (Peel);
Mr P Karran, Mr Z Hall and Mr D J Quirk (Onchan);
Hon. R H Quayle (Middle); Mr J R Houghton and Mr G R Peake (Douglas North);
Mrs K J Beecroft and Mr W M Malarkery (Douglas South);
Mr C R Robertshaw (Douglas East);
Hon. J P Shimmin and Mr C C Thomas (Douglas West);
Hon. R A Ronan (Castletown); Mr G D Cregeen (Malew and Santon);
Hon. J P Watterson, Hon. L D Skelly and Hon. P A Gawne (Rushen);
with Mr R I S Phillips, Secretary of the House.

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House of Keys

The House met at 10.00 a.m.

[MR SPEAKER *in the Chair*]

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

Members: Good morning, Mr Speaker.

5 **The Speaker:** The Chaplain will lead us in prayer.

PRAYERS

The Chaplain of the House of Keys

Leave of absence granted

The Speaker: Hon. Members, I have given leave of absence to the Hon. Member for Douglas East, Mrs Cannell.

Order of the Day

1. ELECTION OF TWO PERSONS TO SERVE AS MEMBERS OF THE LEGISLATIVE COUNCIL

Procedural

Election of two persons to serve as Members of the Legislative Council for a period expiring on 29th February 2020.

Nominees

*Mr David Anderson MHK
Mr Phil Braidwood
Hon. Tim Crookall MHK
Mr Thomas Michael Moyle
Mr Adrian Tinkler*

Proposers

*nominated by Mr Leonard Singer MHK
nominated by Hon. Eddie Teare MHK
nominated by Hon. Juan Watterson MHK
nominated by Mr John Houghton MHK
nominated by Hon. Phil Gawne MHK*

The Speaker: We turn to the single Item on our Order Paper.

10 It is the duty of this House, under the Constitution, to elect two Members to the Legislative Council for a term expiring on 29th February 2020. There are five nominations on the Order

Paper. The nominations were all accompanied by statements of qualification and reason in support, as required, and the papers were circulated to Hon. Members by the Secretary on 5th June.

15 Under the Isle of Man (Elections to Council) Act 1971, as amended by the Constitution (Amendment) Act 2008, once the elections have begun, they must be completed, although they *may* be adjourned to the next day at my discretion. I also have the power to suspend the sitting at any time if this appears useful. However, if it appears to me that no progress can be made, I do have power to halt the process and call for fresh nominations to be made in writing; this triggers a one-month delay and subsequent two-week period as before.

20 I shall first call on Members to propose and second candidates. Only the proposer and seconder may speak. Under Standing Order 8.3(5) each Member may vote for one or more candidates up to the number of vacancies to be filled or vote for no candidates. All voting papers completed otherwise are invalid and no votes recorded on them will be counted. Voting is by placing an X in the box of the ballot paper opposite the candidate you wish to vote for. Under
25 the Act, the successful candidate needs no fewer than 13 votes in their favour.

If when voting has been concluded the vacancy remains, then I shall call for fresh nominations. As before, we will proceed to a paper ballot in relation to the names on the Order Paper. If it is necessary, I shall then call for fresh nominations from the floor for further ballots.

30 As I announced before, if we are ultimately unsuccessful today in electing two Members of the Council, I shall invite fresh nominations to be submitted to the Secretary of the House by five o'clock on Wednesday 22nd July for an election sitting, which will take place on Wednesday 5th August.

Nomination of Mr David Anderson MHK

The Speaker: Hon. Members, we will proceed to the election.
I call on the Hon. Member for Ramsey, Mr Singer.

35 **Mr Singer:** Thank you, Mr Speaker.

I am pleased to propose David Anderson MHK for election to Legislative Council.

Mr Anderson's CV has been circulated to Members and so I will be brief, but for the benefit of new Members, the two *new* Members, I would just like to give a little information in that
40 Mr Anderson first entered Manx politics serving for nine years on Patrick Commissioners and has been successfully elected three times to this Hon. House.

It is important that a Legislative Council Member is competent within the scrutiny role and Mr Anderson was appointed in a scrutiny role by Tynwald to the Economic Policy Review Committee. I believe the Hon. Member has all the qualities required to be an excellent Member
45 and contributor to the Legislative Council, taking with him 15 years of experience at the highest level in Manx politics. I commend him to you and therefore ask Hon. Members to vote for him.

Thank you, Mr Speaker.

Mr Bell: I beg to second, Mr Speaker

Nomination of Mr Phil Braidwood

50 **The Speaker:** I call on the Hon. Member for Ayre, Mr Teare.

Mr Teare: Thank you, Mr Speaker.

I have much pleasure in nominating Mr Philip Braidwood as a Member of the Legislative Council.

55 Mr Braidwood has been a Member of Tynwald Court for almost 20 years – initially as the Member for East Douglas and latterly as a Member of Council – and before then he was a member of Onchan District Commissioners.

60 Since I joined this House in 2004, I have grown to appreciate the contribution that he has made to our national politics. In addition to serving his constituency, he has been a member of many Departments, Deputy Speaker and also a member of the Treasury team, more latterly working with myself. He was also a Minister holding two portfolios: Home Affairs and the Minister for Transport.

65 Phil is a Member who takes his commitment seriously and I have been impressed with the way that he has discharged his responsibilities whilst being part of the Treasury team. He has wide-ranging and unrivalled experience.

70 During the time that he has worked with me, he has taken 19 Bills through the Legislative Council, which has created a very heavy workload and also makes him ideally suited to continue to scrutinise legislation. In Phil we have a hard working and committed Member, who has more than justified the trust that was placed in him five years ago when he was first elected to the Legislative Council, and I feel sure that he is worthy of being re-elected.

Mr Speaker, I have much pleasure in moving the nomination of Mr Philip Braidwood as a Member of Legislative Council.

75 **The Speaker:** I call on the Hon. Member for Douglas West, Mr Shimmin.

Mr Shimmin: Thank you, Mr Speaker.

I am pleased to endorse and agree with the comments made by the previous speaker and I am proud to second Mr Braidwood.

Nomination of Mr Tim Crookall MHK

80 **The Speaker:** I call on the Hon. Member for Rushen, Mr Watterson.

Mr Watterson: Mr Speaker, I would like to propose the nomination of my hon. colleague from Peel, Mr Tim Crookall MHK.

85 Mr Crookall has been the Member for Peel since 2006, following nearly 16 years as a Peel Town Commissioner. Since being elected he has served in the Department of Transport and Infrastructure, DoLGE, DHA, DEFA, OFT as Vice-chair and Chair, Chairman of the Water and Sewerage Authority, and since 2011 has been a Minister in the Department of Community, Culture and Leisure and has been the Minister for the Department of Education and Children for nearly three years.

90 His parliamentary duties on committees are detailed in his CV, which has been circulated to Hon. Members. I would say he has never shied away from his duties on committees and he sees it as part of a Member's responsibility. Speaking personally, I know he is normally the first one in here at the moment – normally trying to race Mr Henderson in! (*Laughter*)

95 Mr Crookall's commitment, dedication and working relationship with colleagues and staff are to be applauded. In the community, he has served on Peel Lifeboat for over 25 years and is involved with Arthritis Care Ellan Vannin and Western Live at Home. He is the Chairman of the Peel Heritage Trust and a member of Peel AFC Committee.

Mr Speaker, as I have said previously, Mr Crookall is a valuable asset to this House and I do believe that he would continue to be an asset for Tynwald as a Member of the Legislative Council if he is elected.

100 I beg to propose his nomination.

The Speaker: The Hon. Member for Rushen, Mr Skelly.

Mr Skelly: Gura mie eu, Loayreyder.

105 I have great pleasure to second this nomination for the Hon. Member for Peel, Mr Crookall.

Very well known to us all, he has clearly served Peel: 16 years as a Commissioner and as the national politician there. Having worked with Mr Crookall, both under him in the Department of Community, Culture and Leisure and also with him with regard to Council of Ministers, I can tell you Mr Crookall is a man of integrity. He is extremely honest and genuine. He is very thorough, very hard working, and I believe he has not only served the people of Peel well, he has served the House of Keys well. I believe he would continue to serve Tynwald well and serve well as an MLC.

110 So, with that, I would like to second that nomination.

Nomination of Mr Thomas Michael Moyle

The Speaker: I call on the Hon. Member for Douglas North, Mr Houghton.

115

Mr Houghton: Thank you, Mr Speaker.

Mr Speaker, I have pleasure in proposing Mr Thomas Michael Moyle for the Legislative Council.

Mr Moyle will be well known to Hon. Members of this House – more especially for his distinguished public service on the Island, firstly as the Government Advocate within the Attorney General's Chambers from 1973. The post involved appearing on behalf of all the then Boards of Government and later with Departments in all civil and criminal matters where he prosecuted all major crimes in the Court of General Gaol Delivery.

120 In 1995 Mr Moyle was appointed Deputy High Bailiff and succeeded to High Bailiff in 2003. In addition, Mr Speaker, he has served as Acting Deemster and continued to do so following his retirement, until recently, when he took up studying and researching at an Oxford College, where he is today.

125 Mr Moyle has also served on a variety of Tribunals, usually as Chair, such as the Advocates Disciplinary Tribunal, the Mental Health Review Tribunal, Land Courts and the Isle of Man Gaming Commission, etc.

130 Mr Speaker, as can be seen, Mr Moyle has a wealth of knowledge and experience and if elected would ably provide professional legal and technical opinion on the construction of Bills and various other legal matters at a judicial level, although he is now retired.

135 Mr Speaker, Hon Members, I implore you to carefully consider the skills and competence required of a Member of the Legislative Council. The valuable contribution Mr Moyle can offer us all as a Member of Tynwald is vital to assist the future of the Island going forward.

Seldom do we get the opportunity to be supported by a person who has the accomplished skills and ability to deliver sound legal opinion at the cutting edge of Manx politics. Mr Speaker, today we have that important opportunity and I would commend Mr Moyle to this House.

140 I beg to move.

The Speaker: Hon. Member for Douglas West, Mr Thomas.

Mr Hall: Mr Speaker, I just rise to second the nomination for Mr Moyle.

145

The Speaker: I called on Mr Thomas. I understood you were seconding, sir.

Mr Thomas: Apologies, Mr Speaker.

The Speaker: Hon. Member for Onchan, Mr Hall.

150

Mr Hall: Thank you, Mr Speaker.

155

Yes, I just rise again to support and endorse the nomination of Mr Moyle and the comments that have been made by the Hon. Member for North Douglas, Mr Houghton. I think the experience, attributes and the qualifications of Mr Moyle speak most positively for themselves. I am quite sure that he certainly would make a very constructive contribution to both the Legislative Council and also to Tynwald as a whole and I ask Hon. Members to support Mr Moyle today.

Nomination of Mr Adrian Tinkler

The Speaker: Hon. Member for Rushen, Mr Gawne.

160

Mr Gawne: Gura mie eu, Loayreyder.

I am pleased to nominate Adrian Tinkler as a candidate for this Legislative Council election on 22nd June.

165

He has gained extensive knowledge of local and national politics, both as a Rushen Parish Commissioners from 2001 to 2012 and as a Keys candidate for Rushen in 2006 and briefly in 2011. During that period Adrian has worked closely with a number of Members and was well regarded in the various roles that he has undertaken.

170

Adrian is also a Chartered Secretary and Chartered Insurance Practitioner, having gained significant practical and professional experience in the Isle of Man finance sector over a 25-year period, focusing largely on legislative and regulatory aspects, including corporate governance and compliance in the insurance and corporate service provider sectors.

175

As the CV that I circulated with the nomination for Mr Tinkler shows, he has gained valuable experience in public services as a tribunal panelist, in the business community as a CII and ICSA council member and in the third sector, or charitable sector, with his involvement with disability charities, notably relating to Down's Syndrome and the Manx Foundation for Physical Disabilities, which was latterly absorbed into Crossroads Care.

I therefore have no hesitation in recommending Adrian for this important role.

The Speaker: Hon. Member for Douglas West, Mr Thomas.

180

Mr Thomas: Thank you, Mr Speaker.

I apologise for the earlier miscommunication and the misunderstanding thereby caused.

185

I rise to second Mr Tinkler's candidacy and I, for one, want to give credit to Mr Tinkler – such a high-calibre Tynwald outsider with a successful career, both behind him and ahead of him – for allowing his name to come forward into this furnace of political gamesmanship, as it appears to some. Or, perhaps, I should have used a slightly less warm description, given what many in the public say about our cold, dark process of selection for our Upper House.

190

Mr Tinkler has an excellent business background, particularly in insurance, which is a particularly important sector in our economy at the minute. He has also got a legal and regulatory background, which has been recognised by his appointment to the Financial Services Tribunal and other tribunals. He is a team player and wise – something which we need in the Council. He has got excellent local government experience, which is a policy area which is at a critical stage of its development, and his contributions in the third sector to the development of provision and also policy in the areas of education and social affairs are remarkable.

I commend Mr Tinkler to this House.

195

The Speaker: Hon. Members, are there any further nominations?
In that case I will call on the Clerk to distribute the ballot papers.

**Election of two persons to Legislative Council –
First ballot**

The Speaker: I would ask the Hon. Member for Douglas East, Mr Robertshaw, and Hon. Member for Onchan, Mr Quirk, if they would kindly act as scrutineers.

A first ballot took place and voting resulted as follows:

Vote Results

Mr Anderson	7
Mr Braidwood	9
Mr Crookall	9
Mr Moyle	6
Mr Tinkler	5

200

The Speaker: Hon. Members, the result of the first ballot is that Mr Anderson received 7 votes; Mr Braidwood received 9 votes; Mr Crookall received 9 votes; Mr Moyle received 6 votes; Mr Tinkler received 5 votes.

No candidate has been elected.

**Election of two persons to Legislative Council –
Second ballot**

205

The Speaker: We will proceed to a second ballot and I call for nominations.
Mr Singer.

Mr Singer: Mr Speaker, I am very pleased to nominate Mr David Anderson MHK.

210

The Speaker: Mr Bell.

Mr Bell: I beg to second.

The Speaker: Mr Watterson.

215

Mr Watterson: I beg leave to nominate Mr Crookall again, sir.

The Speaker: Mr Skelly.

220

Mr Skelly: I beg to second.
If I may, Loayreyder, I would just like to remind the Hon. Members that Mr Crookall has given me a very strong assurance of working towards reform, should he be elected as an MLC.

The Speaker: Mr Teare.

225 **Mr Teare:** Thank you, Mr Speaker.
I would like to nominate Mr Braidwood again and also repeat my comments.

The Speaker: Mr Shimmin.

230 **Mr Shimmin:** I beg to second, sir.

The Speaker: Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.
235 I have great pleasure, once again, in nominating Mr Moyle to Members of this Hon. House and to please consider him for what he can bring to this Hon. House, this hon. place, and also the Hon. Court of Tynwald for his knowledge and professional ability.
I beg to move.

240 **The Speaker:** Mr Hall.

Mr Hall: I beg to second, Mr Speaker.

The Speaker: Mr Gawne.

245 **Mr Gawne:** I wish to nominate Mr Tinkler again.

The Speaker: Mr Thomas.

250 **Mr Thomas:** Thank you, Mr Speaker.
I repeat my seconding for Mr Tinkler.

The Speaker: Any further nominations?
In that case, we will have ballot papers distributed. Same scrutineers, please.

A second ballot took place and voting resulted as follows:

Vote Results

Mr Anderson	8
Mr Braidwood	11
Mr Crookall	11
Mr Moyle	5
Mr Tinkler	2

255 **The Speaker:** Hon. Members, the result of the second ballot is that Mr Anderson received 8 votes; Mr Braidwood received 11 votes; Mr Crookall received 11 votes; Mr Moyle received 5 votes; Mr Tinkler received 2 votes.
No one has reached the threshold of 13.

260

**Election of two persons to Legislative Council –
Third ballot –
Mr T Crookall MHK elected**

The Speaker: I call for further nominations.

Mr Singer.

265 **Mr Singer:** Mr Speaker, I wish to nominate Mr Anderson.

The Speaker: Mr Bell.

Mr Bell: I beg to second, Mr Speaker.

270 **The Speaker:** Mr Teare.

Mr Teare: Thank you.
I would like to nominate Mr Braidwood, please, sir.

275 **The Speaker:** Mr Shimmin.

Mr Shimmin: I beg to second, sir.

The Speaker: Mr Watterson.

280 **Mr Watterson:** I beg leave to nominate Mr Crookall, sir.

The Speaker: Mr Skelly.

285 **Mr Skelly:** I beg to second.

The Speaker: Mr Houghton.

Mr Houghton: I beg to re-nominate Mr Moyle, sir.

290 **Mr Hall:** I beg to second, Mr Speaker.

The Speaker: Are there any further nominations?

295 In that case, we will proceed to a third ballot. The candidates are Mr Anderson, Mr Braidwood, Mr Crookall and Mr Moyle.
The same scrutineers.

A third ballot took place and voting resulted as follows:

Vote Results

Mr Anderson	8
Mr Braidwood	12
Mr Crookall	13
Mr Moyle	7

The Speaker: Hon. Members, the result of the third ballot is that Mr Anderson received 8 votes; Mr Braidwood received 12 votes; Mr Crookall received 13 votes; (**Several Members:** Hooray!) Mr Moyle received 7 votes.

300 I therefore declare that Mr Crookall is elected to Legislative Council. Congratulations.

We still have one further ballot to go. I think at this stage I shall adjourn for 10 minutes and allow you to have discussions – candidates, proposers and seconders – to decide what you want to do. Ten minutes.

*The House adjourned at 10.50 a.m.
and resumed its sittings at 11.00 a.m.*

**Election of one person to Legislative Council –
Fourth ballot**

305 **The Speaker:** Please be seated, Hon. Members
Now I ask for nominations.
Mr Singer.

Mr Singer: Thank you, Mr Speaker.
I wish to nominate Mr David Anderson MHK.

310 **The Speaker:** Mr Bell.

Mr Bell: I beg to second.

315 **The Speaker:** Mr Teare.

Mr Teare: Thank you, Mr Speaker.
I would like to nominate Mr Braidwood, if I may, sir.

320 **The Speaker:** Mr Shimmin.

Mr Shimmin: I beg to second, sir.

The Speaker: Mr Houghton.

325 **Mr Houghton:** Thank you, Mr Speaker.
I would like to nominate Mr Moyle.

Mr Hall: I beg to second, Mr Speaker.

330 **The Speaker:** Any further nominations?
In that case, the candidates for the fourth ballot are Mr Anderson, Mr Braidwood and
Mr Moyle.
We will have a change of scrutineer.

335 **Mr Robertshaw:** Oh, thank you, Mr Speaker.

The Speaker: Hon. Member, Mr Cregeen, please, and Hon. Member for Douglas South,
Mrs Beecroft.
340 You have up to one vote, Hon. Members. *(Laughter)*

A fourth ballot took place and voting resulted as follows:

Vote Results	
Mr Anderson	7
Mr Braidwood	8
Mr Moyle	7

The Speaker: The result of the fourth ballot is that Mr Anderson received 7 votes, Mr Braidwood received 8 votes and Mr Moyle received 7 votes. No candidate has been elected.

**Election of one person to Legislative Council –
Fifth ballot**

345 **The Speaker:** We will move to a fifth round.
Can I hear nominations, please?
Mr Singer.

Mr Singer: Mr Speaker, I would like to propose Mr David Anderson MHK.

350 **The Speaker:** Mr Bell.

Mr Bell: I beg to second.

355 **The Speaker:** Mr Teare.

Mr Teare: I would like to nominate Mr Braidwood.
Thank you, sir.

360 **The Speaker:** Mr Shimmin.

Mr Shimmin: I beg to second.

The Speaker: Any further nominations?
In that case, we will move to the fifth ballot – same scrutineers – with the candidates being
365 Mr Anderson and Mr Braidwood. You have one vote as before. I call for ballot papers.

A fifth ballot took place and voting resulted as follows:

Vote Results	
Mr Anderson	9
Mr Braidwood	9

The Speaker: The result of the ballot is that Mr Anderson has 9 votes and Mr Braidwood has 9 votes. No candidate has therefore been elected.

370

**Election of one person to Legislative Council –
Sixth ballot**

The Speaker: We will go to a sixth ballot.
Are there any nominations from the floor, please?
Mr Singer.

375 **Mr Singer:** Thank you, Mr Speaker.
I would like to propose Mr David Anderson.

The Speaker: Mr Braidwood... sorry, Mr Bell.

380 **Mr Bell:** I beg to second.

The Speaker: Mr Teare.

Mr Teare: Could I nominate Mr Braidwood, please, sir.

385 **The Speaker:** Mr Shimmin.

Mr Shimmin: I beg to second.

The Speaker: Any further nominations?

390 In that case, we will go to a ballot – same tellers and the same candidates: Mr Anderson and Mr Braidwood.

A sixth ballot took place and voting resulted as follows:

Vote Results	
Mr Anderson	9
Mr Braidwood	9

The Speaker: Hon. Members, same result as before: Mr Anderson, 9 votes; Mr Braidwood, 9 votes.

395 What I propose to do is adjourn for 10 minutes to allow candidates, proposers and seconders to enter discussions about what they want to do.

We will return at twenty minutes to twelve.

*The House adjourned at 11.27 a.m.
and resumed its sittings at 11.40 a.m.*

Election of one person to Legislative Council – Seventh ballot

The Speaker: Please be seated, Hon. Members.

I call for nominations from the floor.

Mr Teare.

400

Mr Teare: Thank you, Mr Speaker.

I would like to – with the agreement of this Hon. House – give Members a clear opportunity to resolve this issue today and with that in mind, Messrs Anderson and Braidwood have agreed to give Members an opportunity for a clear decision.

405 The first opportunity will be for Mr Braidwood and if unsuccessful, then Mr Anderson will be nominated. On that basis, I would like to nominate Mr Braidwood.

The Speaker: Mr Shimmin.

410 **Mr Shimmin:** I beg to second, sir.

The Speaker: Any there any other nominations?

In that case, we will go to a ballot and the candidate on the ballot paper with Mr Phil Braidwood. Thirteen votes are required for election. We will have the same scrutineers, please.

A seventh ballot took place and voting resulted as follows:

Vote Result
Mr Braidwood 12

415 **The Speaker:** Hon. Members, the result of the ballot is that Braidwood received 12 votes. No election.

**Election of one person to Legislative Council –
Eighth ballot –
Mr D Anderson MHK elected**

The Speaker: I therefore invite nomination from the floor.
Mr Singer.

420 **Mr Singer:** Mr Speaker, I would like to nominate Mr David Anderson MHK.

The Speaker: Mr Bell.

425 **Mr Bell:** I beg to second.

The Speaker: Any further nominations, Hon. Members?
In that case, we will proceed to an eighth ballot, and the name of the ballot paper will be that or Mr Anderson.

I think will revert to the original scrutineers, Mr Robertshaw and Mr Quirk, please.

An eighth ballot took place and voting resulted as follows:

Vote Result
Mr Anderson 14

430 **The Speaker:** Hon. Members, the result of the ballot is that Mr Anderson received 14 votes. I therefore declare Mr Anderson elected to Legislative Council. May I congratulate him. May I commiserate with the unsuccessful candidates, but in particular express to Mr Braidwood, Mr Moyle and Mr Tinkler appreciation for taking part and engaging in this (**Several Members:** Hear, hear.) constitutional process.

435 Hon. Members, that brings to an end the voting for Legislative Council 2015. The matter is, as I previously indicated, before the House of Keys Standing Orders Committee to examine ways in which the whole process may be usefully improved for next time.

440 Hon. Members, that concludes the business of the House today. The House will now stand adjourned until the next sitting, which will take place tomorrow at 10 o'clock in this Chamber.

The House adjourned at 11.57 a.m.