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NOTE 1

* Denotes witness who gave oral evidence to the Review, which is included in the transcript of the oral evidence published on the Review's webpage.

NOTE 2

Documents have not been included which comprise only copies of, or extracts from, documents which are already in the public domain.

Evidence to Lord Lisvane's Review of the Functioning of Tynwald

Councillor David Ashford

Douglas Councillor for Victoria Ward

Former House of Keys candidate

Your Lordship,

I welcome the opportunity to provide some written evidence to the public enquiry into the review and functioning of Tynwald.

It should be pointed out from the outset that although I am a Douglas Councillor, the views expressed within this submission are purely my own and should not be taken to be the views of Douglas Council as a body.

The review you are currently undertaking is long overdue and hopefully will help speed up the change that from my submission you will see I believe is needed.

I personally believe that over the last 10-20 years the value of scrutiny appears to have declined and a more and more powerful executive has emerged. That executive on many occasions appears to find the parliament as a body an irritation and an annoyance rather than a body to which they are answerable.

I hope that my submission is of some use to you during your deliberations.

Yours sincerely,

Councillor David Ashford

Whether the Legislative Council should be directly elected

I firmly believe that the Legislative Council should have some form of election by the people. The current situation concerning legislative council has evolved over the last 20 years into a mix of a retirement place for former MHK's and for those that have connections within government. I also believe that there are too many members of the Legislative Council.

Since 1919, Legislative Council has been evolving from what was, at that time, effectively the Governor's council of appointees and the way of the executive branch controlling the legislature. However, all that has happened at each of the reforms in 1919, 1951, 1965 and 1969 is that an executive appointee has been replaced by an indirectly elected legislative appointee. At no time has the number of members been queried, simply each of the original executive appointees has been changed to an appointment made by the House of Keys.

Personally I believe the current eight members appointed by Keys are far too many for the modern world and should be reduced to five.

One of the reasons that the push for a directly elected Legislative Council always seem to fail is due to the fact that there is concern that those elected could be elected on larger mandates than those in the House of Keys. Therefore, the revising chamber would have more of a democratic mandate than the lower chamber.

In order to avoid this, my personal preference would be to make Legislative Council a chamber of "the losers".

The way this would work is as follows. A general election is held for the House of Keys and once the 24 members of the House of Keys are elected, then the results across the island are looked at and the top five “losers”, with the highest share of the vote across the island, are appointed to Legislative Council for five years.

That way supremacy remains with the House of Keys, while those who form Legislative Council will still have to have publically campaigned for election and garnished votes. This also means that no additional electoral costs are incurred, as the general election for Keys is held anyway, and would have the added advantage that it is highly likely that those who form the Legislative Council would regularly rotate every five years. Therefore each new term would bring fresh views and prevent the sort of institutionalisation of Legislative Council that I personally feel has taken place over the last 10-20 years.

If this system had been in practice for the last general election in 2011 then the five members returned to Legislative Council would have been:

Anne Craine (Ramsey 48.65%)

Bill Malarkey (South Douglas 42.42%)

Quintin Gill (Rushen 40.86%)

Geoffrey Boot (Glenfaba 39.93%)

Theo Fleurbaay (North Douglas 36.33%)

That list contains three former MHK's who would have brought with them political experience to the role and two new individuals. It also would have provided people from across different parts of the island.

I have used the system working back through every election to 1981 and in each case it provides a surprising mix of both experienced former House of Keys members and new individuals. It also in each case provided a good mix of people from across the island.

I do not agree with the idea that Legislative Council should be appointed by the Appointments Commission as that still leaves the public with no say on who is scrutinising and voting through their legislation in the upper house.

I am sure your Lordship will forgive me if I use the old UK joke about “but who appoints the Appointments Commission”. However, it has a valid point in the fact that under the Tribunals Act 2006, although independent, the Commission members are appointed by Council of Ministers, subject of course to Tynwald approval.

There have been many failed attempts at reform of Legislative Council, many of which I believe have fallen, in some cases, due to weak excuses. This system would give members a limited democratic mandate but still provide for the supremacy of the lower chamber.

Although I believe Legislative Council does have an important role to place in scrutiny of legislation, which I will move onto in the next section, if reform can't be achieved I would rather see it abolished than remain as the pointless monolith that it has become.

All members within government and scrutiny role

Following on from Legislative Council reform, I personally do not believe members of Legislative Council should be members of government departments. This is something that has become more involved since the ministerial system was introduced in the mid 1980's. I believe the function of the Legislative Council is purely one of a scrutiny role and that they should concentrate on that alone.

The membership of departments, as far as I'm concerned, is a conflict with that role of impartial and through scrutiny. Members of Legislative Council will have been involved in department meetings about the legislation and even the compiling of the legislation. That means at least one member, or two if Treasury has been involved in a particular piece of legislation, are already no longer undertaking independent scrutiny by the time the legislation arrives in the upper chamber.

Equally crucial is the doctrine of departmental collective responsibility. MLC's are equally as bound as MHK's and therefore that conflicts directly with the idea of independent scrutiny. I also believe this is a fundamental failing within the doctrine of holding and calling the executive to account.

Should ministers have sole responsibility for their department

Having stated the above in relation to Legislative Council, I do not however believe that Ministers should be the sole members of departments. I do believe that MHK's should be members within the departments and I feel that adds more political balance than simply the voice and wishes of a particular Minister being heard.

I also believe that there should be a limit on the number of departmental members per department. Currently several departments such as Economic Development and Infrastructure (each 6 members including Minister) have too many members.

Personally, I would set the limit at a maximum of two departmental members plus the Minister. The situation we currently have basically turns the House of Keys, which is supposed to be a legislative

chamber, into an executive arm of government. This would also free up more MHK's to take up scrutiny roles within the House of Keys.

I am also a firm believer that for an island our size we have too many departments and a rationalisation of that number would also mean a reduction in the number of both Ministers and departmental members.

The role of the Attorney General

Personally I have no issue with the role of the Attorney General. As the senior law officer I believe it is helpful to have them sit within Tynwald and on the Legislative Council. In fact if Legislative Council is turned into a true scrutiny body then I think the role would become even more valuable.

The role of the Bishop and his vote

I have no issue with the Bishop having a seat and a voice within Tynwald. Whether we like it or not we do have a state religion in our country and the Bishop is the representative of that body. What I do not agree with is the Bishop retaining a vote. By holding the vote the Bishop could well hold sway over close votes on legislation or indeed appointments such as Chief Minister or President of Tynwald.

Method of election of the Chief Minister

I do not agree with the public election of Chief Minister. The reason for this is that if a Chief Minister is elected on an all island basis, you are in effect moving from a parliamentary system to a presidential system. Any Chief Minister elected on that basis would have an all island mandate and would rightly feel that they had an automatic right to override what may well be the wishes of the rest of the legislature. There is also the issue that a Chief Minister elected in

such a way may hold the support of the public, but may not find that support within the body of the other 23 members of the House of Keys. Such an event could lead to political paralysis with the legislature refusing to work with the Chief Minister and vice versa.

I personally believe that the executive already holds too much power and want to see more power transferred back from Council of Ministers and the departments to Tynwald itself.

Direct election of a Chief Minister would I believe do the exact opposite and strengthen further an already over powerful executive.

I also firmly believe that members of the Legislative Council should not hold a vote in relation to the election of a Chief Minister, or for that matter the election of President of Tynwald.

Time Spent on local issues rather than national

I fully agree, as a third term local Councillor myself, that government as an entity and individual members of the legislature involve themselves far too much on what should be local issues.

Government as a body runs functions centrally that should be solely matters for local authorities, and indeed in most other jurisdictions are local authority functions. Several examples, just to name a few, include:

Building Control

First stage Planning

Recycling Sites

Social Housing provision

There also seems to be an attitude built up over time that local authorities are the poor relations of government and require

constant guidance. Sometimes I feel that it gets lost that there is a fine line between guidance and interference, and I'm afraid all too many times that line is crossed.

The main problem government has though, is that even if it wished to downsize and decentralise, it is not able to do so as not all local authorities are of a size that can take on these functions.

Although it is outside the scope of your Lordship's enquiry I firmly believe that until the elephant in the room, local government reform, is tackled head on government can never truly divest itself of services that should rest wholly at a local level.

We are still operating a local government system that was designed in large part for the 1860's. Although there have been some recent welcome movement in that, such as the Garff Initiative, until reform is done on an all island basis rather than piecemeal, true division of local and national will never be achieved.

How members remuneration is decided

In relation to members remuneration I believe it should be completely removed from Tynwald and given to a totally independent remuneration body that decides on the level each year. Equally I believe there should be an increase in the basic pay of an MHK and a reduction of equal size in the addition for membership of a department. The current system leads to members becoming reliant on department membership and if in conflict with a departmental decision could be a factor in some individuals deciding whether to resign or not.

I also disagree with the £6,707.42 tax free sum that members receive each year for expenses. This effectively is a pay rise by the back door. Since members stationary is provided and letters typed and

sent from the members office I don't personally see how a member can be incurring over £500 of expenses a month. One way forward would be for it to become a receipted system, whereby members submit expenses receipts and therefore only receive what expenses they have incurred. The other option is that the bullet is firmly bitten and the fact that it is effectively these days a pay rise by the back door is acknowledged and it is merged in with base pay. At least in that case tax and national insurance would be due on the amount and the taxpayer would receive some benefit back.

Dear Lord Lisvane,

It was a pleasure to meet you yesterday and I hope that your journey home went without incident. On reflection I have a couple of observations on Tynwald which you may or may not think appropriate or useful:

Firstly the quality and screening of questions could be improved. It has been my experience that all too often questions are asked that are not national in nature and would be more appropriate directed at a local level. Members in my view need much clearer guidance here.

Secondly the scrutiny committees would operate more effectively if we were given clearer notice in advance of the topics and specific questions they would like to ask. I also think that new members would benefit from training on both the type of questions that are and are not appropriate. I have on occasion found it frustrating when the legislative branch of Government has not asked the right question as I actually wanted the matter aired so we would get the necessary political support (or not) early on and not later when considerable effort, public money and time has already been devoted to a subject that is then subsequently unpicked or greatly altered from the original intention.

Thirdly we need a directly elected upper chamber. The current system of where the lower house elects the upper house was rejected pre World War One in the USA where the House elected Senate as both undemocratic and not remotely progressive. More than 100 years later than the USA we need an elected upper chamber to make Tynwald more democratic and to allow selection of Ministers from a broader gene pool.

Fourthly in my view our politicians are under paid. I believe Tynwald pay should be set by an independent binding review person/ body. The issue here is currently determined by the worse type of populist politics where there is a race to the bottom. The day you left the island there was a call for a cut of 10% in our politicians pay when in my view it should be the exact opposite. We are already on a path where only the independently wealthy and those on low incomes and therefore often low educational attainment are likely to stand and we are disempowering upper middle through to lower middle class people from being represented in Tynwald. It also cannot be right that my Minister is paid less than most Head Teachers and indeed even Deputy Heads in High Schools.

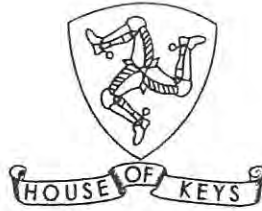
Lastly the failure to attract good politicians due to poor pay and increasingly poor terms and conditions on pensions through to car parking means senior Civil Service spends an inordinate amount of time trying to get sometimes badly qualified politicians to grasp complex issues which is wasting public money and slowing key policy decision making.

I trust the above is helpful but if not then feel free to disregard these comments but they reflect my observations having been in Civil Service for almost three years.

With best regards,
Ronald

Professor Ronald Barr
CEO
Department of Education and Children

000011



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Member for Douglas South

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31.05.16

Dear Lord Lisvane

I am more than happy that you are reviewing our system of government and am very glad of the opportunity to explain my concerns to you. My main concerns are below and I am attaching a separate document with the basic details regarding each item.

Democratic deficit
Power of patronage
Collective responsibility
Conflicts of interest
Scrutiny
Legislative Council

I look forward to meeting with you on Thursday and discussing these in greater detail.

Yours sincerely

Mrs Kate Beecroft MHK
Leader of the Liberal Vannin Party
Member of the House of Keys for Douglas South

000012

Democratic deficit

We have democracy in that people are free to cast their vote for whoever is their candidate/candidates of choice. Our democracy ends there as the public do not have a say in who is to be Chief Minister and no say in what policies the new government will follow under his/her leadership. There is no stated programme of government which can be understood and those who created it held accountable for implementation.

Power of patronage

Following election by all members of Tynwald, the Chief Minister appoints his Ministers, departmental members and statutory board Chairs. Additional amounts are paid for these positions and it is within the Chief Minister's gift to appoint and remove anyone to and from these.

A position for all members of Tynwald is allowed for in the budget and it is expected that all will take a position in Government.

Collective responsibility

The necessity of some sort of collective responsibility is understood but not as it is applied here. The Chief Minister holds his Council of Ministers together with collective responsibility but there are no pre-stated agreed policies. There is no agreed and stated programme of government. They simply agree to abide with whatever the majority decide regarding whatever matters crop up over their term of office. In addition, and dependant on the individual Minister, departmental members are expected to support their Minister on any matter arising within the department. During the tuition fees debates we also discovered that, any matter that had looked for Treasury concurrence, was also ensured of the support of Treasury political members.

There are thirty-two votes in Tynwald and, prior to the merging of the Department of Health and the Department of Social Care, any Minister with five political members in his department e.g. Department of Economic Development, automatically had a majority of the votes in Tynwald before any debate whatsoever yet it is still claimed that Tynwald Court is the highest court in the land.

Conflicts of interest

I am sure that all small jurisdictions have the problem of conflicts of interest whether real or perceived and we are no different in this respect. Many Tynwald members find that they are offered lucrative directorships etc on retiring from the political scene and I think that there should be a specified number of years where no retired politician can accept a directorship or similar.

Scrutiny

We now have standing committees who have the role of scrutinising the actions of government. The members are selected by a vote in Tynwald and the Clerk circulates a list of any members who are conflicted but some still get elected.

The most powerful of the committees should be the Public Accounts Committee but, again because of conflicts of interest, there are areas which can have no scrutiny. I am attaching the document that shows a table of the recent and current conflicts of interest and which highlight the problem and show which boards and/or departments have little scrutiny by the committee.

There is also the problem of patronage that runs through everything. Any committee member knows that it is possible for their political career to be curtailed if it should dare to criticise any area of government harshly.

Legislative Council

Many MHKs and members of the public are very dissatisfied by the current system of both electing people as MLCs and their role, responsibilities and financial reward.

They are elected by the MHKs and their primary purpose of the Council is to scrutinise legislation yet, only this year, two of the nominees were fully qualified and experienced Manx advocates yet neither were elected.

They serve as political members on departments, statutory boards in the same way as an MHK and have just as much input into policy.

In the last year there have been three occasions when they have defeated the will of the elected MHKs and one of these occasions was changing legislation so that only the elected MHKs would be able to vote for a Chief Minister.

Members do not have constituents yet they receive the same allowance for expenses as MHKs. They are also on the same pay scale as MHKs for all other duties.

PUBLIC ACCOUNTS COMMITTEE

Limitations on the Committee's ability to function arising from conflict of interest affecting Members, April 2014 to May 2016

Information paper issued on behalf of the Committee

1. The Public Accounts Committee explained in its Annual Report covering the session 2014/15 (PP 2015/134) that as a Committee of five the PAC has a quorum of three. This means that:
 - if one member is conflicted, a quorum can be formed by the other four and a decision can be taken even if one of them is absent;
 - if two members are conflicted, a quorum can be formed by the other three so long as no-one is absent. However, if one of the unconflicted members is absent, the Committee cannot act;
 - if three members are conflicted, the Committee cannot act.
2. It should be noted that under paragraph 3.3 of the Schedule to Tynwald Standing Orders, Ministers and Members of the Treasury cannot be appointed to the PAC. Therefore a conflict cannot arise which would prevent the PAC from being able to consider Cabinet Office and Treasury matters.
3. Since April 2014, because of an unfortunate combination of circumstances, this system has generated some difficulties for the PAC:
 - DED: from May 2015 to October 2016 two members of the PAC (Mr Cannan and Mr Wild) were members of the Department of Economic Development. This situation ended briefly in October 2016 when Mr Wild left the Department. However, in January 2016 Mr Cretney was appointed to the Department. *Current position:* two members of the PAC (Mr Cannan and Mr Cretney) are members of DED.
 - MUA: since April 2014 two members of the PAC (Mr Cannan and Mr Coleman) have been members of the Manx Utilities Authority. *Current position:* two members of the PAC (Mr Cannan and Mr Coleman) are members of the MUA.
 - Post Office: Mr Corkish was Vice Chairman of the Post Office from 2007 to 2011 and Chairman from 2011 to 2014. Although strictly speaking no longer conflicted, Mr Corkish decided to declare an interest and withdraw from the PAC when Post Office business was being considered. Meanwhile Mr Wild was appointed Vice Chairman of the Post Office in July 2015. *Current position:* two members of the PAC (Mr Corkish and Mr Wild) are current or recent former members of the Post Office.

- DHSC: from April 2014 to May 2015 three members of the PAC (Mr Butt, Mr Cannan, Mr Coleman) were also members of the Department of Health and Social Care). This made it impossible for the PAC to consider any DHSC business during that time even if all Committee members were present. This situation ended in May 2015 when Mr Butt was replaced on the Committee by Mr Wild. In June 2015 Mr Cannan left the Department but Mr Wild joined it. In March 2016 Mr Wild resigned from the Department. *Current position:* one member of the PAC (Mr Coleman) is a member of the DHSC.
 - DEC: from May to June 2015 two members of the PAC (Mr Corkish and Mr Wild) were members of the Department of Education and Children. This situation ended in November 2015 when Mr Wild left that Department. *Current position:* one member of the PAC (Mr Corkish) is a member of the DEC.
 - From April to September 2015 Mrs Cannell was absent for personal reasons. In October 2015 Mr Cretney replaced her on the Committee.
4. The table on the following pages shows for every PAC meeting since April 2014:
- which Departments and Boards were affected by two or more PAC members being conflicted;
 - which PAC members were absent from the meeting; and
 - as a result of the combination of the two above points, which Departments and Boards the Committee could not have considered at that meeting, in the event that business relating to that Department or Board had appeared on the Committee's agenda.

Jonathan King
 Clerk of the Public Accounts Committee
 12th May 2016

	Depts/Boards with two or more PAC members	PAC Members absent	Tsy	CO	DEC	DED	DEFA	DHA	DHSC	DOI	CC	FSA	GSC	MNH	MUA	OFT	PO	PSPA	PSC
2/4/2014	<ul style="list-style-type: none"> DHSC: Butt, Cannan, Coleman MUA: Cannan, Coleman 	Corkish							X						X				
7/5/2014	<ul style="list-style-type: none"> DHSC: Butt, Cannan, Coleman MUA: Cannan, Coleman 								X										
16/6/2014	<ul style="list-style-type: none"> DHSC: Butt, Cannan, Coleman MUA: Cannan, Coleman 								X										
2/7/2014	<ul style="list-style-type: none"> DHSC: Butt, Cannan, Coleman MUA: Cannan, Coleman 	Butt							X						X				
10/9/2014	<ul style="list-style-type: none"> DHSC: Butt, Cannan, Coleman MUA: Cannan, Coleman 	Coleman							X										
8/10/2014	<ul style="list-style-type: none"> DHSC: Butt, Cannan, Coleman MUA: Cannan, Coleman 	Corkish							X						X				
5/11/2014	<ul style="list-style-type: none"> DHSC: Butt, Cannan, Coleman MUA: Cannan, Coleman 								X										
25/11/2014	<ul style="list-style-type: none"> DHSC: Butt, Cannan, Coleman MUA: Cannan, Coleman 	Corkish							X										
3/12/2014	<ul style="list-style-type: none"> DHSC: Butt, Cannan, Coleman MUA: Cannan, Coleman 								X										
14/1/2015	<ul style="list-style-type: none"> DHSC: Butt, Cannan, Coleman MUA: Cannan, Coleman 								X										
4/2/2015	<ul style="list-style-type: none"> DHSC: Butt, Cannan, Coleman MUA: Cannan, Coleman 	Cannell							X						X				
4/3/2015	<ul style="list-style-type: none"> DHSC: Butt, Cannan, Coleman MUA: Cannan, Coleman 								X										
16/4/2015	<ul style="list-style-type: none"> DHSC: Butt, Cannan, Coleman MUA: Cannan, Coleman 	Cannell							X						X				
21/5/2015	<ul style="list-style-type: none"> DEC: Corkish, Wild DED: Cannan, Wild DHSC: Cannan, Coleman MUA: Cannan, Coleman 	Cannell				X			X										
24/6/2015	<ul style="list-style-type: none"> DEC: Corkish, Wild DED: Cannan, Wild DHSC: Coleman, Wild MUA: Cannan, Coleman 	Cannell				X			X										

	Depts/Boards with two or more PAC members	PAC Members absent	Tsy	CO	DEC	DED	DEFA	DHA	DHSC	DOI	CC	FSA	GSC	MNH	MUA	OFT	PO	PSPA	PSC
8/7/2015	<ul style="list-style-type: none"> • DEC: Corkish, Wild • DED: Cannan, Wild • DHSC: Coleman, Wild • MUA: Cannan, Coleman 	Cannell, Wild			X	X		X	X	X					X				
24/9/2015	<ul style="list-style-type: none"> • DEC: Corkish, Wild • DED: Cannan, Wild • DHSC: Coleman, Wild • MUA: Cannan, Coleman • PO: Corkish, Wild 	Cannell			X	X			X						X		X		
19/10/2015	<ul style="list-style-type: none"> • DEC: Corkish, Wild • DED: Cannan, Wild • DHSC: Coleman, Wild • MUA: Cannan, Coleman • PO: Corkish, Wild 	Cannell			X	X			X						X		X		
4/11/2015	<ul style="list-style-type: none"> • DEC: Corkish, Wild • DHSC: Coleman, Wild • MUA: Cannan, Coleman • PO: Corkish, Wild 																		
2/12/2015	<ul style="list-style-type: none"> • DHSC: Coleman, Wild • MUA: Cannan, Coleman • PO: Corkish, Wild 																		
13/1/2016	<ul style="list-style-type: none"> • DED: Cannan, Cretney • DHSC: Coleman, Wild • MUA: Cannan, Coleman • PO: Corkish, Wild 	Wild				X									X				
2/3/2016	<ul style="list-style-type: none"> • DED: Cannan, Cretney • DHSC: Coleman, Wild • MUA: Cannan, Coleman • PO: Corkish, Wild 	Wild				X									X				
7/4/2016	<ul style="list-style-type: none"> • DED: Cannan, Cretney • MUA: Cannan, Coleman • PO: Corkish, Wild 	Wild													X				
4/5/2016	<ul style="list-style-type: none"> • DED: Cannan, Cretney • MUA: Cannan, Coleman • PO: Corkish, Wild 														X				

6370 **Mrs Beecroft:** The problem I have is with *old* businesses that are failing, that have adequate resources in their own shareholders to help them. That is where I have the problem, Madam President – when Government gives them taxpayers’ money that we are meant to be protecting. That is my problem. The shareholders had the adequate resources to do this themselves. They did not need Government support. They could have restructured their business, made it viable themselves again on their own. He talked about market forces. Well, I maintain that market forces would have sorted this out. It did not need £4½ million of taxpayers’ money to sort this.

6375 Mr Braidwood talked about talking with the business community and that they agree. I am sorry, I do not know which business community he has been talking to, but I have not found one person, and I speak to a lot of businessmen as well. I have not found *one* that is in support of this.

I would just like to sum up by reminding Tynwald Members that we are a collective body and we are meant to be here to guard the public purse. (A Member: Hear, hear.) That is our job. We are meant to look after it for the people who live on this Island.

6380 I have provided everybody with information, all of which is in the public domain, and it amply demonstrates that the majority shareholders in the Sefton Group were clearly capable of funding this themselves and turning this company around. That is what businessmen do. That is what businessmen are supposed to do. We have no right interfering in that process. If parts of that company no longer exist in the restructure, that is going to happen anyway, Madam President.

6385 They are doing that. Businessmen will do that.

It is fundamentally *wrong* that money that could be used for *new* investors, for *new* business, for *new* enterprise, for companies who are genuinely struggling, through no fault of their own... that taxpayers’ money is used to help a company that brought about its own problems.

6390 I do hope I have managed to persuade some Members who I know were sitting a bit on the fence with this.

I think with that, Madam President, I will beg to move. Thank you.

The President: The motion before the Court is set out at Item 34 on your Order Paper. Those in favour, please say aye; against, no. The noes have it.

A division was called for and electronic voting resulted as follows:

In the Keys – Ayes 7, Noes 15

Mr SHIMMIN
ECONOMIC DEPARTMENT

FOR
Mr Quirk
Mr Hall
Mr Karran
Mr Cannan
Mr Houghton
Mrs Beecroft
Mrs Cannell

AGAINST
Mr Ronan E
M Mr Crookall
M Mr Anderson
CM Mr Bell
Mr Quayle E
M Mr Teare
M Mr Cregeen
Mr Henderson
M Mr Robertshaw
M Mr Shimmin
M Mr Cretney
M Mr Watterson
Mr Skelly E
M Mr Gawne
The Speaker

6395 **The Speaker:** Madam President, in the Keys, 7 for, 15 against.

In the Council – Ayes 1, Noes 5

FOR
Mr Turner

AGAINST
Mr Corkish
Mr Wild E
Mr Crowe E
Mr Downie T
Mr Braidwood T

The President: In the Council, 1 for, 5 against. The motion therefore fails to carry.



Isle of Man
Government
Reilys Ellan Vannin

Membership of Government Departments May 2013

Following the elections to the Legislative Council on 18 March 2013, by virtue of section 2(1) of the Government Departments Act 1987, notice is hereby given that the Membership of Government Departments is as follows:

Department	Members
Community, Culture and Leisure	Mr C G Corkish MBE MLC Mr D J Quirk MHK
Economic Development	Mr E A Crowe MLC Mr R H Quayle MHK Mr R A Ronan MHK Mr L D Skelly MHK Mr T P Wild MLC
Education and Children	Mr J R Turner MLC Mr T P Wild MLC
Environment, Food and Agriculture	Mrs K J Beecroft MHK Mrs B J Cannell MHK Mr J R Turner MLC
Health	Mr D M W Butt MLC Mr R W Henderson MHK
Home Affairs	Mr M R Coleman MLC Mr P Karran MHK Mr D J Quirk MHK
Infrastructure	Mr J R Houghton MHK Mr R A Ronan MHK Mr L I Singer MHK Mr L D Skelly MHK
Social Care	Mr M R Coleman MLC Mr R A Ronan MHK
Treasury	Mr R P Braidwood MLC Mr A F Downie OBE MLC

7 May 2013

Chief Secretary

000021



THE COUNCIL OF MINISTERS ACT 1990

THE ASSIGNMENT OF MINISTERS (No. 2) INSTRUMENT 2012

Laid before Tynwald 16 October 2012

Under section 5 of the Council of Ministers Act 1990, the Chief Minister assigns Ministers to Departments as follows:

Name of Minister	Department
Hon G D Cregeen MHK	Department of Community, Culture and Leisure
Hon J P Shimmin MHK	Department of Economic Development
Hon T M Crookall MHK	Department of Education and Children
Hon P A Gawne MHK	Department of Environment, Food and Agriculture
Hon D M Anderson MHK	Department of Health
Hon J P Watterson MHK	Department of Home Affairs
Hon D C Cretney MHK	Department of Infrastructure
Hon C R Robertshaw MHK	Department of Social Care
Hon W E Teare MHK	Department of the Treasury

This instrument of assignment of Ministers supersedes all such instruments previously made¹.

MADE this 12th day of July 2012

Chief Minister

¹ The last such instrument was GC 0020/12



THE COUNCIL OF MINISTERS ACT 1990
THE ASSIGNMENT OF MINISTERS
(DEPARTMENT OF HOME AFFAIRS) INSTRUMENT 2012

Coming into operation 3 September 2012
Laid before Tynwald 16 October 2012

1. Commencement

This Instrument comes into operation on 3 September 2012.

2. Assignment of Ministers to the Department of Home Affairs

Under section 5 of the Council of Ministers Act 1990, the Chief Minister assigns the following Ministers to the Department of Home Affairs for the periods specified below:

Name of Minister	Period
Hon J P Shimmin MHK	3-12 September 2012
Hon J P Watterson MHK	13 September 2012 onwards

3. Revocation

This instrument of assignment supersedes all assignments of Ministers to the Department specified¹.

MADE this 21st day of August 2012

Chief Minister

¹ The last such instrument was GC 0023/12.

Explanatory Notes

Hon J P Watterson MHK, remains as a non-Assigned Minister during the period between 3 and 12 September 2012.

Hon J P Shimmin MHK remains as the Minister for Economic Development throughout the period.

Questions for Written Answer

TREASURY

1.17. Scottish Power's Cashback scheme – Action over criticism of Insurance and Pensions Authority

The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

What action is being taken following the criticism of the Insurance and Pensions Authority by the All Party Parliamentary Group in its report on Scottish Power's Cashback scheme?

The Minister for the Treasury (Mr Teare): I am aware that the Isle of Man Financial Services Authority is continuing the work commenced by the Insurance and Pensions Authority (IPA) in 2012 in relation to various matters raised with the IPA by the liquidator of a former authorised insurer, Powerhouse Insurance Limited (formerly called Domestic Appliance Insurance Limited).
1035 Some aspects of those matters have been explored by the APPG in its report.

The transactions occurring in relation to matters of this nature are complex and reviews of this kind take time to ensure a rigorous and thorough analysis. The FSA will continue to reach out to the liquidator and other agencies to obtain further information as required.

1040 The FSA is continuing the work of the IPA in relation to the matters raised and until the FSA is in a position to conclude on this matter it remains an issue for them as regulators.

1.18. Pinewood Group – Termination of consultancy agreement with Gasworks Media

The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

When the Treasury Minister was informed that the Pinewood Group had terminated the consultancy agreement that it had with Gasworks Media?

The Minister for the Treasury (Mr Teare): The Gasworks Agreement (dated 26th October 2012) was rescinded on 5th May with effect from 30th April 2015. Please note it was Gasworks Media who initiated this.

1045 I attended a meeting with Ivan Dunleavy and Steven Christian on 24th April when this was discussed.

1.19. Pinewood board of directors – Appointment of Mr Christian's replacement

The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

Who was chosen to replace Mr Christian on the Pinewood board of directors; how that selection was made; and when the appointment was made by Pinewood?

The Minister for the Treasury (Mr Teare): There may be some confusion between the Pinewood Group's board and the Pinewood Film Advisors (PFA) board.

1050 There is nothing in the PFA Investment Agreement that requires Mr Christian's replacement on the Group board.

The Agreement does stipulate that Pinewood Film Advisors and the Treasury shall consult with each other prior to the Treasury nominating a PFA Director in his place, with any appointment requiring PFA's written approval. Treasury have not nominated a replacement for Steven Christian.

**1.20. Pinewood Group board –
Appointment of Mr Christian as Treasury's representative**

The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

When it was decided to appoint Mr S Christian as the Treasury's representative to the board of the Pinewood Group; and when that appointment was made?

1055 **The Minister for the Treasury (Mr Teare):** Steven Christian did not represent Treasury on the Pinewood Group Plc board. His representation for Treasury was in respect of the board of the Pinewood Film Advisors.

1060 Steven Christian was appointed as a Pinewood Film Advisors Director (as specified in the Investment Advisory Agreement with Pinewood, dated 28th September 2012). His appointment to the Pinewood Group Plc board as Executive Director was made on 22nd October 2012.

MINUTES OF A MEETING OF THE DIRECTORS OF DOMESTIC APPLIANCE INSURANCE LIMITED HELD IN THE LANGNESS SUITE, CASTLETOWN GOLF LINKS HOTEL, DERBYHAVEN, ISLE OF MAN ON WEDNESDAY 12TH MARCH 1997 AT 11.30 A.M.

Present: M Sheehan (Chairman)
G Crease
I Traynor (Alternate to A Jefferson)

In Attendance: D W Crofts
A B Downes
J D Evans
C N Kniveton
A G McKean

Apologies: Mrs C M Christian
A J M Coats
I M Russell

1/97 - ELECTION OF CHAIRMAN

Mr. Sheehan was elected Chairman of the meeting.

2/97 - APPOINTMENT OF MR J D EVANS

It was proposed that Mr J D Evans be appointed to the Board to fill the vacancy following the death of Mr Harding. This appointment was confirmed and the Secretary was instructed to file the relevant Form 9N with the General Registry. The Secretary was further instructed to amend the signing authority under the Company's bank and investment mandates.

3/97 - CONFIRMATION OF MINUTES

The Minutes of the meeting held on 5th November 1996 were confirmed as a true record of the proceedings and the Chairman was authorised to sign them on behalf of the Board.

4/97 - MATTERS ARISING

With regard to Minute 33/96, the insurance managers reported that Barclays had been requested to consider the revised fee proposals and their response had been received agreeing to the new terms in accordance with the Directors' wishes.

With regard to Minute 34/96, the insurance managers reported that they are currently analysing matters relating to their fee and a proposal will be put to the Directors at the next meeting.

5/97 - UNDERWRITING REPORT

Mr Crofts addressed the underwriting report and provided an overview of the extended warranty cover, an analysis of premiums written by product grouping and premium rates by appliance.

Mr Crofts reported that information was awaited from London General Insurance in respect of premiums written and earnings patterns for the mailing schemes. Earnings patterns had now been adjusted to allow for premium to be earned in recognition of accidental damage claims occurring in the first year of the policy. Further information was awaited in respect of the breakdown of premiums in respect of commercial schemes.

Following the circulation of a letter dated 7th February 1997 by the insurance managers, relating to the proposal to reinsure LGI in respect of policies dated prior to 31st March 1996, it was agreed that this business should be written, and the Chairman was authorised to sign the reinsurance agreements for the 1996/97 and 1997/98 years which incorporated a cancellation clause of 30 days notice.

6/97 - MANAGEMENT ACCOUNTS

The management accounts for the eleven months ended 28th February 1997 were reviewed.

The Company had made a net underwriting profit of £731,000 for the period ended 28th February 1997. A total profit, inclusive of the investment return on the portfolio, of £293,000 had been made in the period after accounting for the proposed dividend of £761,000 on the profits for the six months to 30th September 1996. Gross premiums written of £9,559,000 to date indicated that the 1996/97 forecast of £11,718,000 would not be met and it was noted that the likely shortfall was estimated to be in the region of £1 million. Total capital funds stood at £1,489,000 which represented an excess of £1,433,000 over the minimum solvency margin requirements.

The Directors discussed the need to establish an IBNR provision in relation to the existing extended warranty business and the reinsurance of the pre 31 March 1996 policies. The insurance managers agreed to review this matter prior to the preparation of the March accounts.

After general discussion, the management accounts were accepted.

7/97 - DEVELOPMENTS IN ACCOUNTING PRACTICE

In the absence of Coopers & Lybrand, Mr Downes addressed a letter from the Company's auditors relating to developments in accounting practice and recent changes to UK CFC legislation. After general discussion, it was agreed that this matter be deferred for further deliberation at the next meeting, and for the time being, the Company should continue to comply with UK CFC legislation through an acceptable distribution policy.

8/97 - INVESTMENT MANAGERS' REPORT

The investment portfolio for the period ended 19th February 1997 was reviewed. The Chairman noted that the combined fund had outperformed the benchmark for the current period and for the year to date, producing a return of 6.36% against the benchmark of 5.16%. The Sterling bond market traded within a narrow range until the beginning of February when the market was buoyed by hopes that steady growth and low inflation would help keep UK

interest rates at their current levels. The Directors discussed the current segregation of the portfolio and agreed that the matter should be addressed by the investment sub-committee. The Directors expressed satisfaction at the current level of performance attained by the investment managers.

Mr Downes reported that the investment managers had breached the investment guidelines by placing in excess of £1 million with a single institution. A letter had been circulated from the investment managers apologising for the breach in guidelines and requesting that, in view of the continuing growth of the funds, consideration be given to increasing the maximum amount to be held by one institution.

Whilst agreeing in principle with this request, the Directors agreed to refer this matter to the investment sub-committee for their views on the revised quantum applicable.

It was noted that the requirement to maintain cash to meet future increases in the level of claims payments would require ongoing analysis, and the insurance managers were instructed to liaise with the investment managers to ensure the portfolios were correctly structured.

The Directors considered a form which had been received from the investment managers requesting confirmation of the non-UK resident status of the Company for the UK Inland Revenue, thereby enabling the Company to invest in gilts without suffering deduction of withholding tax. In view of the favourable outlook for gilts in comparison with sterling bonds it was agreed that this was a sound strategy and the form was duly authorised to be signed by any one Director.

9/97 - ANY OTHER BUSINESS

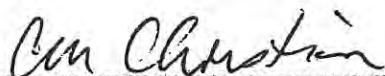
In view of the impending alteration to the applicable rate of IPT on extended warranty policies, it was reported that gross and net rates were being amended, and that these would be notified by the fronting insurer before 2nd April 1997.

It was further noted that a 'Cash Back' option was being considered for policyholders who did not make a claim during the duration of their policy. This facility would be subject to various conditions designed to limit the likelihood of claims being made and further discussions will take place prior to a proposal being circulated to the Directors by the insurance managers in respect of this new facility.

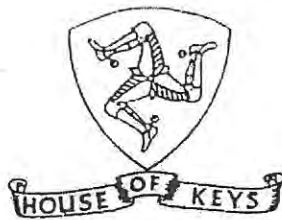
10/97 - DATE OF NEXT MEETING

The date of the next Directors' meeting and Annual General Meeting was confirmed for Monday 28th April 1997 with the following meeting scheduled for Thursday 27th November 1997.

There being no further business, the meeting closed at 12.40 p.m.



.....
Chairman



LEGISLATIVE BUILDINGS
ISLE OF MAN
IM1 3PW

Michelle Norman
Secretary to Lord Lisvane's Review
Third Floor, St Mary's Court
Hill Street, Douglas
Isle of Man
IM1 1EU

25th May 2016

Dear Sirs

Review of Functioning of Tynwald

Further to a recent letter from you in connection with the above I would like to make the following written submissions in connection with the same.

Firstly I should explain that I am a fairly new member of Tynwald having only been elected last September. Up until then I served as a Local Authority Commissioner having stood for the House of Keys on two previous occasions. I have been critical of Tynwald function and process in the past.

However being on the inside is sometimes more enlightening and gives you a better feel for the various functions within the two Houses and Tynwald as a whole.

I would like to make the following submissions:-

- 1). I think that the way the unelected chamber i.e. the Legislative Council sit as one body every four weeks with the House of Keys in Tynwald is incongruous particularly as they have an equal individual vote on legislation and motions that are being presented.
- 2). I find it contrary to an elected democracy that the unelected members have an equal vote in the election of a Chief Minister that potentially, although unlikely, maybe elected from within their number.

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3). If there continue to be two branches which I support then I believe they should sit as completely separate entities and that the Legislative Council should conduct a scrutiny role only, in other words amending legislation for referral back to the House of Keys, the elected members may then overturn the amendment but will at least be in a position to consider the same. At present the Legislative Council is able to vote down new legislation within its own chamber which again is undemocratic.

4). I have no problem with the present system of electing the Legislative Council by majority vote within the House of Keys elected members. I would not agree with the concept of them standing on an island wide public mandate which would in essence give them an island wide authority without constituency responsibilities and may appear to infer more power than the constituency elected MHKs.

5). Now I move on to Select Committees. This is a good system particularly the standing Select Committees who are tasked to scrutinise the different Departments and their operation. I feel these should be populated by members of the Legislative Council excepting the Chairman of each Committee who should be appointed from within the elected members from the House of Keys. After all the Legislative Council should have a scrutiny function and what could be more appropriate than through Select Committees.

6). Elected members who become members of Departments i.e. part of Government often find conflict between their Departmental responsibilities and those of parliament and in particular Select Committees, hence my earlier suggestion which would potential allow more members to concentrate on Government responsibilities.

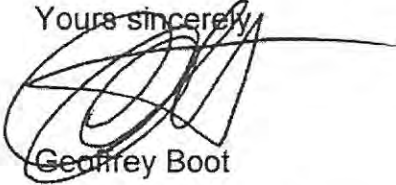
7). As an elected member in addition to Parliamentary, Departmental and other external Board responsibilities I have a constituency workload that is not inconsiderable and is certainly well in excess of the responsibilities of an MLC. MLC's only have to convince 13 people in the elected chamber to vote for him/her on a five yearly rotation. Consequently the question of remuneration commiserate with responsibility and workload do form the basis of a question and should be considered.

8). Having recently attended a Commonwealth Regional Conference in Jersey I was able to look at the systems that prevail in the Channel Isles and how they differ between the two main islands and the smaller island of Alderney. Their systems are complex and difficult to understand and I believe that for democracy to work for electors to engage, the simplicity of the system and connection via constituencies is very important. In this respect our 24 elected members are easy to identify, relate to know constituencies and there is little confusion in the electors minds as to who their representatives are.

I would therefore consequently not wish to see any change to the present electoral system to the House of Keys, first past the post is unambiguous and with little or no party politics serves the island well.

I remain dubious about the new change to 12 constituencies, each with two elected members. My preference would be for a system of single seat constituencies where the elected member and responsibility member is easily identified but having recently changed to the new 12 constituency system perhaps this is an ask too far.

Yours sincerely,



Geoffrey Boot

Member of Isle of Man Parliament Tynwald
MHK for Glenfaba
Department Member Department of Economic Development
Department Member Department of Environment Food Agriculture

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www.geoffreyboot.org
geoffrey.boot@gov.im

Submission to Lord Lisvane Review

As a former Member of the Legislative Council (2009-2013) I moved a Bill in the Council entitled "Electoral Reform Bill 2011". The purpose of the Bill was to provide for the election, by public franchise, of the Council Members.

The objective was to create eight three-seat constituencies for House of Keys and one seat for the Legislative Council.

The eight new constituencies would replace the existing fifteen, providing the electorate with equality in representation, at the same time ensuring the public election of all Tynwald Members.

I proposed that Elections to the House of Keys would be separate from those to the Council and that the two bodies would still sit in their own chambers and continue to combine monthly in Tynwald.

I was firmly of the view that Council Members should be subject to a public vote and whilst my Bill passed second reading it fell at the clauses stage.

However, it was only one of many similar bills from the past that hit the buffers. Concurrent with my Bill, The Boundary Committee reformed and the result was the creation of twelve two-seat constituencies for House of Keys.

It's my belief that the only issue unresolved in the make-up of the Manx Parliament is the current method of electing the Members to Council.

A means by which the Council Members face public election needs to be found. Whilst the public interest of the structure of Tynwald is somewhat limited, I am well aware that there is much discontent over the existing position where the electorate have no say in the Legislative Council Membership. I would not wish to see the introduction of a Uni-Cameral system because I believe it's important to retain the revising chamber.

Yours faithfully

David Callister

16 May 2016

000033

Norman, Michelle

From: Cannan, Alfred (MHK)
Sent: 31 May 2016 14:34
To: Tynwald Review
Subject: Evidence from A L Cannan MHK

Dear Lord Lisvane,

Thank you for asking me to give oral evidence to the Review of the functioning of Tynwald on Thursday 2nd June at 09.30am.

The key area of interest that I have is in improving and streamlining the functions and role performed by the Legislative Council. As you will doubtless recognise, the role and functions of the Legislative Council have been a matter of debate and indeed reform over the years and in theory least, over the years with more power has been transferred to the directly elected House of Keys.

I use the word "in theory" in its literal sense because in practice, the reality is that the Legislative Council carries great sway in matters of Executive government, matters that should be the responsibility of the publicly elected members of Tynwald. I evidence that by highlighting the following key points:

- Members of the Legislative Council can and currently do hold Ministerial positions.
- Members of the Legislative Council can and do hold departmental roles.
- Members of the Legislative Council can influence the outcome of the vote for the Chief Minister against the wishes of the House of Keys
- Members of the Legislative Council can and do block the wishes of the House of Keys, such as preventing the passage of legislation or preventing debates that might normally be regarded as "in the public interest".

All of the above undisputable points point to a Legislative Council function that is somewhat confusing when you consider that the primary role of the Legislative Council, at least by perception, is one of a legislative revising chamber with the attached ability of being a further "check" on Government. Therefore I would ask what role does Legco actually seek to perform ? Is it a legislative review chamber or is it a member of executive Government or is it both? There appears to be little or no definition as to the functions of Legco in either Constitution or by Standing Order.

Certainly Legco is not accountable by public vote so it is questionable whether Legco members should hold office within the Executive. Given that currently all members of Legco hold departmental roles, I would have no hesitation in expressing my concern that Legco is now just an extension of Government and on balance more likely than not to opt to support Government policy than question it.

I also raise the issue of the ability of Legco to vote for the Chief Minister and in participating in that vote, effectively aligning themselves with the figurehead politician on the IOM and indeed the person who ultimately controls what roles (and what salary uplifts) they might receive. Again, I ask is this conducive to an impartial revising chamber or is that simply going to lead to more consolidated voting in favour of Government policies ? Certainly my view is that Legco is less able to function as an impartial part of Tynwald or as otherwise might be expected of an "independent" revising chamber.

Finally the matter of pay and pensions arises. Should publicly unelected Members of the Legislative Council receive the same pay and pension entitlements as their publicly elected counterparts in the House of Keys ? MLC's do not carry a public mandate, do not have the same constituency duties as an MHK and is it right that in an age where cuts and reductions in spending are the order of the day should Tynwald not seek a different salary calculation for MLC's, particularly if we can obtain a better definition on their role ? Certainly I would favour a day rate or allowance for MLC's to attend sittings of Legco and Tynwald in order to perform their role as a revising chamber.

I would also broaden that argument out and to suggest to you that it is not appropriate for Tynwald members to have their pay and conditions linked to the Public Services. Instead we must move to re-inforce the position that Politicians are not "employed" by Government and in that respect surely all Tynwald pay should be set by an independent pay Board.

I hope that these comments will be helpful for you and I look forward to meeting you on Thursday.

Yours sincerely

*Alfred Cannan MHK
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For the attention of Lord Lisvane's review of Tynwald

Lord Lisvane's independent review of the Isle of Man's parliament and the island's branches of government offers an exciting once-in-a-lifetime opportunity to instigate a national debate on the constitutional direction the island might take and to reach across and beyond political divides, to secure our fundamental liberties and human rights for the 21st century and beyond.

INTRODUCTION

An afternoon stroll along Strand Street, or a search of the domestic services section of the yellow pages, shows that the island is now a multicultural, multi-faith country. As with other open democracies profound change therefore seems inevitable, and Lord Lisvane's review is a timely opportunity to prepare for it. No matter what the result of the EU referendum in the UK is, there will be ramifications for the Isle of Man. Fundamental liberties - life, liberty, freedom of speech, freedom for, and from religion, separation of church and state - can no longer depend for their protection by either the government of the day or the will of Tynwald. The common experience of the world's democracies over the last decade regarding inter-faith conflict and terrorism supports a case for greater constitutional protections for our fundamental freedoms and human rights. Recent local elections for Commissioners have revealed a decline in the willingness of the public to stand for public office. To rectify this there is an opportunity, as well as a need, to embrace and incorporate the full power of web technology into the way we choose and interact with our government and its day-to-day methods of operation. Accordingly, I would like to suggest three fundamental reforms for consideration by Lord Lisvane: a written constitution, a fully elected upper chamber of government as in most of the world's leading democracies, and finally, the implementation of a direct-to-government on-line citizen's input system - which might eventually incorporate the electoral system itself (See Oregon's experiment postal ballots and use of the internet).

THREE SUGGESTIONS

First, a written constitution would allow the Isle of Man to enshrine a conception of human rights and fundamental freedoms born out of our island's ancient liberal and multi-cultural traditions, whilst simultaneously restoring a sense of national ownership by their protection in law. Such a constitution would strengthen the balance of power concept through the focus on recognized core freedoms and defended by the appellate power of the judiciary: The right to life, liberty, freedom of speech, and association, prohibition of torture, freedom for and from religion, separation of church and state, right to a swift and fair trial, the respect for privacy and the various freedoms of conscience – thereby giving expression to the traditional Manx commitment to liberty. A written constitution would make it much harder for governments to pass knee-jerk reactive or populist measures that could and would not stand up to the scrutiny of the courts, and would thereby safeguard the liberty and freedoms of all – majority and minority alike.

Under such a constitution Deemsters would protect the rights of all citizens through judicial review in relation to the fundamental rights and liberties enshrined in the Manx constitution, thereby the role of the High Court of Justice, would thus stand in defence of our fundamental freedoms through their constitutional obligation to review the *constitutionality* of legislation as well as such democratic aberrations as 'statutory instruments' (See footnote [1]).

Second - the Legislative Council is the Upper Branch of Tynwald and its members are elected - by secret ballot- by members of The House of Keys (not infrequently from among its own members). It consists of eleven members: eight elected by the House of Keys and three *ex officio* members - the President of Tynwald (chosen by the whole Tynwald for a six-year term), the (Church of England) Lord Bishop of Sodor and Man and Her Majesty's Attorney General (appointed by the

Lord of Man - the Sovereign). The eight elected members have a four-year term of office. The President has a casting vote, the Bishop may vote like other members, while the Attorney General may not vote at all. The Legislative Council does not normally originate legislation, its primary function is to consider and advise on new legislation, usually initiated in the House of Keys.

There are two frequent and persuasive criticisms of the Legislative Council. First, that its members are unelected by the people whose lives and futures it most affects. Unelected legislators are a ludicrous anachronism in principle. In a democracy as old as that enjoyed by the Isle of Man the entire legislative process should be carried out by elected representatives – anything less than this is undemocratic. Of course we must not cling to such anachronisms just because it has ‘always been done that way’. A second chamber is a valuable part of an effective democracy and should not be a give-away for the lower house - appearance of propriety is important! The present system whereby eight members of the Legislative Council are in the gift of the House of Keys leaves the system open to the charges of cronyism or worse. It should be the responsibility of the Legislative Council itself to ensure that all sectors of society, business, professions, sports etc. be represented.

A second criticism is the presence of an *ex officio* religious member - namely, the Bishop of Sodor and Man - who surely makes manifest a huge unelected over-representation of the Church of England in government. In a modern multi-faith, multi-ethnic society such a privileged appointment lacks legitimacy. The as-of-right presence of the Christian Bishop begs the question: who speaks for the religious minorities? With the huge European decline in Christianity's membership, and disastrous world-wide inter-faith conflicts there is surely now a very strong case for separation of state and religion.

Third - recent local elections have revealed a worrying decline in the willingness of the public to play an active role in government. Positions in local government (commissioners in particular) have either been difficult to fill or have been left unfilled. My third, and final, suggestion for reform therefore is the creation of a dedicated, free, super-fast broadband input system for the whole island, enabling citizens to register their day-to-day comments, advice and wishes directly to government. Such a mechanism would encourage and promote a truly participatory and accountable democracy. Such a system could even eventually incorporate the electoral system itself. French and American children grow up with the certainty of their Constitutions. With a legal requirement that Manx history and constitution become an integral syllabus component in all the island's schools, Manx children could grow up knowing they are part of a truly modern participatory democracy.

CONCLUSION

No matter what the result of the June EU referendum in the UK is, there will be ramifications for the Isle of Man. There is a strong correlation between those countries that guarantee political freedoms and civil liberties and promote economic freedoms, and their levels of economic prosperity. The island now has an excellent chance of effectively competing in the global market as a free and open economy, bolstered by robust democratic institutions and a liberal culture of freedom, individual creativity, risk-taking and personal responsibility - the opportunity is here to take bold steps!

FOOTNOTES

[1] Concerns about this have been expressed recently in the British press by Sir Malcolm Jack, Lord Lisvane and Lord Judge (The Times 5, 6 and 7 May 2016). Furthermore, a written constitution would certainly prevent debacles such as that of the recent PJS identity Supreme Court case in the UK.

D. CLARK

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SUBMISSION TO LISVANE REVIEW

Lord Lisvane may perhaps have noticed that ordinary people regard Tynwald & it's institutions as exactly that, with elected & appointed politicians quickly becoming members of a cosy club rather than the house of open political debate they'd prefer The Legislative Council particularly is held in low esteem due to it's lack of democratic credibility Options are needed for the public to choose - in a referendum - their preferred future role for LegCo (if indeed it has one) and the methods of appointment or election A 'Tynwald Appointments Committee' may be acceptable to the electorate if perhaps it consisted of the Chairs of the three main Committees of Tynwald Voters would require some say in approving the recommendations of such a committee - tho' without full public election which might encourage MLCs to consider themselves an alternate administration The other path might be to abolish LegCo altogether, as a number of MHKs are keen to do Were this path to be actively considered, it's down to these MHKs to put forward how membership of the Committees of Tynwald would be democratically established. The public don't I feel believe that 24 Keys members alone are sufficient to provide both good government & full legislative oversight & scrutiny I look forward to reading Lord Lisvane's recommendations

William Costain

Please accept my views on the functioning of Tynwald below.

Election of Members =====

I believe that:

- 1 the Chief Minister should be elected by the people.
- 2 the Island is too small to be divided into constituencies for the purpose of elections.
- 3 Members should represent everyone on the Island.
- 4 All members of parliament should be elected by the public. If the bishop wishes to be an MHK let the public decide.

The first three items could be achieved by introduction of a single transferable voting system across the entire Island rather than within the individual constituencies. The member with the strongest support would become the Chief Minister. Members could be allocated regions to represent based on the strength of support in that area thereby ensuring that the public still have a Member to contact with respect to local issues. I believe that this system would give opportunity to representatives of minority groups to be elected to parliament in proportion to Island support.

I do not believe that the bishop represents the Island's voters. This has been proven by many recent parliamentary votes where the bishop has voted against the popular demand. One alternative would be to include representatives of every faith and none with proportional voting. However this is clearly ridiculous and unnecessary. We already have a system for electing members of parliament so let religious representatives put themselves forward as candidates for election.

I do not think that MHKs should be allowed to become career politicians and should have a maximum term. However I also see that from a small population it is difficult to draw enough candidates to ensure there are enough for the population to vote between. Perhaps there is a compromise position.

Direct Government =====

I'd also like to see voting on general policies perhaps at the same time as the general election in order to give further voice to the wishes of the electorate.

Secular State =====

I would like our government to become entirely secular - with no religious affiliation in its workings and no unelected religious members.

Thank you for this opportunity to put forward my views.

Robert Crichton

Dear Michelle,

I apologise for the lateness of this submission to Lord Lisvane for his review on the Functioning of Tynwald.

I would like to make a few points and I will endeavour to keep them as brief as possible.

I welcome this review of the functioning of Tynwald and I make this submission as a Member of Tynwald that has had the honour and privilege of serving since 2006 and has been both a Member of the House of Keys and is presently a Member of the Legislative Council.

The tricameral system we have presently I believe works well and has served the Island well since its inception. Whilst not perfect, no system I've seen is, but it has worked and has been part of the system that has helped to give the Isle of Man over 30 years of continuous economic growth.

Whilst historically the House of Keys has had 24 members, when we were reviewing the General Election boundaries I did put the recommendation forward on the floor of the House of Keys that maybe we should, whilst reviewing the boundaries, we should review the numbers of Keys Members and reduce them by 2 (two). This proposal was seconded but received only the support of myself and the seconded, Mr Ronan.

I still believe this to be possible and also to reduce the Legislative Council by 2 (two) members. We are presently, and have been for some time, trying to create a smaller, leaner, smarter Government. If we don't lead by example how and why should others be expected to follow and accept our decisions when we don't lead by example.

Losing 4 members of Tynwald would have a financial saving of over £1,000,000 over the five year term of office for those members.

In the recent past we have seen Tynwald working with at least 4 members who have not held any government departmental posts at the same time as each other and excessive member numbers in at least 2 departments. It is not a valid reason to say we need the present number of Tynwald members to run the departments we have. The Legislative Council as you will know is elected by the 'Keys'. I believe this system has worked well in the past and continues to do so.

Legislative Council is part of the tricameral system, and as I said earlier, that has served the Island well and produced over 30 years of continuous economic growth. The Members of LegCo that the House of Keys have elected are part of that process. The only thing that I would change is a reduction in number by 2, as I would in the House of Keys. This would give Tynwald the 4 Members less I spoke of previously. Legislative Council provides another arm of Tynwald who scrutinise legislation away from the 'Keys', i.e. with a fresh pair of eyes and LegCo members also can and do serve on departments. Again, like in the Keys, we have had a member who has not been in government for some time and more recently we have 2 members not in government and the work in government still gets done.

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What I would like to emphasise though is that although LegCo members officially don't have constituents this is definitely not the case in reality. Presently there are only 3 members of LegCo who have come from outside of Tynwald (Mr Coleman, Mr Turner and Mr Wild, (4 if you include the Lord Bishop be he is appointed to Tynwald)) and I know that all LegCo members are contacted by members of the public and asked to represent them on issues. This we do and it is only right that we do as servants of the public paid for by the public purse.

No member of LegCo would ever turn round to a member of the public and say I can't represent you as I have no constitutional right to do so. We are here to represent the Isle of Man and its people. It could be said that as we don't represent a defined part of the Island, we represent the whole Island, which I believe to be true. Those members of Legislative Council that did come from the Keys like myself will find that as a former representative of an area, residents of that area still come to us even though we have been replaced by a new MHK for the said area and that will always be so I think. I certainly find this to be the case and I'm more than happy to continue to help the people of Peel. That is part of the job of Members of Tynwald.

The present make up of the Legislative Council gives a wide breadth of experience from inside and outside of government and that mix of experience does and has in the past complimented the workings of Tynwald and the government departments. The scrutiny of government has evolved for the better in recent years with the introduction of the Environment, Economic and Social Affairs committees. It is said that members of these committees and the Public Accounts Committee should be Tynwald members from outside of government departments. I'm not sure that should be the case but I do see an advantage by maybe having 'lay members' who are experienced in the chosen committee subject.

I look forward to reading the findings of the review in the very near future.
Yours

Tim Crookall.

Tim Crookall MLC
Minister for Education & Children.
Hamilton House,
Peel Road,
Douglas,
Isle of Man.

Tynwald, the Isle of Man Parliament. Since 979AD
The worlds oldest continuous Parliament.

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A modest proposal for dealing with moral delinquency in Manx politicians." For too long we have suffered with having only one un-elected bishop to guide our politicians through the moral maze that is the modern world. Until now we have placed the onerous burden of guiding all our politicians on the shoulders of only one man! He has often had to resort to presenting two, or more, contradictory positions in order to get his mixed-up messages across. Now, when Comrade Corbyn takes over the Government in the UK, I am sure that one of his first moves will be to actually reform his Parliament - he will, no doubt, retire the sitting bishops at the first opportunity. Not wanting to have twenty six jobbing political priests, all practiced in parliamentary procedures, wandering from town hall to town hall in search of work - why not bring them to the Isle of Man? (Furthermore, because they are 'priests with privileges', they would not be subject to those demeaning work permits, so they could start work immediately!) So, my modest proposal is that we increase the number of sitting members of Tynwald by appointing 26 bishops to act as 'personal morality managers' (PMMs) to the 24 elected MHKs (2 substitutes in case of holidays, illness or injury). Each new bishop would have a vote that was tied to their appointed politician, who, in turn, would have to vote in the same manner. So, whilst the net effect would be zero, each MHK who would have strayed from the correct moral path, had they not had the benefit of 'guidance', will now vote in accordance with the morally acceptable, 'General Will' of the people. They will have "been forced to be free" as Rousseau said. Harmony restored! I do not propose making any changes to the Upper House as it is obviously doing a grand job and with all those PPMs managing their politicians in the Lower House there will only be a rubber stamping exercise required anyway. Why is this a good move for the Island? Some of our politicians, from time time, exhibit poor judgment; sometimes they get a little too carried away, or get muddled with mundane financial matters, other times they forget that we, the people, live in a liberal democracy in the 21st century and not some Victorian pantomime. Also, as pointed out by the present incumbent bishop "sometimes it is useful to have a voice that is not dependent on a vote - to say something which would offend voters if that person had to be voted in, and sometimes tell the truth that way more easily than if you had to keep an eye over your shoulder to see whether you will be voted in next time" [RP Manx Radio] Some of the 'offensive topics' which had proved unpopular with some of the electorate in the past have included; decriminalising homosexual behavior, equalising the age of consent or granting equal marriage rights to all consenting adult couples. Each time these 'sexual topics' have arisen our un-elected bishop has done his best to add clarity of thinking to the debate, and, each time, Tynwald proceeded to modernise our laws for the benefit of a 'special interest group'. In the future our politicians will be called upon to make decisions that impact the lives of other 'special interest groups'; sexually active, heterosexual women of childbearing age for instance. Now, modernising abortion law is such an emotive topic that I am certain there will be some MHKs who would have wanted to declare their views but were too afraid of losing a vote or two, so here is where my proposal really takes centre stage - an MHK's personal morality manager would agree to represent the views of another MHK thereby anonymising the original poster's comments! So, my solution gives meaningful employment to otherwise destitute political priests made jobless by that pesky politician of the people, Mr Corbyn. It would mean that each elected politician would have their own PMM and that any tricky topics could be handled in a sensitive, and importantly, anonymous manner, by the pool of personal morality managers! And, with the only other country who appoint un-elected clerics to their Parliament out of the picture, the Island will be able to proudly claim to be the "oldest parliamentary theocracy outside of Iran!" All credit to Jonathan Swift for his original idea. RP Manx Radio
<http://www.manxradio.com/oNews/uploaded/audio/126955-1.mp3> accessed 13/07/2014

Andrew Dixon

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Review of the Functioning of Tynwald

Sir

As a member of the public one has limited exposure to the operations of Tynwald. The broadcasting of Tynwald itself provides an opportunity to follow current debates live, but there is limited access to the debates of the House of Keys and none for Legislative Council (other than written Hansard) unless you are able to attend public sessions in person.

Without the luxury of being closely familiar with the Standing Orders of the respective bodies, the actual functions of the bodies may be seen as being slightly arcane. However, as a party detached from the day to day proceedings, one can set out what might be expected of the legislature. I would note that there is an inevitable extension to this subject: namely that the interaction between Tynwald, the Government and the Executive is an important feature when considering the effectiveness of the branches.

A starting point might be to pose the question: what should the functions of the branches be before examining or allocating specific functions?

Again, from a lay perspective, I would suggest the following:

The parliament should have the following key functions:

- To consider, scrutinise, modify and pass legislation whether proposed by members as individuals or by the Government.
- To debate matters of public and national interest.
- To hold the Government to public account

These functions are consistent with the functions set out by the UK parliament - <http://www.parliament.uk/about/how/role/>

As the Isle of Man lacks (in any material way) party politics, there is no effective way that the electorate can assess a putative programme for government at a general election as the individual manifestos in each constituency are independently produced and cannot, therefore, be said to constitute an Island-wide mandate. The Government is constructed from the group of elected independent members under the Chief Minister who is elected from that body and its policies are only set out in the new sitting of Tynwald. Accordingly, it is important that the programme for government is capable of being properly challenged within the legislature in a meaningful way. Moreover, as the Government of the day, bound as it is by collective responsibility, has an embedded vote of 9 (depending upon the constitution of the Council of Ministers from time to time) it has a very strong foundation for any proposed legislation. Coupled with departmental obligations, the core CoMin vote is supplemented by the votes of the sponsoring department. Whether considering legislation or scrutiny, it is therefore essential that the

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branches of the parliament should be structured in such a way that members' responsibilities to the electorate (rather than to the Government of the day) can be meaningfully fulfilled.

The Isle of Man may be regarded as tri-cameral, although this description is not universally accepted in that Tynwald Court has no members that are not present in one of the House of Keys or the Legislative Council. Tynwald Court has a formal role in the completion of legislation, is an important venue to put questions to Ministers and holds important debates in terms of policy recommendations.

The Keys and Legislative Council are also venues for putting questions and this may be seen as a duplication of role with Tynwald, but primarily considers and votes on legislation.

There is a further arm of Tynwald that lies with the Committee system, either as standing committees or as ad hoc committees. These are a second tier of scrutiny with terms of reference set by Tynwald.

It is very difficult for an outsider to give a judgment on the efficacy of the present system. However, I think that it is possible to comment on what one might expect the structure of the parliament to achieve.

Efficacy

I regard it as a clear benefit of the present arrangements that legislation has a high hurdle to cross before it can be enacted. There must be a concern about the current process in the degree of understanding that members have of legislation, particularly at the clauses stage, given that much legislation is technical in nature. However, of much more concern would be changes that make the passage of legislation significantly easier. The adage that a decision made in haste is repented at leisure is particularly apposite when applied to law making. It is very rare that an event is so critical and compelling that a law needs to be enacted without due process and constructive challenge. Once enacted, bad law is very difficult to amend because of the legislative timetable and the natural inertia of the establishment.

The present system, no doubt imperfect from an insider's point of view, plainly has the advantage of minimising the risk of legislation passed with ill-conceived haste. Any changes to the structure of the Parliament should not remove its ability to have meaningful breaks in the legislative process to enable challenge and reflection before enactment. I do not believe that a unicameral system would provide sufficient safeguards.

However, there is a valid question mark over the legitimacy of the Legislative Council. Over recent years there have been deeply unsatisfactory Council elections. Elected by the House of Keys, there was a convention that MLCs would have been elected from the House of Keys or subject to electoral selection previously. Imperfect though this may have been (particularly in respect of MHKs who had lost their seats rather than retired MHKs) the

system retained a degree of credibility. In recent years there has been much less of an appetite for MHKs to put themselves forward for “elevation” and there has been a higher incidence of the appointment of individuals with no electoral credentials. This does not imply any lack of ability. However it is not a strong democratic mandate. Critics of an elected Legislative Council cite the respective strength of a House of Keys mandate compared with that which might be attributed to an elected MLC. I would suggest that clearer statements of the roles and responsibilities of the two branches would deal with this dichotomy – possibly without significantly changing the current position where the Keys can re-pass legislation that has previously been rejected by the Legislative Council – ie a similar provision to the UK Parliament Act.

Effective scrutiny

Given the relatively small number of members (absolute rather than per population), it is vital that the incumbent Government does not have such a dominance of power in its hands so as to negate proper scrutiny (particularly in the absence of an electoral mandate) or to prevent bad legislation.

The scrutiny of Government Ministers (primarily through the medium of parliamentary questions) and of the Departments (primarily through Committee) should be regarded as an essential role both by the Government, the parliament and the public.

There is an undoubted patronage in the present system. Ministers and departmental members each receive additional remuneration based on their governmental responsibilities. If scrutiny is to be fully valued, I would support an equalisation of salary levels such that only Ministers receive a premium. This may require an adjustment to the basic level of salary, but it would, in my view, make the role of a member not directly appointed to a Department (and accordingly more likely to act as an opposition) more attractive. I do not suggest that the current payments directly influence members choices of how to conduct themselves as parliamentarians, but the proposed change would remove any doubt that taking a dissenting view will have a direct impact on a member’s livelihood.

Questions are often seen an apparent thorn in the flesh of Ministers and can appear to be a source of significant animosity in the branches. However, I would suggest that it is without doubt an essential requirement of the system of checks and balances. Moreover, I would suggest that the present system of limiting the time for questions in all branches does a disservice to the public. It is relatively uncommon for question time to be extended. I would suggest that consideration be given to allocating more time to parliamentary questions. If it is felt that this may be too onerous, the requirement for 16 members of the Keys and 6 members of the Council for a resolution to suspend Standing Orders in respect of parliamentary questions should be reduced to a simple majority for each branch when sitting separately or for Tynwald as a single voting body.

Committees have wide-ranging terms of reference and should be continued. To the best of my knowledge, the members of a Committee are exclusively drawn from members of Tynwald. I understand that Committees may seek lay (subject matter expert) support where scrutiny involves technical matters. I am not aware of any statistics indicating the extent to which such assistance is sought. I believe that this would be a useful source of knowledge and that it introduces experience from outside Government circles and should be considered by all Committees.

Summary

I have frequently reflected on the observation that an imperfect system run well is far more effective than a perfect system run badly. I would be happy to accept that the present system is not perfect, but am not convinced that any evidence has been made public to show that the structure of the parliament itself is the cause of any perceived inadequacy of its effectiveness. On the contrary, I would tend to the view that the difficulties that exist are better tackled by changing/clarifying the respective roles of the branches, the status of 'ordinary' members of the Keys and electoral reform of the Legislative Council. I profoundly disagree with the idea of a unicameral approach, at least where there is only a single hurdle to cross to enact legislation.

These are my views as an individual and I do not represent any body or political grouping.

Michael Fayle

Dear Ms Norman,

May I make the following comments for consideration:

1. The Isle of Man has excessive government structures given its small population and small physical area. This comment relates to the combination of local government, a lower central government house and an upper chamber.

2. Any review of Tynwald's structure that does not also give consideration to the role and structure of local government runs the risk of ignoring the totality of structural issues.

3. Serious consideration needs to be given to strengthening and consolidating the role of local government. A more regionally based local government structure would allow greater effectiveness and efficiency. It would also eliminate the need for Tynwald to deal with so-called 'parish pump' issues. This would allow central government to become more strategic and visionary in its focus.

4. A question needs to be asked about whether there is truly a need for the current bicameral system in such a small legislature. If the Keys became more strategic on its focus the need for the Legislative Council would diminish very significantly.

5. Many very democratic and highly effective legislatures operate well with just one chamber. Examples include Iceland, Sweden, Finland and New Zealand.

6. The Legislative Council sometimes justifies its existence on the grounds that it is an 'island wide' chamber. A Keys that was less focused on local issue, if local government was strengthened, would fulfill this role effectively.

7. A strategic focus for the Keys would be greatly strengthened by a radical review of the electoral system to replace current local boundaries either by a single island-wide electorate or by four regional electorates. This would immediately necessitate candidates campaigning on more strategic matters and reducing their focus on very local matters which are not real central government matters.

8. We have a tradition of independent members of the Keys. This is central to Manx democracy. It is, however, somewhat diminished by the way independence and freedom of expression on policy matters can be limited by the use of salary supplements for Departmental Representatives below ministerial rank. One possible reform would be to remove the patronage associated with increased salary by abolishing the salary allowance for Departmental Representatives and possibly spreading this saving across all MHKs to encourage more professional people to stand for the Keys.

I trust that some of the above may be of interest to Lord Lissvanes Review.

Yours sincerely

Paul Fellows

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Review of the Functioning of Tynwald.

Secular society

It is not a function of Tynwald or the House of Keys to promote the Christian faith. I would like to suggest that Tynwald Prayers should not be part of the proceedings of the House of Keys, Legislative Council or Tynwald. In a modern multi-cultural age it is not appropriate to expect all members to pray to a Christian god as part of the political proceedings. Some of them are not members of the Church of England. It is not appropriate to pray 'grant that we conduct the affairs of this House/ Council to the glory of your holy name' because that is not why we vote them in. Neither should they be obliged to 'declare that we are one with each other and one with you through our Lord and Saviour Jesus Christ. I suggest those members who have a Christian faith could pray together before each session if they wish but Prayers should not be part of any session of the House or Tynwald after the Speaker and President have entered and opened the session. Another alternative would be to give other denominations, faiths and beliefs an opportunity to conduct a Moment of Reflection before each sitting.

Yours sincerely

Muriel Garland
Isle of Man Freethinkers

Functioning of Tynwald

Tynwald is not democratic

The Legislative Council is used as a retirement home for older MHKs and those who are unlikely to win their seats in the next election.

The president of Tynwald is an example.

There are no women in the Legislative Council despite half the population being female.

Unelected members of LEGCO have positions in departments of government.

Supposedly their role is to scrutinise legislation but they get involved in the day to day running of affairs.

Until recently even ministers were selected from the Legislative Council although they have no mandate from the public.

Elections to the Legislative Council are secret.

Some members have only scraped in after several votes.

The bishop of Sodor and Man sits on LEGCO and has a vote despite not being elected by the people of the island.

The House of Keys

The House of Keys is not democratic with people in some constituencies like Onchan and Rushen having 3 votes.

This will be addressed by the new boundary changes where constituencies will have approximately 7,000 residents each at this year's election.

This is the first change since 1986 despite the fact that it was recognised as a problem many years ago.

Members of the House of Keys often function as local councillors and do not pass on problems and enquiries which should be dealt with by other people.

Much time is taken up during debates on minor matters such as horse trams and road repairs.

People outside politics do not understand the system. They think Tynwald is the same as the House of Keys. It is not strictly tri-cameral because members sit in two chambers -the House of Keys or LEGCO and also in Tynwald as a combined chamber.

The standing policy review committee system seems to have improved the situation as regards scrutiny but there are lots of ad hoc select committees which are sometimes used to delay proceedings.

There seems to be a lack of research facilities or data on which to base policies. One would think that on a small island with a population of 85,000 the government would have facts and figures at their fingertips.

Options for reform

Single transferable voting for the House of Keys with education for the public and candidates.

Members of LEGCO nominated to an appointments commission with a remit to work towards gender balance.

Potential Chief Ministers to declare their intentions before the election and produce a manifesto/ programme of work.

Transparent voting in election of Chief Minister.

Fewer members in departments and more working on legislation and scrutiny etc.

Legislation taken from other countries so it doesn't take years to write from scratch for the Isle of Man e.g. Discrimination Bill and Equality Bill have still not been brought in.

It is not a function of Tynwald or the House of Keys to promote Christianity on the island.

Therefore sessions should not begin with prayers after the members have entered the chamber.

Members who are Christians can pray privately prior to sittings if they wish to do so.

1. The Chief Minister has recently told us that Tynwald is working on a 10-year strategic plan that started in 2011. Progress has been made but we must wait until the next general election in 2021 to gain an overview of the success or otherwise of this plan. This, I suggest, leaves voters in limbo when they vote this year. I would recommend this could be resolved by a clear commitment at the beginning of each administration to a FIVE YEAR plan to be reviewed at least annually.

2. Regarding the Bishop, an often-repeated argument in justifying his presence in the Legislative Council has been that he 'adds a moral dimension' to proceedings. With respect, this is disingenuous. A moral dimension would remain even in his absence. True democracy and the presence of an individual with a divine right to his position without regard to what voters may think are incompatible. One option could be the setting up of a panel of voters for a dialogue with the Bishop and selected politicians to review his position.

3. In debate individual politicians often proclaim 'I believe ...' or 'I think ...' It should be possible for the President or the Speaker to intervene, requesting grounds for such statements. This may do something to promote self-questioning for this of our representatives whose motto seems to be: 'My mind is made up. Don't confuse me with the facts.'

4. Meanderings are all too common in our political debate. While the President often requests that the speaker come to the point it is not uncommon for her efforts to be disregarded. I suggest that the Speaker and/or Chief Minister be encouraged to be even more positive in beginning proceedings by reminding those present to be brief.

JEFFREY GARLAND

Dear Secretary,

The bishop has consistently been on the wrong side of history regarding the recent debates on marriage equality and any claim to have insight into the human condition is obviously flawed. We do not need an establishment person who is only in our Parliament in order to shore up a crumbling power base.

Also, Prayers before Tynwald should be a private affair and not broadcast on the radio. In the 21st Century our elected politicians should not be heard fawning before someone else's imaginary friend, it is undignified and embarrassing. So, please remove the vote from the bishop and silence the prayers if you want to reform Tynwald for the better.

Kind regards,

Rebecca Gelling

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Review of the Functioning of Tynwald

I believe that the existing system which includes two chambers, the House of Keys and Legislative Council meeting separately to enact legislation but together as Tynwald for other policy matters, should be continued. I take this view, bearing in mind that, as I understand it, the system is still that in Tynwald if the Keys approve a resolution but the Council vote against it, at the next sitting of Tynwald there is a combined vote which requires 17 votes in favour for the resolution to be passed.

My support for two Chambers and Tynwald is because I believe that it is important to have a second chamber which, like the House of Lords, can propose amendments to legislation and delay it for further consideration which would not be possible if there was no delaying or revising second Chamber. I know that some people feel that if there is to be a second Chamber it should be elected by the electorate. However I do not think this would be practical as both Chambers would then think they were of equal importance and the Legislative Council would not accept that its purpose was to revise and delay for further consideration.

Furthermore I believe that most of the electorate are satisfied with the existing system and as in the past, when suggestions have been made to alter it, they feel that Members of the Legislature should spend their time on the more immediate problems of running the Island.

We must remember that various attempts have been made to alter the existing system and a great deal of time has been devoted to considering this, but over many years no major change has been made, I am sure that this is acceptable to the vast majority of the electorate.

I attach a Photostat copy of my entry in the Tynwald Companion for 1999 which gives a summary of the majority of my eighteen years in the House of Keys.

If Lord Lisvane wished me to do so, I would be very pleased to give oral evidence.

Yours sincerely,
Walter Gilbey

Dear Ms. Norman,

I write to make representations to the review examining the options for reform of the House of Tynwald and would offer some suggestions for reform of elections and functions, as I feel very strongly about these matters.

I believe that democracy does not truly exist in our Parliament, as the members of the Legislative Council are not elected by the people whom they actually represent, (although I concede; they represent at a distance) and the Bishop of Sodor and Man sits, speaks and votes, yet is not elected by the people or by the Tynwald Members.

The members of the Legislative Council are, I admit, elected by those whom we have elected to represent us. They do not, I believe, represent the population directly at present, and they should be elected by us directly so that they may do so. I do understand the arguments for the present situation to remain; members not looking towards the next election, being independent of the lower house, bringing experience and unbiased opinion to the upper house, etc. However, I am strongly of the opinion that the population should be able to directly elect those who would hold Tynwald to account and examine proposed new legislation on our behalf.

Times move on and whether we like it or not we are in new times with new beliefs and new ideas. Unfortunately the recent Census, although only an intermediate one, did not ask for a census of the religious beliefs of the population. This may well have been deliberate on behalf of those people who do not want us to know such things. It is evident however, from the pleadings for financial help from various churches that church attendance has greatly reduced over recent years. Many more people are expressing their humanist or atheist feelings. Many people are coming to live in our Island who are not from a Christian (or Church of England) background, and if we are to charitably welcome them into our community we must make allowances for their different faiths and lack of faith.

Therefore, I suggest that the placing of the Bishop into the legislature is outdated, and may, and indeed does, cause resentment amongst some members of our community.

I am aware that part of his role is to guard the integrity and honesty of the members, and advise them on matters of morality. Quite simply, if I thought that any candidates for Tynwald required such advice then I would not vote for them, and nor would anyone else.

The Bishop, whom I believe to be a very genuine and honourable person, is in modern times out of place in our Parliament unless he is properly elected together with the other members. If he does have such a great number of supporters within the community, then he should have no difficulty in being elected to Tynwald and should not fear the election process.

This ancient religious bias (as I believe it to be) extends to the working of the parliament itself, and prayers and the giving of oaths sworn on a god not believed in by some members taking the oath should be removed from the processes of Tynwald. I am aware of two members who have unwillingly taken the oath although they are atheists.

We must make provision for the future election of members who are not of the Christian faith, and such prayers and oaths may well deter or prohibit potentially useful members from representing their sections of the community.

I thank the government sincerely for allowing me the opportunity to make representations to the review and humbly ask that Lord Lisvane consider them.

Yours sincerely,

Paul Ginns.

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Review of the Functioning of Tynwald - 2016

"Television won't be able to hold on to any market it captures after the first six months. People will soon get tired of staring at a plywood box every night."

Darryl Zanuck, Head of 20th Century Fox 1946.

Dear Sirs

Please accept this submission to the review of the functioning of Tynwald. Lord Lisvane has been asked to examine and consider providing recommendations for possible reform with regard to the function and the scrutiny of our parliament. He has also been requested to assess efficacy. I feel it is worth noting at the outset that the openness with which the question of 'efficacy' has been posed could and should colour the entire task at hand, and I have been delighted to hear that this appears to be the sense in which it has been approached so far. Indeed the issue of efficacy highlights the interesting grammatical assumption as already set out within the brief - to "consider the scrutiny structure required by the parliament." The first question when considering efficacy must surely be, efficacy according to whom? If we assume that a process of scrutiny is required, then surely it is required by the public first and foremost. I am sure this is a simple and unintended coincidence of phraseology, however it does serve to throw light on the nature of the process by which the review is taking place.

It has been noted during the review that the response to nearly all government consultations is often woeful. If this review is tasked with considering efficacy, one would hope this must be a primary concern. If there is a perception that there may be a question to be answered in terms of efficacy, then surely it should be the public who should answer that question, as the intended benefactors of this process. If they are not doing so in droves, does that mean they are entirely happy with the system as it is, that their political wishes are all fulfilled, or that they are so disillusioned with the system and it's failings that they don't believe any change will come? If part of the purpose of the review is to consider 'efficacy' I would dare to suggest it could have been fruitful to have taken Lord Lisvane on a tour of various groups, clubs, societies, etc. (selected at random) so that he could meet a swathe of the general public informally. He no doubt would then have discovered why so many eligible people do not formally engage with the vitally important structure he has been tasked to assess - not just with regard to ongoing consultations, but at even the most important opportunities such as general elections. Thankfully I have no doubt, from listening to the submissions already published, that Lord Lisvane already has a very clear view of why that may be the case. The fact that a process of directly engaging the public informally would no doubt be considered impossible, clarifies the perceived gap between what takes place within Tynwald, and the people it is supposed to serve.

I am sure Lord Lisvane is more aware than most that the nature of democracy and governance in it's various forms is facing inevitable, significant and difficult challenges around the world at present. I am sure he is also aware that the consequences of making the wrong decisions on this matter (including the decision to do nothing) could be very serious. As noted in several of the submissions already published, the responsibility to make these decisions does not lie with Lord Lisvane. His task is simply to consider from a position of experience, and to clarify some of the options for change. If the people of the Island do not demand any of the options that may be set out, it will be very easy for those in power to circumnavigate anything they don't like, and press on regardless as they have in the past. If the public do not call for change, nothing will happen in terms of reform until a crisis point is reached.

The quotation from Darryl Zanuck set out above is interesting from a number of perspectives. Firstly it shows that we should always be cautious of the opinion of those with a vested interest in maintaining the status quo. Secondly it shows that no matter how strong we think our influence is

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in the present, we do not control the future. My parent's generation embraced the wide dissemination of television and the home telephone, and then fretted over what these devices would 'do' to their children. My generation has witnessed and embraced the wide dissemination of near continuous mobile digital interaction in all forms, and now we are fretting over what it will 'do' to our children. The irony of course is that I, along with many other people of my generation and younger, no longer own a conventional television or a home phone. The clear fact is that we do not control how future generations define the technologies that we have had to adapt to (and so think that we have mastered) within our adult lives. My children are growing up in a world where near continuous access to information, communication and decision making potential is the norm, it is not something they will ever have to 'learn' as such. To imagine that future generations will perceive and react to this potential in the way we think they will react to it is naive. There is only one thing we can say for certain with regards the digitisation of our societies - change is inevitable. The long term outcome of these changes is not actually within our control. Our generation has developed new ways of communicating and making decisions. Future generations will define what that means for them, as they mature with this capacity inherent to how they live. What is within our control is the power to observe what we can right now, and attempt to begin plotting a course accordingly. Certain trends are already clear, and we ignore these at great cost.

It seems highly likely that the public will increasingly expect the collective voice provided to them by digital communication to be heard, and acted upon. The Island has a great opportunity with this review to listen to that voice, make the best start at modifying the system to stay ahead of the curve, and so make the most of the opportunity - a fitting challenge given our heritage. The alternative is to play 'catch-up' in a process of reaction - as is already unfolding. This will almost certainly be a far more risky and difficult process if we have to deal with the very real potentially negative outcomes of ignoring what is already happening around us. The perception has been aired within several of the oral submissions that the public is not greatly interested in politics. This is correct to a certain extent - people are interested in 'issues', not in politics. The public perception that it is almost impossible to make any significant difference with regard to the issues which are important to them, is what begins and then perpetuates the process of disenfranchisement from one generation to the next. This is not a point which should be merely a foot-note to the process of review, or be used as an excuse to do nothing. Political disenfranchisement is the single most serious issue to be considered under the umbrella of efficacy. Resulting disengagement leads to a poor understanding of the evidence required in order to make decisions, and what the consequences of those decisions could be. A generally poor understanding of decisions and consequences is potentially the single biggest threat to society as we know it. The risk cannot be overstated, for it influences all other issues we may wish to consider.

It is often difficult for people of my generation and younger to empathise with the experience of the large scale conflicts that our grandparents and great-grandparents witnessed unfold, and so unfortunately it is too easy for us to fool ourselves that the circumstances and triggers by which widespread conflict has arisen in the past have been banished forever in the 'civilised' world. No matter how civilised we feel we are, a disengaged, oppressed or poorly informed society is a society which is primed to fall foul to the negative potential inherent within mass digital connectivity. As we can clearly see all around us, any society where large portions have become disengaged or disenfranchised is a tinder box waiting for someone to step forward with an oversimplified and inflammatory idea. The unfortunate double edge to the reality of a digital world means the worst case scenarios can and will arise more quickly and unstopably than ever seen before.

Our present Chief Minister has cautioned us on 'tinkering around the margins' when it comes to reform, and on that, for once, I would agree with him. If the public have disengaged because they do not believe they have any power to make a real difference, how do we re-engage them? The answer is in principle very simple - too simple for some. The public have disengaged not because they do not care, but because they do not feel they have any power. In order to re-engage them we must simply give them back some power. The evidence for this logic in action has been seen most recently and closely with the Scottish independence referendum, which not only effectively (re)engaged an entire generation in active political debate, it achieved a reported turnout of just

under 85%. In modern politics this is almost unheard of. It is far in excess of the turnout for a conventional general election. In principle this result confounds logic, as a general election is arguably more important in terms of the day to day lives of those involved. Indeed, without general elections it is unlikely those who voted in the referendum would have been able to do so at all. The key factor in the turnout was the clear direct access to real power on a highly emotive issue. Would the same level of public debate and turn out have arisen from an e-petition which could trigger a debate in parliament, but which had no legally binding power? Almost certainly not. Power is the key.

An action like the Scottish referendum is also interesting technically because it was in essence a major policy decision. It was a policy decision which both sides believed they could resolve in terms of implementation should the result go their way. It reminds us of the workable precedent of the public having the power to show their intent in terms of directing policy, and then leaving the implementation to the politicians - a combination of direct and representative democracy in action. How then do we commence what could be one of the most significant political reforms in history? We can start by looking at places which have been using forms of direct democracy, very successfully, for a very long time - Switzerland is the eminent example - and we can look at the way this idea is already being introduced in the digital age elsewhere in the world.

The key challenge when it comes to direct involvement of the public is in meeting what has been termed the "trilemma of democracy". That is the challenge of achieving full participation, deliberation and equality, which is acknowledged as being very difficult to achieve within any group. In a pure democracy, where the individual is given a theoretically free vote, on an issue that they may not fully understand within a group, there is no protection. Either groupthink or mob rule can potentially take hold. Mobs are ruled by the strongest voices of influence within - or outside them - they are easily led, and they do not consider minorities or negative consequences. In other words mobs can make decisions that are as bad as, if not worse than, a system of representation with executive power. The Swiss model uses multiple layers and trigger points in order to avoid such issues. In reality though the process is relatively sedate by modern standards and is in fact still open (there is in theory no limit to the power the public can wield), and yet it has remained incredibly stable and highly successful in terms of efficacy over a long period. This is largely due to a good understanding of consequences and compromises.

A modern incarnation of direct democracy could take many forms, from single issue decisions to the setting and development of overall policy framework intent. The size, technical capital and lack of political barriers mean that the Isle of Man has greater potential for success with such an idea than nearly anywhere else in the world - we can show the world how to do it in the digital age. In order to attract and keep people engaged it is fundamentally necessary to retain a process which allows raw access to power. Whether relating to a single issue or a policy framework the system must allow direct access, so that anyone can call an unlimited and binding action if they can gather enough support to reach a trigger point - what other process can truly claim to be democracy? On a single issue this could look much like the online petition system many of us are already familiar with. The clear problem of course is that, especially with regard to single issues, the general public will potentially not deliberate fully prior to voting within such a format. More importantly their opinion will likely only form behind a strong voice, with a clear self interest. The process will therefore be prone to the very real problem of groupthink. The same problem could also arise if the public were allowed to access power in a limited way - i.e. through government committees. Inevitably, special interest groups could potentially take advantage of such access, to the possible disadvantage of the wider public. In a small jurisdiction like the Isle of Man, within a modern digital context, such problems could be resolved very simply by having a two stage process in order to dial out special interest pressure and / or groupthink.

To resolve this we need look no further for a form model than the process we already have for social judgement - jury service. The second stage of a digital process could be based upon a decision between evidenced and costed briefings on all sides. Briefings could be delivered to randomly selected voters from the electoral register. The voters could be legally barred from

discussing the briefings (as with jury service), and could make the decision in isolation - to avoid groupthink pressures (as opposed to present jury service form). This solution comes as close as possible to fulfilling the challenge of the trilemma. Random selection of control groups could give a result that is as close as possible to a representation of full participation and equality. Formatted, evidenced and costed briefings considered in isolation and secrecy would give the best chance of achieving full deliberation for the benefit of society as a whole, especially as the consequences of each decision should be clear.

Ultimately any system of decision making will always potentially produce decisions which are incorrect or harmful to certain groups. Within a system of open digital democracy the consequences of greater engagement in all decisions would inevitably commence a process of ongoing social learning, which should at least mean that such decisions are more beneficial long term (even if they are negative in terms of direct outcome) than those of a potentially detached and transitory parliament or government. A great deal of detailed research is now becoming available on the nature of leadership and decision making, and when we consider this evidence alongside the types of decisions future generations will be forced to make, there is a fundamental flaw in terms of the logic of the current system. In a system where all of our basic needs are essentially the same (and are fully achievable at present), decision making based on pointless and wasteful conflict is a core historical weakness within humanity. The challenge for future generations is whether they can utilise the potential within the technologies that are emerging, to achieve a decision making system based on continual best compromise for all, for the sake of the majority. The challenge for our generation is to see if we can set a course in that direction.

Is digital democracy technically possible, and can we afford it? Leaving aside the obvious point, which is whether we can we afford *not* to, the answer is clearly yes on both counts. Secure digital interactions are part of every day life already, from social interaction to finance and business. The technology frameworks are readily available and widely trusted with decisions most people clearly feel are more important than governance. Furthermore, they are far more secure and cheaper to operate than the current systems of democracy and governance. To suggest that this potential cannot be transferred easily to democracy and governance is naive at best. We live in an age where it has become possible to make contact with people everywhere, and talk freely about issues and decisions instantly and continually. Every time there is an emotive news story on the Isle of Man you will find people vocalising online - 'the government has done or not done this, that or the other.' This clearly dispenses with the myth that people are not interested. People are not interested in the incumbent system and it's perceived failings, they are very interested in issues which affect them. Single issues like Same Sex Marriage or Abortion are highly emotive and, as has been clearly demonstrated recently, a failure to openly debate and take account on such issues leads only to further conflict and unnecessary negativity within society. General policy issues like the health and education services etc. are critically important - not only when you need them as an individual, but for the wider good of the society you live in. They are complex issues which relate to other issues such as taxation and the prioritisation of spending, and only a process of direct involvement will educate society as to the consequences of all decisions and the evolution of the policy framework in place.

Can or should we dispense with representative democracy entirely? Not at all. It is right to say that a lot of people are not interested in implementation politics, and it is right to say that most people do not want to be involved in the running of government. If the process of policy setting were more democratically open it is highly likely that specific issue decision processes such as those outlined above would be relatively unnecessary. It has been noted that the Isle of Man lacks the distinct party structures found in many other parliaments. Many people consider this to be a significant problem in terms of scrutiny, as instead of opposing sides exchanging power and in theory keeping check on each other, we have a process of government formation and 'collective responsibility', whereby the people of the Isle of Man receive a government - the form and policy direction of which they have absolutely no control over, and over which there is perceived to be very little meaningful restraint. Furthermore as science and technology move forward it is likely to become increasingly obvious that oppositional and ideologically rigid politics as a model is fundamentally

illogical and highly inefficient. What oppositional systems tend to create is the effect of lurching - as ideological policy packages inevitably go too far in one direction or the other as a result of the system of executive power.

The reality that scientific research is increasingly showing us is that (as would be expected), our inclinations in terms of risk and therefore political judgement are deeply ingrained in terms of genetics. What this means is that the idea that people can be forced or persuaded to change sides or shift politically (conservative vs. liberal) is simply folly. When we observe shifts in political allegiance it is almost certainly the politics which has changed, not the people. This is of course why there has been a noted shift in mainstream politics to present a perception of holding the centre ground, even if the policy reality may be far from that. There are a number of reasons why a 'traditional' oppositional party system has not, and is not ever likely to emerge or be sustainable on the Isle of Man. At present this is predominantly due to history, but more importantly it is perpetuated as a result of various pressures and requirements that are inevitable given the demographic spread and size of the Island. The nature of our relationships to our representatives which this creates means that the politics of charm is almost as insurmountable on the Isle of Man as the party system is elsewhere - we have ended up at the other end of the spectrum. We have direct access to our MHKs when we want to complain about a single issue, but the policy framework which likely created that issue is totally off limits.

One alternative or addition to the current process of government formation (and an alternative to a party system) which has been floated, is that of forming a "Program for Government". This is a favourable concept, however if it were utilised within the current framework the notion would inevitably be exposed to the political power of the Council of Ministers and the existing governance structure. This could result in exactly the same highly inefficient lurching and unfulfilled promises we see in politics elsewhere - essentially party politics without the parties. The obvious answer to this must be to bring in the power of the public at this stage - it is after all their intent any program should in theory be representing. If the public were to debate and or vote on a program for government (ideally on a rolling basis to reflect the fast changing nature of the world around us), it would become very difficult for the government to ignore or overrule this. The reality we must face is that there is a political will or intent within the population as to what it wishes the government to do for it. This intent does not significantly step change, it evolves gradually and as such there is simply no logic therefore in trying to reinvent the wheel every five years. It would be more efficient to allow the "Program for Government" to be set democratically by the public, and to be monitored and progressed continuously on this same basis as required. This would remove the highly inefficient process of stop-start opposition and or direction changing with each administration, and move us towards a far more efficient process of continual evolution in which the public could easily be fully engaged.

It should be re-clarified that I do not believe the concept of applying direct democratic power to our current system would necessarily require a total transformation of the structure as it stands. What we are considering when we think of the functioning of the branches of Tynwald, and the scrutiny thereof, is the basic process by which political intent is converted in to action. At present there is simply no mechanism to ensure that the efficacy of this process is satisfactory to the public - our general elections present no choice on this matter. It is presently the role of MHKs to convert political intent in to policy and legislation. It is presently the role of the MLCs to ensure that the product of that conversion is as intended. The final piece of the puzzle must surely be the direct power of the public to guarantee the efficacy of that process.

I thank you for your time and I look forward to seeing the results of the review.

James Hampton.

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**Written Submission to the
Review of the Functioning of Tynwald - 2016.**

Dear Sirs,

We the undersigned wish to submit the following as a collective statement for consideration by Lord Lisvane during his review of the functions and efficacy of the branches of Tynwald. The points raised have been openly debated and polled digitally via local social media sites, and all of the named persons listed below agree with the basic principles as outlined.

During polling two main themes emerged. Most popular was the proposal that Members of the Legislative Council should not be on Government Boards or be Government Ministers. There is a general agreement that some form of legislative revision is clearly vital no matter what format Tynwald may ultimately take. However it is very strongly felt that this revision must be performed by persons who are always entirely independent from any role within Government. In a small jurisdiction which lacks distinct party politics clear separation is essential in order to avoid the otherwise obvious conflict of interest presently in place, and to ensure the freedom required to objectively scrutinise. There is also significant support for the idea that the power of any revising body should be limited to revision only. There is a wide perception at present that the current structure essentially allows the Legislative Council to significantly influence policy - which again is tied up with the issue of entanglement with Government itself. In short a much clearer delineation between two bodies is desired. There should be representatives with a public mandate to create, debate and action policy, and there should be members with a mandate to revise and ensure that the legislation created will work as intended in the best interest of the public. These two entities should clearly be entirely independent of each other in terms of authority and freedom of action. If the revising body is directly elected this effectively ensures it's autonomy from the Government, which brings us on to the next point.

The second most popular issue overall was that of democratic mandate. It is strongly felt that those who are ultimately tasked with revising legislation should also be directly accountable to and mandated by the public - they should be directly elected. This idea manifested itself via all three of the next most popular poll options. Second most popular poll option overall was "The Bishop should lose his automatic seat on the Legislative Council", next most popular option was "Legislative Council should be directly elected", and finally "That there should be no more 'direct transfers' from House of Keys to Legislative Council".

The Bishop clearly attracts the most attention in this matter as this position has the least public mandate of all current voting members. All other elected members of the Legislative Council have at least a loose link to some public mandate via the directly elected Keys who appoint them. The Bishop does not. The Bishop's position in Legislative Council is based purely upon history and tradition. The Bishop's appointment within the Church is ultimately decided by the UK Prime Minister, and so the fact that this position not only represents a specific religious organisation which is not openly validated by the public, but also represents the direct input of the UK government (over which the people of the IOM have no influence), only serves to magnify the stark perception of democratic deficit. The perception that the Legislative Council is a 'cushy' retirement or safe haven for MHKs who have served the Government well over time or become too unpopular as a result, is also clearly tied up with the original point with regard to the entanglement of Legislative Council and Government.

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Overall the predominating desire underpinning all of the above is for increased democratic accountability. The perception of democratic disenfranchisement is at the root of disengagement, which in itself is a highly dangerous pattern for any society to accept. We the undersigned hope that Lord Lisvane will recommend changes which require those tasked with revising the legislative process to be directly elected, and that the revising process should be entirely independent from Government.

Letter composed by James Hampton (available for oral submission).

Signed...

Alan Shea
Andy Phair
Andy Saunders
Annabelle Pearce
Ben Føntørrer Lambden
Bob Boland
Brian Clague
Carl Parker
Cath Smith
Cat Turner
Christopher Kinley
David Johnston
David Williams
Dawn Sim
Debbie Pitts
Elaine Fayle
Fran Tinkler
Ged Power
George Hodson
Hazel Faragher
Ian Davison
Ian Elder
Ian McVeighty

James Corrin
James Hampton
James McLean
Jane Rainey
John Caley McBride
Joney Faragher
Maire Booth
Margaret Hodson
Mark Walker
Michelle Prince
Nigel Brown
Paul Woodhouse
Peter Bartoszuk
Rod Leonard
Ron Walker
Roy Beale
Russell Logan
Sam Turton
Shelly Stanley
Simon Costain
Steve Reeder
Thomas Kelly
Tim Norton
Vicky Christian

Final poll numbers...

MLCs should not be on
Government Boards or be
Ministers?

73 votes

Bishop to lose his
automatic seat?

69 votes

Directly Elected LegCo?

52 votes

No more direct transfers -
MHK to MLC - Mandatory
break?

47 votes

Tynwald Consultation May 23rd 2016

Tynwald to be elected from 11 constituencies each electing 3 members, reserving at least 1/3 of the seats for women and using the STV system of voting (Single Transferable Vote) as described by David Kermode in an book entitled "Devolution at Work" (page 84) A Case Study into the Isle of Man . Both the 1986 and 1991 Elections used this system for electing Members of the House of Keys. This was also supported by David Butler in his enquiry into voting in Man.

STVoting means that each member was elected on a preferential vote, instead of the undemocratic method used at present "first past the post" even if in the Election in September 2016 will allow equal voting (2 seats per constituency) for the first time but it is still undemocratic.

Following the Election Tynwald sits to elect the Chief Minister at its first sitting. The Chief Minister then appoints members to the Council of Ministers

There would be no Legislative Council, as all Members would be elected by the Public.

All other members would form the House of Keys

Tynwald (all members sitting together) would consider policy finance and legislation

All legislation after the second reading would go to a committee of 5 members of the House of Keys, to investigate and advise Members of Tynwald of the details and if the Bill complies with other Legislation, is in the interests of and politically satisfactory advise if it should proceed to a detailed Clauses stage it would have to be approved before being read a third time and become Law when signed by a majority of the Members of Tynwald.

Members of the House of Keys would form any other Standing Committees of the House of Keys.

All Boards of Tynwald to be Chaired by members of the House of Keys with Lay Members, unless the Boards of Tynwald can be absorbed into Departments of Government.

Hazel Hannan

INDIVIDUAL SUBMISSION IN RESPONSE TO THE LORD LISVANE REVIEW OF THE FUNCTIONING OF TYNWALD

Submitted by Stuart Hartill

Introductory Remarks

While I am currently Chairman of Isle of Man Freethinkers, the Manx group for atheists, agnostics and secular humanists, and also active in a number of human rights groups the very brief period allowed for submissions prevents such groups meeting to advise my response, so I am writing in an individual capacity as a concerned and interested Manx citizen.

It is unfortunate that Lord Lisvane's review was sprung upon the general public so suddenly, and that the time allowed for us to respond is so short. This cannot help but fuel yet more public dissatisfaction with the current state of Manx government, or the popular suspicion that such exercises merely go through the motions and that the subsequent report will be quietly shelved in the Tynwald Library, never to be seen again.

I sincerely hope that this is not the case, that the Noble Lord will take full and fair notice of the wide public discontent with a hidebound system of government, that he will reflect this in his findings, and that those findings – for once – will be acted upon.

While there are many aspects of Tynwald which are of interest or concern, in view of the extremely short, totally inadequate time allowed for public response I confine my remarks to two matters of particular concern which I have studied in some depth. These are Tynwald Prayers and the presence of the Bishop in the Upper Chamber.

Tynwald Prayers

I am only one of many locals who see no useful purpose in the current practice of opening Tynwald business with an act of prayer. So, while I personally know the current Tynwald chaplain as an affable and conscientious gentleman (and an excellent choice from the available candidates at the time of his appointment), I have to respectfully suggest that he should be retired at the first available opportunity and not replaced.

The Noble Lord may have witnessed the prayer ceremony for himself - and I suspect that members were warned to be on their best behaviour when he did. By comparison, from my own observations over the years it would be immediately obvious that many spend the time reading newspapers, catching up on memos or texting rather than with their heads bowed.

More seriously, on a small island most of us are well enough acquainted with our political representatives to know that very few have firm religious beliefs. In addition, as the population becomes ever more diverse (to the extent that Manx born people have been strictly speaking a minority on the island for over two decades) then the likelihood that politicians will be from non-Christian backgrounds increases, and so a governmental Christian prayer ceremony becomes ever more pointless.

Excuse my bluntness, then, but if Tynwald business starts in the morning with what is - at best - a

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hollow statement by many politicians and an outright lie by others, then how can the Manx public believe anything they say when business begins in earnest?

The obvious solution is to end the practice, but if that is too much then at least it must be drastically revised.

As I understand it, the way in which the Scottish Assembly has dealt with change is to invite speakers of different faiths (or none) to offer a four minute Time For Reflection each Wednesday, which might be, for example, a verse from a holy book of a major world religion, a poem, etc. etc.

If Tynwald was to adopt such an approach, speakers might be organised on behalf of the Presiding Officer, as in Scotland. Alternatively, perhaps MHKs, by rotation, might take on the task of either choosing and reading something themselves or inviting a suitable speaker. This would be a more democratic way of arranging things, and also of ensuring a fair cross-section of the island's current belief systems are reflected.

The presence of the Bishop in the Upper Chamber

As long as the upper chamber of Manx government contains a compulsory religious figure chosen by the church hierarchy of another country, and whose appointment is on a recommendation to the Queen by the prime minister of that country, then we are not a democracy. Additionally, we seem to be little more than a colony of another quasi-theocratic country whose masters consider us incapable of independent moral or ethical thought or action.

For anyone with even a modest grasp of Manx history, it is the last remnant of a sorry state of affairs a century ago, when an unpopular Lieutenant Governor regularly defeated the political will of elected politicians with the votes of the Attorney General, the Bishop and the Vicar General – all effectively Crown appointments. While subsequent reforms have removed the Vicar General and reduced the Attorney General to a non-voting advisor, the Bishop remains because of a reluctance to tackle thorny questions about the proper place of the Church of England on the island.

Some of this is because of obfuscation on the part of those who support the status quo. In addition, as practicing Anglicans and political pundits know, both church and parliament can be a terrifying maze of obscure ritual and wordy, impenetrable documents. To the vast majority outside the rapidly dwindling band of Manx Anglicans, the link between church and state is even more obscure. Additionally, to be fair, in a small community where even the Chief Minister is on first name terms with most locals there is a natural reluctance to speak plainly in case it inadvertently causes offence, so I should make it crystal clear that I do not want to cause offence, simply to speak honestly and clearly in order that the matter can be considered in as fair and open a manner as possible.

It seems to me that by clearly differentiating between the Bishop as the Manx “area manager” of an international Christian denomination and the Bishop as, effectively, a political figure, both currently by the same Crown appointment, then it is possible to move on.

The appointment of the Bishop purely as a religious leader is solely a matter for his church, and if the structure of the Church of England dictates that this be approved by the Queen as head of that church on advice from the Prime Minister of the UK, then that in itself is no concern of the general public.

Other churches in the Isle of Man make important legal internal changes by the introduction of specific church bills, and this meets no public resistance. Similarly, the tradition and practice of the introduction of Church of England ecclesiastical law in the Isle of Man, effecting only church-

goers, produced by a Vicar General, examined by an ecclesiastical committee within Tynwald, then passed or rejected in whole by Tynwald without discussion or amendment should not cause concern to the general public or take up vast amounts of Tynwald time. So none of this need change.

However, the concept that the Bishop is needed as a political figure, and somehow useful or even indispensable as an independent figure offering moral guidance lacks credibility, especially if you do not happen to believe in all-powerful deities outside and above the natural order of things. As someone closely involved in every human rights and moral issue on the island over some 30 years, I recall too few instances when a Manx bishop made a useful intervention on behalf of a beleaguered minority, but far too many when they have intervened in defence of notions we would now flatly dismiss as sexist, homophobic, racist or otherwise ethically and morally reprehensible. I fully accept that they did no more than honestly express church thinking at the time and were required by both their faith and duty to fellow Anglicans to do so, nevertheless they did not advance or aid what we now recognise as humane law change.

Similarly, there is an argument that should the Bishop lose his place in Legislative Council then the Diocese of Sodor and Mann could disappear, or be absorbed into another diocese. Firstly, as a former deputy editor of the (now long gone) Manx diocesan newspaper, still with extensive contacts amongst the UK and world religious press and the Anglican church, I regard this claim as economically and structurally impractical. Secondly, even if it were the case, the restructuring of the Anglican church is a worry solely for Anglican believers. It does not affect, and should not concern, the general public any more than, say, Marks and Spencers or Barclays Bank restructuring leading to the loss of a Manx area manager.

Finally, if structuring of a church's management really depends upon maintaining an unelected political representative in Manx government, chosen by that church's hierarchy in another country and recommended to the Queen/Lord of Mann by the leader of government in that country, then that church shows little or no real commitment to the island (or Manx Anglicans) anyway. But if that church is serious enough to "walk it as it talks it", then there is plenty of work for its bishop, clergy and congregations to do outside Tynwald along with all other public spirited citizens.

The argument that the Bishop is there to be a voice for Christian values also fails.

Firstly, there is no logical reason why Christian values should trump those of other religions or other ethical and moral systems. It is just as much an abuse of political power to expect privilege because of a particular religious faith as it would be, for example, because of a particular race.

Secondly, Christians already have the same opportunities as every other voter to choose candidates whose beliefs chime with their own. It was patently obvious, for instance, that Manx church groups lobbied their members in previous elections against candidates who propose policies church leaders do not approve. Indeed, one such issue was a previous suggestion that the Bishop's political privilege should be removed.

For all these reasons then, in the 21st century the continued presence of the Bishop of Sodor and Mann in Legislative Council as either a full voting member or merely with a right to speak is no longer appropriate.