

**6. Tynwald Standards and Members' Interests Committee –
Members' conduct –
First Report 2016-17 and recommendations –
Amended motion carried**

Mr Speaker to move:

That the Tynwald Standards and Members' Interests Committee's First Report for the Session 2016-2017 [[PP No 2017/0104](#)] be received and the following recommendations be approved –

Recommendation 1

That the principles in Annex 5 of the Standing Orders of Tynwald be amended to emphasize that the principles protecting staff apply to all public sector staff, whether in Government, Tynwald, local authorities or elsewhere, as follows:

In the paragraph in Annex 5 of the Standing Orders of Tynwald headed "Working relationships" to leave out the words "The Required Standards of Conduct in the Clerk of Tynwald's Office: Staff Management Procedures are generally adopted as applying to Members" and to insert the same words as a new paragraph under the same heading after the words "In Members' communication with others they should remember that people are different and that what may be acceptable to some people may not be acceptable to others."

In the paragraphs in Annex 5 of the Standing Orders of Tynwald headed "Relations between Members of Tynwald and staff", after the word "except through the appropriate channels, namely" to insert the words "(in the case of Tynwald staff)" and at the end of that paragraph after the word "Speaker" to add the words "and (in the case of other public servants) the relevant Chief Officer and, if the response is unsatisfactory, the Chief Secretary".

In the paragraphs in Annex 5 of the Standing Orders of Tynwald headed "Policy against bullying and harassment", after the words "Members of Tynwald accept the principles set out in the Office of the Clerk of Tynwald Management Procedures in relation to bullying and harassment as they affect Tynwald staff and" to insert the words "will apply them equally to all".

Recommendation 2

That a new Code of Conduct for Members of Tynwald be adopted, as set out in Annex I to this Report, which includes the Nolan Principles.

Recommendation 3

That the current Rules relating to Members' Interests should be amended to form a more principles-based set of Guidelines;

The following specific amendments should be made:

the words more than a total of £1,151 in value in any calendar year, or in any individual case of more than £58 in value," in paragraph 6(1)(iv) be removed and replaced with the words "any amount which might be taken to affect the way in which a Member may vote or otherwise carry out their public duties";

paragraph 6.2 be deleted;

paragraph 7(a) leave out the words "or when in the case of Rule 6(1)(iv) the threshold is reached";

remove all references to Forms A and B.

Recommendation 4

Members should sign the Code of Conduct on appointment, just after they take the Oath.

Recommendation 5

Guidance for new Members on the Code of Conduct is vital; this should be a continuing process.

Recommendation 6

We do not recommend co-opting lay members to the Standards and Members' Interests Committee.

Recommendation 7

We do not recommend removal of the current requirement for complaints to go through the Member filter.

Recommendation 8

The Ombudsman, if required, could be used as an investigator and reporter to the Committee of facts. However, the Committee should be in charge of the process at all times. Use of the Ombudsman as an investigator, if the Committee deems this useful, would defuse some of the criticism that bias may affect the collection of evidence on which a decision may be made about a Member's conduct.

Recommendation 9

That there need be no other substantial change to the procedure adopted by the Committee; there should be no delegation of the choice of recommendation as to penalty. The Committee should remain the recommending body and Tynwald should remain the decision making body, in order to protect Tynwald's right to control its affairs. There should be no right of appeal.

Recommendation 10

That there should be no schedule of penalties, but Tynwald should retain the right to choose the appropriate sanction. All cases of suspension should involve loss of payment of expenses, including the extra payment as a Minister or member of a department.

Recommendation 11

That suspension from one Chamber should always result in suspension from the other Chamber to which the Member belongs.

Recommendation 12

We do not recommend a power of recall for Members of the House of Keys or Legislative Council.

The President: We now move to Item 6 on our Order Paper, Tynwald Standards and Members' Interests Committee.

Mr Speaker to move, please.

The Speaker: Don't leave! It is just about to get good.

Just before the election, Tynwald resolved:

That the Tynwald Standards and Members' Interests Committee should reconsider the application of the principles governing Members' conduct to Members' working relationships with public servants in Government, local authorities and other public bodies, and evaluate the introduction of (a) a code of conduct (b) a schedule of penalties and (c) a recall election procedure; and report by January 2017 with recommendations.

As I explained in January, this timescale was not possible, following on from the general election and the change of membership; but this Report is now before the Court.

The Committee canvassed Members' opinions about the issues raised by the Tynwald resolution and we have published the responses received. In addition, we have noted the excellent work in this field by the Commonwealth Parliamentary Association, which has done a lot to improve internationally accepted norms of behaviour.

We took careful note of the work of the CPA, because one important constituency in relation to public demonstration of Tynwald's probity is the international community. It is a vital part of preserving the Island's commercial interests that we have a parliament which is run on lines that bear scrutiny from any quarter. We need to be aware of generally accepted standards elsewhere and be ready to adopt them here, where appropriate.

The current system governing Members' conduct is based largely on Standing Orders and the rules relating to Members' interests. In April 2016, Tynwald agreed that Members of Tynwald should accept and be bound by the Nolan Principles, and the principles of working relations with colleagues, presiding officers and the public, set out in the annex to its Report, should be included in the Standing Orders of Tynwald. However, up to now there has been no formal code of conduct. Lord Lisvane commented on the absence of a code of conduct in his report.

There are 12 recommendations in this Report, covering a wide range of matters. These cover four main areas: protection of staff in recommendation 1; standards of conduct, especially a code of conduct in recommendations 2 to 5; the way the Standards Committee operates in recommendations 6 to 9; and penalties for infractions in recommendations 10 to 12.

The first recommendation is that the principles in annex 5 of the Standing Orders of Tynwald be amended to emphasise that the principles protecting staff apply to all public sector staff, whether in Government, Tynwald, local authorities or elsewhere. The specific amendments to Standing Orders which achieve this are set out in recommendation 1 and I would hope that would not be controversial.

In terms of standards of conduct, especially a code of conduct, the second recommendation is that the code of conduct set out in the report be adopted. This code of conduct is very much the same as the code in force in the House of Commons. We believe that it is suitable to use a tried and tested model for the code, which would bear international scrutiny.

The fourth recommendation is that Members should sign the code of conduct on appointment, just after they take the oath, as recommended by Lord Lisvane.

The third recommendation is that the current rules relating to Members' interests should be amended to form a more principled set of guidance. Certain amendments to the rules are set out to broaden the scope of financial receipts by Hon. Members so that any money received is potentially within the rules, but that the circumstances of the receipt should determine whether a Member needs to declare it. In other words, it is not important how much is received but who provides it. The test will be more demanding on us all. Members will have to consider, perhaps on the advice of the Registrar of Members' Interests, whether some gifts be taken to affect the way in which a Member may vote or otherwise carry out their public duties. I would add that nothing in this recommendation overrides or changes Financial Directive 1 on gifts and hospitality.

Recommendation 5 is that guidance to Members on the code of conduct should be a continuing process. This fits in with the generally accepted view that guidance and training for Members is a constant process.

Turning to the working method of the Standards Committee, this was controversial in a case which occurred last year, and we discussed this issue carefully. We disagreed with Lord Lisvane on the matter of non-Members on the Standards Committee. We believe that it was wrong to include non-Members on the Standards Committee as it tends to undermine the mandate which Members have. We should have the confidence to trust our own judgement and be ready to answer for it at the next election.

The Committee also disagreed with Lord Lisvane about allowing direct complaints from the public. To do so would raise unjustified expectations among members of the public that the Committee would act as a court of appeal against, for example, unwelcome handling of constituency issues or the extent to which unpopular political decisions could be changed. To allow direct complaints would open up a procedure that is supposed to be restricted to conduct involving a misuse of the rights of membership of Tynwald to a much wider range of discontentment which may be more to do with disliking the incumbent, and such matters are more properly dealt with at the

ballot box. To change this rule would be to reshape entirely the objectives and work of the Standards and Members' Interests Committee.

With regard to the system of investigation by the Committee being fair and reasonable, we recommend no change to it other than welcoming the possibility of using the ombudsman, when that officer is appointed, as an investigator in any case where the Committee deems that it would be useful. The Committee must, however, remain in charge of any investigation.

We note the strong advice from the Attorney General about appeals from the Committee's report or from Tynwald Court's decision. There should be no appeal against a decision, as to allow this would undermine our parliamentary sovereignty.

Turning to penalties for infractions, we considered whether there should be a standard range of penalties. One comment of Lord Lisvane is that the current power to insist that a Member apologise is a blunt instrument and of limited effectiveness. He recommended a wider range of penalties, including demand for an apology and suspension for a specified term. We have concluded that the range of penalties should be expanded and, while we do not wish to extend the reasons for expelling a Member as this would undermine the mandate given by the electorate in the case of Members of the House of Keys, we do however firmly believe that allowances should all be withheld in the case of suspension of a Member during the period of suspension.

While they are suspended they cannot function properly as a Member and therefore they ought not to receive the allowances, as opposed to the basic pay which goes with the office. This should include any payment as a Minister or a Member of a Department since the inability to attend Tynwald or the Branches means that they cannot carry out their Government functions to the full. We think that a failure to obey the rules of one Chamber should be punished by automatic suspension from the Member's Branch as well.

One of the specific matters which the Committee was asked to examine was a recall election procedure and such power has recently been introduced to the House of Commons by the Recall of MPs Act 2015 – it has not yet been used in the United Kingdom. The Act provides for a recall petition to be triggered if a Member is sentenced to a prison term or suspended from the House for at least 21 sitting days. If either occurred, the Speaker would give notice to a petition officer who in turn would give notice to the parliamentary electors in the constituency.

We conclude that there is no justification for adding this power to the other penalties which may be imposed; partly, this is because the offence for which a Member may have been suspended may involve facts which cannot be fully revealed, especially if they involve staff matters, for example, and potentially the process could backfire if a Member who was subject to the recall procedure, having been found guilty of misconduct, appealed to the voters and won – they would in some form be able to present themselves as having been exonerated. The circumstances of an election do not lend themselves to proper forensic examination of disciplinary matters and we believe the process would not be a fair one, since not every side of the story would be represented.

We also feel that such a process, like expulsion, undermines the mandate given at election. We considered whether a power of recall should be set up in relation to Members of the Legislative Council, and we concluded that such a power would remove the guarantee of independence that proper legislative scrutiny requires and that it would fundamentally weaken the effectiveness of Legislative Council.

Finally, I should say that maintaining public confidence in Members' probity is a continuing task – standards change and develop constantly and it may be that the Committee will return with further improvements to demonstrate that Members of Tynwald behave in a proper manner.

With that, I beg to move.

The President: Mr Robertshaw.

Mr Robertshaw: Thank you, Mr President.

I beg to second and reserve my remarks.

The President: Hon. Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you, Mr President.

Overall, I am quite satisfied with the Report. I think it does strike quite a sensible balance between oversight and accountability on the one hand and flexibility on the other. However, there are three points that I think need to be further addressed.

Firstly, in respect of referrals from the public, I agree with the Committee that they should not act as a court of appeal and that direct complaints to the Committee could result in a great deal of confusion and that some sort of filter is appropriate. However, there may be instances where no Member is willing to take a genuine complaint to the Committee, or where a member of the public has no confidence in the process and so is put off from reporting their concerns as a result. So, the public needs an independent avenue to report complaints in these instances, in addition to the current Members' route, not in place of it.

I would therefore like to see the public able to report complaints to the Tynwald Commissioner for Administration who would act as the filter in this instance. If the complaint is within the remit of what the Committee can and should address, the Commissioner should then refer the complaint to the Committee in the normal course. I feel this would provide the right balance between preserving the integrity of the Committee and also ensuring the public have adequate access to the complaints process.

Second is the issue of pay suspension. I fully agree with the proposals, except that I do feel that the Committee itself has erred in missing off the increased pay for roles that are not ministerial or departmental. In this instance, I am referring specifically to Statutory Boards, the Planning Committee, and even the Speaker's role itself. I do not believe a suspended Member can undertake these roles to the fullness required if they cannot attend the precincts. So, I propose to amend the recommendation that is in front of us to include all additional sums, not just ministerial and departmental ones.

The final issue is that of the system of recall. I do appreciate that in the instance of misconduct, there might be information that cannot be shared and I appreciate the Committee's decision on that, but in the wider context I believe that the electorate should have the power to force a recall election if their Member acts so grievously against their wishes and their interests that they feel strongly enough to put them back before the ballot.

The same is true of Members of the Legislative Council, but it might be the case that a Member is either unwilling or unable to perform their duties fully and the Keys should have the ability to push for an early recall – a sort of vote of no confidence, if you would. I do believe this is much less important than ensuring the electorate have the power to call elected Members of Keys to account.

I do appreciate that these circumstances, in the wider context, were perhaps outside the scope of the Committee and it may be the case that on further and fuller investigation that no appropriate system of recall can be found, but I do think we need to look at this more fully, in a much broader context, and I think we need to take some evidence on this from the public and to look at how these kinds of systems may work elsewhere. So, I am going to propose that we set up a select committee to look into this particular issue of a recall in detail.

Members should have had an amendment circulated in my name, and I am proposing to amend three of the recommendations, recommendations 7, 10 and 12, so that recommendation 7 will read, 'We recommend that complaints should continue to go through the Member Filter, but that complaints could also be referred to the Tynwald Standards and Members' Interests Committee from the public through the Tynwald Commissioner for Administration.'

In recommendation 10, I propose replacing all of the words after 'including' with the phrase, 'any additional sums payable to certain office holders.'

And recommendation 12, I would like to propose that we recommend a select committee of three people be established to investigate how recall mechanisms for Members of the House of Keys

and Members of the Legislative Council could function and to report back with proposal no later than June 2018.

Thank you, Mr President. I beg to move:

To leave out all the words in recommendation 7 and to insert the words: 'We recommend that complaints should continue to go through the Member Filter, but that complaints could also be referred to the Tynwald Standards and Members' Interests Committee from the public through the Tynwald Commissioner for Administration'; to leave out all the words after the word 'including' in recommendation 10 and to insert the words: 'any additional sums payable to certain office holders'; and to leave out all the words in recommendation 12 and to insert the words: 'That a select committee of three Members be established to investigate how a recall mechanism for Members of the House of Keys and Members of the Legislative Council could function and to report back with proposals no later than June 2018'.

The President: Ms Edge.

Ms Edge: Thank you, Mr President.

I wish to second and reserve my remarks.

The Speaker: You are on the Committee, right?

The President: You cannot reserve your remarks but you are seconding.

Mr Thomas, Hon. Member.

The Minister for Policy and Reform (Mr Thomas): Thank you very much, Mr President.

I think that was a very helpful intervention from the Hon. Member for Ramsey, Mr Hooper, because it made specific proposals that we are going to be asked to vote on in a moment, and his specific proposal was to do with the Tynwald Commissioner for Administration as a filter for the general public.

Well, Government has not been asked about that and already I have indicated this morning that the Tynwald Commissioner for Administration is an evolving role and already we are having challenges with establishing it, and this is a new task that is being allocated, potentially, by this amendment.

Before I get into raising some issues, I just wanted to congratulate the Committee for having picked up the motion that I moved originally in June 2016 and looking at it thoroughly, but I just now wanted to speak to encourage the Committee to think about withdrawing the Report for a month or so, perhaps until October, as would be normal in certain situations with parliamentary reports and I think is appropriate in this case.

I accept that this is not one of the types of reports that normally Government has a chance to comment on, but I think it would be very helpful in this case for the Tynwald Commissioner for Administration. And to put it on the table, if the Committee is not minded to withdraw until October for two sittings as would be normal, I would like to propose an adjournment for this debate until October; but obviously if we do have an adjournment, we will not be able to get the benefit of some of the things that I am about to suggest now, because we will have to be debating in October the original Report.

The first point I wanted to raise is in recommendation 1. Quite clearly, when I was moving for this Committee work, I talked about local authority staff and Department staff in Departments other than where the Member was political. I accept that recommendation 1, as presented, addresses the issue of harassment, bullying and all the other things that were alleged around the time of this motion in the context of all Departments, but I do not see any evidence in the Committee's Report that any attempt was made to consult with other Departments of Government; I am not aware that

there was any contact with the Office of Human Resources or the Public Services Commission; I am not aware of any attempt to consult local authorities, and that is the context in which I put that motion.

I think it would be very helpful for us if the Committee was to go away and actually ask some of these external bodies and also internal bodies what they think of this recommendation and how this would work in practice, because there were real issues, not only the John Houghton episode, that were behind my motion. I think it would be good for the Committee to take the time to open up the dialogue beyond there.

In terms of recommendation 2, we have perhaps got a conflict. I could not get to the bottom of this because the documents are so badly written. In recommendation 2 it refers to the Nolan Principles, but later on we have a code of conduct with some specific principles, and as far as I can tell the Nolan Principles have been updated since the code of conduct was specified. There has been substantial work by the Committee on Public Life and that has been interpreted by the Westminster Committee into Parliamentary Standards and it seems to me and officer staff in Government that both of us, Government and Tynwald, need to actually revisit exactly where we are in terms of standards of public life. I think a period of catching up on where we are in terms of recommendation 2 and potential conflict and whether or not we need to, both Government and Tynwald, update our standards and make sure we take into account things that have changed and the episodes that have taken place in Westminster, throughout the Commonwealth, that Mr Speaker, when moving, kindly referred us to and actually complimented those changes. Wouldn't it be a shame if we did not get the benefit of the latest version of the Nolan Principles?

Another point is that ... I think this is an important point behind the Hon. Member for Ramsey's amendment. When we come to looking at recall elections, at the minute we have a problem. Now, elections are about representation of the people; they are about giving the people the chance to interact with their politicians. A case has been made that this Committee does not think we need to trouble ourselves with recall elections, but have we asked the people? Many Committees of Tynwald would open a public consultation on this response, and when it is to do with elections I would think that it would make a lot of sense to actually have had a public consultation. If we allow ourselves a new report, perhaps, in October, we will have the chance to ask the people what they think about this recommendation, because this is about representation of the people.

Also, along those lines, there is an excellent report from the Committee on the electoral system, the Select Committee, who did ask the people and took evidence from outside. We are going to actually now commence a root-and-branch review of elections, and shouldn't we be looking at it from Government's point of view? And we will be doing a consultation about that. Shouldn't we have engaged with this Committee from Tynwald to actually decide whether we can have synergies in terms of this investigation?

There are other points I could make, but I will not. I am speaking on behalf of the Council of Ministers in terms of Government more generally. I want to congratulate the Committee on an excellent Report, but I do think we can step back from it very slightly. Our preference would be for the Committee to withdraw the Report at least for a month, if not until October; otherwise, I put it on the table and move to adjourn until October.

The President: I do not know what that means. You have not moved an amendment. I suppose it is up to a Member of the Committee who wants to speak and give a view from the Committee.
(Interjections)

Mr Thomas: Thank you very much, Mr President.

I apologise for not making it clear. If Mr Speaker and the Committee more generally are not going to withdraw the Report, I would like to move for an adjournment until October.

Mr Malarkey: I will second the adjournment.

The President: Right, we are into an adjournment debate – five minutes.
Mr Speaker.

The Speaker: I am not entirely sure whether the Hon. Member has thought it through in terms of the Hon. Member has not brought an amendment to the Committee's recommendations, and if it is adjourned, it is exactly the same Report that will come back to the next sitting or the subsequent one to when it is adjourned. So it is not going to take anybody any further forward.

What I would suggest the Hon. Member do is, if he writes to the Committee we can pick up any other ideas he might have and we can continue that work. This is a Standing Committee of Tynwald, not a select committee; it is not that we report and then we dissolve, as select committees would. The Tynwald Standards and Members' Interests Committee is a Standing Committee of Tynwald. We continue to sit and we continue to consider this debate and the work on this, which I said was evolving. If the Hon. Member wishes to write to us, we may well be able to incorporate his ideas and those of the Council of Ministers in our next report.

I am afraid I do not see how the Hon. Member adjourning it gets anybody any further forward.

The President: Does anyone else wish to speak on the adjournment? No.
In that case, Mr Thomas, you moved the adjournment, you have the right of reply.

Mr Thomas: Thank you, Mr President, and to Mr Speaker for amplifying the remarks I made, but I hope in a clearer way then.

I completely agree with Mr Speaker that an adjournment is disappointing in the sense that it would be much better if the Committee withdrew the Report so it could be changed in the next four months, taking into account the issues that I have identified.

If the Committee is adamant that they are going to put this paper on, I take it in good faith that we should now look to engage the Crown Elections Team, Office of Human Resources, local authorities and all the other people I have mentioned, but that seems to me a suboptimal way of doing it.

The President: Hon. Members, the motion is that the debate be adjourned until October. Those in favour, say aye; against, no. The noes have it.

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

In the Keys – Ayes 4, Noes 20

FOR

Mrs Beecroft
Mr Harmer
Mr Skelly
Mr Thomas

AGAINST

Dr Allinson
Mr Ashford
Mr Baker
Miss Bettison
Mr Boot
Mrs Caine
Mr Callister
Mr Cannan
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Hooper
Mr Malarkey
Mr Moorhouse
Mr Peake
Mr Perkins
Mr Quayle

Mr Robertshaw
Mr Shimmins
Mr Speaker

The Speaker: Mr President, 4 votes for, in the House of Keys, and 20 against.

In the Council – Ayes 0, Noes 7

FOR

None

AGAINST

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
Mrs Poole-Wilson

The President: And in the Council, none for and 7 against. The adjournment motion therefore fails to carry.

The debate resumes. Does anyone else wish to speak?

Yes, Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President.

It is a matter I have raised prior to today with Mr Speaker, having read the Report. I fully support recommendation 2 of adopting a new code of conduct. My point today is really a request to the Committee to consider perhaps developing some guidance around the procedure that will be adopted when matters are referred to the Committee.

So, recommendations 8 and 9 relate to the procedure to be adopted and obviously recommend that there be no right of appeal, and I understand and accept why this is not possible in these cases. However, given the importance of fairness and also achieving the appearance of fairness in the way that any matters are received and dealt with, I wonder whether the Committee would consider developing and publishing guidance on, firstly, the general approach it will adopt when considering matters referred to it; and, secondly, the range of potential sanctions and the sorts of factors that would be weighed up when considering these possible sanctions.

I must stress my intention in asking the Committee to consider this is not to ask for prescriptive guidance to be formulated that then absolutely ties anybody to that in the way matters are considered. Similarly, any guidance on sanctions need not prescribe which sanction would apply in which circumstance, really to allow the Committee flexibility to recommend a sanction taking account of all the relevant circumstances of a particular case.

However, by an analogy with disciplinary procedures in most workplaces, I think guidance would be helpful in the general sense in supporting transparency and natural justice and fairness and the perception of those things.

The President: I call on the mover to reply, Mr Speaker.

The Speaker: Thank you, Mr President.

Just to pick up a few other points that Mr Thomas made that I thought I would save until the end with regard to consulting with other parts of Government, I think because we were not seeking to bind officers, we were looking to protect officers, that was why there did not need to be a significant amount of engagement, but we did look at documents produced by Government such as the anti-bullying policy and we did use those sorts of documents to inform our considerations.

Again, I am not aware of what the Hon. Member is referring to in terms of updated Nolan Principles. The website – and I checked today – on the Commissioner for Standards and Public Life

has the Nolan Principles there and they are still the same as in 1995. So, again, I would welcome the Hon. Member if he would write to me on that subject.

In terms of consulting the public, as the Cabinet Office are looking at election legislation, I am sure that his officers there will look into this and report back when they are looking at the legislative changes, but certainly it is not something that the Committee felt was necessary at this point because this is about Members determining the disciplinary process for themselves. This is, again, a sovereign matter for this Court and it is something that we move forward with very carefully. We did consult all Members and we think that was appropriate in the circumstances.

Turning also then to Mrs Poole-Wilson's comments, I have to say that perhaps guidance could be a helpful tool in a general sense to reinforce that sense of fairness because there is no onward appeal mechanism. I think the Committee would find benefit in taking that away and considering that and coming back, because of course, as quite rightly pointed out, there is the need for a certain amount of flexibility.

In the extremely brief time that the Members of the Committee have had to consider Mr Hooper's amendment – and using various smoke signals and other methods of communication around the Chamber – there is a general feeling that in terms of the amendment to recommendation 7, this is something that could be quite useful, although there is a certain amount of reticence on behalf of one Member.

In terms of the changes to recommendation 10, that is again something that we feel would be helpful and we would have no problem with that.

I think where the Committee is concerned would be about referring the last item with regard to recommendation 12 about a recall procedure for Legislative Council and to refer that to a separate Committee. Having perhaps just set up a Committee to look largely at the issues surrounding the Legislative Council, it may be that would be the appropriate body to look at this matter. However, I think to establish a separate Select Committee to do parallel work in confidence at this time would not be of benefit, shall we say, and would only seek to either duplicate or worsen the work that Committee is tasked with.

If the Hon. Member is able to take it in parts – and I have to defer to the President on that – I think the Committee on the whole would be willing to accept recommendations 7 and 10, but I think would resist the changes to recommendation 12 at this time.

Thank you. I beg to move.

The President: Yes, thank you, Hon. Member.

Under Standing Order 3.12, any Member may move that propositions be debated as one but voted upon separately. So, I take that as a move so to do. Is that formally seconded? Is that agreed? (Interjections)

Mr Cretney: I would like to second.

Mr Ashford: Second, Mr President.

Several Members: Agreed.

The President: Thank you, agreed, Hon. Members.

So, the motion before us is that set out at Item 6, and there is an amendment in three parts in the name of Mr Hooper.

Dealing with Mr Hooper's recommendation 7 amendment, those in favour, say aye; against, no. The ayes have it. The ayes have it.

Recommendation 10, Mr Hooper's amendment: those in favour, say aye; against, no. The ayes have it. The ayes have it.

Recommendation 12, Mr Hooper's amendment: those in favour, say aye; against, no. The noes have it.

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

In the Keys – Ayes 4, Noes 20

FOR

Mrs Beecroft
Mr Cannan
Mr Hooper
Mr Thomas

AGAINST

Dr Allinson
Mr Ashford
Mr Baker
Miss Bettison
Mr Boot
Mrs Caine
Mr Callister
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Malarkey
Mr Moorhouse
Mr Peake
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Shimmins
Mr Skelly
Mr Speaker

The Speaker: In the House of Keys, there are 4 votes for and 20 votes against.

In the Council – Ayes 0, Noes 7

FOR

None

AGAINST

Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
Mrs Poole-Wilson

The President: And in the Council, no votes for and seven against, so Recommendation 12 amendment, therefore, fails to carry.

I put the motion as amended. Those in favour, say aye; against, no. The ayes have it. The ayes have it.