

5. CONSIDERATION OF CLAUSES

5.1. Council of Ministers (Amendment) Bill 2020 –  
Clauses considered

Mrs Caine to move.

**The Speaker:** We turn then to consideration of clauses and the Council of Ministers (Amendment) Bill 2020. I call Mrs Caine to move.

2015 **Mrs Caine:** Thank you, Mr Speaker.

Turning straightaway to clause 1, this gives the proposed short title of the Act as the Council of Ministers (Amendment) Act 2020.

Mr Speaker, I beg to move clause 1 stand part of the Bill.

2020 **The Speaker:** Mr Hooper.

**Mr Hooper:** Thank you, Mr Speaker.

I beg to second and reserve my remarks.

2025 **The Speaker:** I put the question that clause 1 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 2, Mrs Caine.

**Mrs Caine:** Thank you, Mr Speaker.

2030 Clause 2 amends section 2(3)(b) of the Council of Ministers Act 1990 by reducing the number of affirmative votes currently required to pass a resolution in the House of Keys of no confidence in the Council of Ministers; specifically, reducing the number of votes required from 16 to 13.

Mr Speaker, I beg to move that clause 2 stand part of the Bill.

2035 **The Speaker:** Mr Hooper.

**Mr Hooper:** Thank you, Mr Speaker.

I beg to second and reserve my remarks.

2040 **The Speaker:** Mr Cannan.

**Mr Cannan:** Thank you, Mr Speaker.

2045 I thought very carefully since the last sitting as to whether I should change my position (*Laughter*) in the light of what was obviously a vast majority who were going to vote in favour of this clause. But nevertheless, (*Laughter*) I have decided I am going to stick by my principles as the mover of the *original* Bill (**A Member:** Good on you!) at the start of this reforming process.

2050 Having considered the matter further, I still believe actually that making it easier to get rid of a Chief Minister is not necessarily the way forward in these particular circumstances. I would actually probably, on reflection, have preferred to have seen a process that made it *harder* to become the Chief Minister, which in itself is potentially an easy process for one to undertake.

2055 But the issue that I still have and remains with me, is that if it is a very tight, close vote for an individual when they come in, I believe it is going to be incredibly difficult potentially for anybody who is in, with a difficult job and challenge facing them to bring forward reforms. And I mean substantial reforms, whether those be substantial financial reforms, whether those be substantial operational reforms to the way Government does its business or whether those be

substantial reforms on items such as pensions, say, for example, where there is likely to be significant controversy.

2060 So in the instance where one has two reasonably sane candidates – if such a thing exists in the House of Keys – for Chief Minister, and you end up with a 13/11 vote for the favoured candidate and that individual is intent on pursuing what might be a fairly rocky road in front of them, only two of his or her supporters will need to lose their bottle in the face of what might be, actually, reforms that are seriously needed for the Island to progress, for their position to become untenable.

2065 My concern with all this is that in making it easier when the Island faces difficult days, and I fear some of those difficult days may well be coming – or at least, not difficult, but *challenging* days, and of course obviously with every challenge there comes opportunities. But in embracing those opportunities one may have to take the Government in a different direction and that may not always be an easy path. I think that in undertaking those sorts of challenges, one of course obviously needs a Chief Minister to engage across the collective, but it is unrealistic to expect a  
2070 collective to always engage with a Chief Minister or indeed a Council of Ministers in those circumstances.

So my fear lies in the fact when the time comes to face the difficult choices, that actually a Chief Minister's job becomes a lot harder; and you may find as a result of this, a Chief Minister  
2075 *less* willing to undertake and pursue the difficult choices, if he or she believes that they could lose their position as a result of one or two difficult moments on the floor of the House of Keys or in Tynwald.

On that basis, I am going to continue to maintain my view that actually it should be a matter that is considered *very* seriously by Members of the House and should require the 16, the two-thirds vote, whereby you would have to consider in the circumstances that I have outlined, at  
2080 least five people of the supporting majority determining that the game was up and that the Chief Minister's position was effectively – and thereby the Council of Ministers' position – was no longer tenable. So my view is actually if you were going to move to this position that one should consider, and I do not necessarily have the answers, but potentially having a more thorough examination of the qualities of who indeed becomes the Chief Minister, and it should  
2085 potentially be a slightly harder election process. For me, although it is nice and easy, nice round numbers one seems to indicate here – a nice easy majority in and a nice easy majority out – I do not think politics is that nice and easy whereby it works that way.

It is interesting in carrying out this kind of reform, one also potentially asks about ... One should consider MHKs themselves in their positions. It is very difficult, once you are elected, for  
2090 your constituents to get rid of you as individuals, and indeed perhaps constituents to even change a Government. We have five-year, fixed-term parliaments here and one questions, if you make these sorts of changes very easy, why should the people not also have a very easy mechanism whereby they should be able to change the House of Keys.

2095 That is for another day, Mr Speaker. I have made my points, that I will not be voting for this because I actually genuinely believe two-thirds is a much more challenging situation; and therefore it is appropriate when one determines whether or not a Council of Ministers and a Chief Minister are actually doing their jobs.

**The Speaker:** Mr Peake.

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**Mr Peake:** Thank you, Mr Speaker.

I did raise concerns with this at the Second Reading and I do still have those concerns. I do think a higher majority is required for such a big step. I think the draw, if you like, the attraction to make it easier will actually make it harder for the Island in these decisions. So I have got  
2105 concerns around that.

We have just had a vote on extending Question *hour* and we needed 16 to extend that hour. A simple majority went for that this morning, to extend it, and we did not it because we

needed 16. So I think that is a fair point really, and that was only to extend Question Time from an hour. *(Laughter)*

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**A Member:** Hear, hear. *(Interjection)*

Thank you, Mr Speaker.

**Mr Cannan:** Good point!

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**The Speaker:** Mr Boot.

**Mr Boot:** Thank you, Mr Speaker.

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Like the Treasury Minister, I have given this some serious consideration and I have listened to the arguments from both sides. Yes, it seems logical in theory that if you elect the Chief Minister with a simple majority then maybe he should be dismissed with a simple majority. But then you start to analyse that and I do not know whether I am unique, but I –

**Mr Shimmins:** Oh you are! *(Laughter and interjections)*

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**A Member:** Hear, hear!

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**Mr Boot:** I have served in two administrations in the UK, where we operated with a one-seat majority. I know this is slightly different but they were hell, for want of a better word. We had individuals calling the tune, because they could easily swap allegiance and vote the chair off committees and actually come with a vote of no confidence to the council.

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I think the Treasury Minister makes some valid points. If you end up with a situation where a Chief Minister is elected by one vote and then he puts together a Council of Ministers, there will be probably one person in that Council of Ministers that will hold the balance of power, and this is what I found when I served in the councils in the UK. You had four or five people who were willing to swap allegiance, who were actually pulling the strings of the administration.

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The last thing I want in a future administration, if I am re-elected at some stage, is for the Council of Ministers to be controlled by one or two people that are threatening to change allegiance. In addition to that, I think actually dismissing an administration – because this is not just the Chief Minister that we are talking about. If the Chief Minister goes, his administration goes; so you are dismissing the Government of the day.

Governments have to make hard decisions sometimes and we all try and protect our constituents' interests and play to a popularity situation.

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**A Member:** We don't all!

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**Mr Boot:** It is very easy to end up in a situation where if policy is not very popular, difficult decisions need to be made and some people may not have the stomach to do that in view of their loss of popularity or the appearance of an administration. But there may well be situations where we have to make difficult decisions.

Consequently, I think that the threshold *should* be high to dismiss *any* administration. And the way it would work with 16 is that at least one Minister is going to have to defect – in other words, join that cohort that want a change of administration – and that would indicate to me that there would be serious shortfalls within the administration and Government of the day.

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So I am sorry, I cannot support a simple majority.

**The Speaker:** Mr Ashford.

**Mr Ashford:** Thank you, Mr Speaker.

2160 It is rare for me to disagree with the previous three speakers, but on this topic I am actually going to, (**A Member:** Hear, hear.)Mr Speaker.

You would think we were changing the world, Mr Speaker, having listened to some of the previous speakers about the simple majority. We have got to be clear: it is a simple majority now. The only difference is it is a simple majority of Tynwald, rather than a simple majority of  
2165 the House of Keys, which is what we will be shifting to.

The Hon. Member for Peel and Glenfaba made the very good point about when he was part of UK administrations and having the hell of a one-seat majority. As someone who also served in local government in the UK for a time, I was actually in a position where there was *no* majority, so even worse. But the one thing I would say is the hell of a one-seat majority, in this House, no  
2170 Chief Minister has ever had *any* seat majority. It has been a minus majority because we have never had a situation where there is one cohort that actually controls the House.

I think as well there seems to be this feeling that is developing that this is going to suddenly lead to motions to remove Chief Ministers left, right and centre, and bring down Governments. I think this is something that Hon. Members will take *very* seriously. I mean, how many have we had so far with a simple majority of Tynwald? Off the top of my head, *never*. There was one  
2175 Chief Minister that got themselves into difficulties and went of their own volition.

So I do not think this is something where Members will suddenly be bringing forward ... I do agree with the Treasury Minister, if you have a Chief Minister that has only just scraped in maybe as Chief Minister, it has been a close vote – but we have had those in the past. In fact, we  
2180 have had occasions (*Laughter*) where maybe the third or fourth candidate, and even candidates who did not stand in the first round have ended up as Chief Minister! It *is* difficult and it may be a rocky road.

But I go back to the point I made at Second Reading, Mr Speaker, that actually, if any Chief Minister or any Government does not have the support of 13 Members of this House, they are  
2185 not going to be able to do any of that rocky road anyway, because they are continuously going to have 13 Members or more voting down everything they bring forward. That is for me the key point.

In fact, what Mrs Caine is proposing is actually more democratic, I believe, than the system now, because the system now is a simple majority in Tynwald. So in theory, you could actually  
2190 have a case where, if a Chief Minister absolutely *annoyed* Legislative Council and really got their backs up, if you had all of Legislative Council vote against the Chief Minister you would actually only need nine MHKs from the elected Chamber (**Mr Robertshaw:** Correct.) to vote against a Chief Minister to bring the Government down. So you could, under the current system, have a situation where the Government has the support of the elected Chamber (**A Member:** Hear, hear.) but could actually still be brought down.  
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So I think what is being proposed by Mrs Caine is sensible. It is not changing the world; it is not making it easier; it is staying as a simple majority. The difference is we have given the power to elect the Chief Minister to the House of Keys, and therefore it is the power of the Chief Minister to be removed by the House of Keys by a simple majority as now exists in  
2200 Tynwald.

**Mr Robertshaw:** Hear, hear.

**The Speaker:** Mr Thomas.

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**Mr Thomas:** Thank you, Mr Speaker.

I want to associate myself fully with the arguments made by the Hon. Member for Douglas North, Mr Ashford, just pointing out that in actual fact he was describing the situation before 2018. Between 2018 and September 2021 we do actually have the supermajority  
2210 requirement, because the Council of Ministers Act is in force; and we have changed the law for those two or three years which were an aberration, in Manx political terms.

2215 The other point I want to make, another correction, is that we do actually now have – or we will have, when the Elections Act is brought into force – a recall mechanism in place for individual Members of the House of Keys. But I take the point that Mr Cannan made, which is that we do not actually have ... I am not sure how we would deal with a challenge to the fixed-term nature inside the legislation. That would be a political challenge for us, and let's hope we never get to that stage and we deal with it by the public accepting a new Government rather than a new House of Keys from which that Government is derived.

2220 That brings me to my main point and the terribly worrying aspect of the first three speakers who spoke in this debate. We all have to remember that through the last 100-plus years, through the era of Lord MacDermott, Lord MacDonnell and Lord Kilbrandon, the basic premise of democracy in the Isle of Man – as in the rest of the British Isles – is that we have representative democracy in an elected parliament from which responsible government comes and is derived. Any difference to that, we are talking about some form of elective dictatorship as it became called in the United Kingdom; and even worse from that, if you give the certainty to the Government, that elective dictatorship might become autocratic in some way.

2225 So it is absolutely paramount that we respect the nature of our representative democracy, the long history evolving organisation of our representative democracy, and support Mrs Caine's clause as moved today, exactly as it is. We would be a massive outlier in world terms if we did not do anything like that.

**The Speaker:** Mr Hooper.

**Mr Hooper:** Thank you very much, Mr Speaker.

2235 The Hon. Member for Douglas North made all the points I was going to make, much better than I could have done. So the only thing I really want to say is the Hon. Member, Mr Peake, talked about how it is so difficult to even get 16 votes to suspend Standing Orders to hang around for an extra hour to finish Questions. Just imagine, Hon. Members, how difficult it would be to get 16 votes to remove a sitting Chief Minister, if we cannot even agree to spend an extra hour talking about Question Time.

2240 Thank you, Mr Speaker.

**The Speaker:** Dr Allinson.

2245 **Dr Allinson:** Thank you, Mr Speaker.

We are developing into a very interesting debate about democracy and accountability. The Hon. Member who proposed this Private Member's Bill made the assumption that it should be 13 votes in and 13 votes out, and I completely agree with that on a logical basis. But to elect a Chief Minister at the right time in the right place, is a democratic process. To dissolve a Council of Ministers, to sack a Chief Minister, which may be due to a difficult decision or a difficult time they are going through, throws the entire country into disarray.

2250 I think we need to actually recognise our responsibility of effective governance, absolutely of democratic governance, but also that to have a vote of no confidence, not just in the Chief Minister but the entire Council of Ministers, is a very absolute step which would plunge this country into a period of insecurity, into a period of disarray, at a time when it could be in real problems anyway.

2255 I am happy, after listening to Minister Ashford, to go along and support this clause; but in doing so we have to accept the responsibility of not using a vote of no confidence as a form of sport or spite, but to do it for the right reasons at only an extreme time for our Island.

2260 Thank you, Mr Speaker.

**The Speaker:** Ms Edge.

2265 **Ms Edge:** Thank you, Mr Speaker.

I am standing up obviously to continue to support my hon. friend from Garff. However, just commenting on some of the comments from the previous speakers, tough decisions need to be made. Yes, they do, but none of us have the opportunity at the present time, if a tough decision that has been made is not the right decision, to change that.

2270 I am also very conscious and aware that we do not have the opportunity for our constituents to have a say in this. Obviously I was very aware when I got elected as to the *behaviours* that go on during those first few days within this ... All us Hon. Members in here that were there at that time do know what goes on, and I just found ... There were promises to do this, promises to do that. I found that inappropriate (*Interjection*) and I do feel that we should be able to, if there is something ...

2275 I do totally agree with the Hon. Member for Ramsey, Dr Allinson, that I do not believe anyone in here would put a vote of no confidence in the Chief Minister lightly. I think it would be a very serious issue or a concern for the people of the Island and the finances of the Island, etc., before anybody would do that.

2280 Obviously, the Hon. Member for Douglas North, Mr Peake, talked about Question Time. We know what happens in Question Time: there is a block vote, possibly, sometimes – most of the time! – and we cannot continue. But that is the democracy that we are here to deal with. They are questions for our constituents and I do find it difficult; and I also find it difficult when I see some actions from the Council of Ministers that are clearly constituent matters.

2285 Thank you, Mr Speaker.

**The Speaker:** Mr Shimmins.

**Mr Shimmins:** Thank you, Mr Speaker.

2290 I rise to support my hon. friend, Mrs Caine, in her endeavours in this matter. I will not speak for long, but I would also like to associate myself with Mr Ashford's remarks which I think summed things up really well.

2295 Two points I would just like to make. First of all, in terms of: will this make it more difficult for people to make difficult decisions and deal with difficult problems which might be unpopular? I am not convinced that that really is the issue. I think, actually, the flipside of that is there is a risk if you do not have this mechanism, that the Chief Minister and the Council of Ministers become complacent and they take things for granted because they are in a very strong position and they rely on that inbuilt position, rather than articulating to the Members of this House the real need for change and explain why it is necessary and engaging with them. I think that is really the way to deliver difficult change in the national interest, as it will be required.

2300 I also think the second and last point I would like to make is actually, for me, what this underlines is that the Members of this House focus on national issues and are prepared to take an overall view, and sometimes that might be unpopular, rather than simply maintain the *status quo* or focus on local issues. So I think for me, actually, in this whole debate it is really important that people are elected who will embrace the need for change and sometimes take difficult decisions.

2305 Thank you, Mr Speaker.

**The Speaker:** Mr Baker.

2310 **Mr Baker:** Thank you, Mr Speaker; very interesting debate on this.

Just a couple of thoughts came to my mind listening to the comments from my hon. friend, Mr Cannan, and also those from others.

2315 The first: it brought me back to the experience in the UK a few years ago, with the Northern Ireland parties having a disproportionately dominant influence on the UK policy-making, and

being able to negotiate completely disproportionate outcomes for their *very* specific interests in that community because they held that balance of power. We do need to be careful in how we respond to this, that we do not inadvertently create situations like that.

2320 Clearly, we do not have lots of party structures on the Island, although we do, and some would argue it is likely to grow. So we could end up with a situation here where there are formal parties or informal groupings who do hold the balance of power, which could end up tipping the balance and maybe disproportionately influencing Government policy. So I do think we need to reflect on that.

2325 The other point I would highlight is that one of the real positives about the Isle of Man that makes it an attractive jurisdiction is stability. We play with that at our peril, Hon. Members. So we must make sure, in whatever decision we reach here, that we do not end up in a situation where we undermine that stability, because then we all lose – and whoever the Chief Minister and whoever the Ministers are will struggle to do what we are here to do, which is deliver better outcomes for the people of this Island. I do believe that it is – (*Interjection*)

2330 Give way?

**Mr Cannan:** Would the Hon. Member give way for a minute?

2335 **Mr Baker:** I will do, yes.

**Mr Cannan:** It was an interesting point he raised. But would he agree with me that the point from the House of Keys at the last election would have been – and I make it very clear – that had the voting effectively proceeded roughly as it was, with 12-9-3, and had the Liberal Vannin Party stuck together, they actually would have had the balance of power in that particular  
2340 circumstance; and probably would have therefore been able to have significantly influenced – that small party of three, albeit there is only one remaining – almost unquestionably, Government's policies and direction from the Council of Ministers, because the Chief Minister at the time would have had no choice but to have consulted with them on almost every single issue?  
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**Mr Baker:** Yes, I would agree, Mr Speaker.

I think that is exactly the point, and that was the experience that I was referring to in terms of the Northern Irish parties in the UK, as I recall it. I think the Hon. Member for Ayre and Michael is absolutely spot on there, and we need to be careful what we wish for here. So that, combined  
2350 with the importance of stability and finally the need for absolute clear direction through a five-year term, is really paramount.

My observation having come through almost one term is that it takes a while for a new administration to build some momentum, to agree its Programme for Government and to move into delivery mode; and often, as I understand it, as one moves towards an election period the  
2355 amount of progress that is made tends to slow down. So there is probably, arguably, a three and a half year period maybe of real significant, effective change in a five-year administration.

If you were to change Chief Ministers and effectively change the Council of Ministers by definition through that, potentially you are significantly reducing that period of effectiveness. Clearly, if you are going to make a change, you are then going to change for something different  
2360 and there is going to be a new Programme for Government and a new period of settling down before moving forward. And who is to say that would only happen once in a finely balanced situation?

So we do, Hon. Members, need to be very cautious and reflect on those issues before we determine how to move forward here. This is a very simple, short and very focused Bill but it has  
2365 some profound implications, Mr Speaker.

**The Speaker:** Mr Robertshaw.

**Mr Robertshaw:** Thank you, Mr Speaker.

I retain my support for the matter before us, and will certainly continue to hope that we get  
2370 to a 13-Member majority vote on this matter.

But I just want to respond to this issue about political parties that has been highlighted by the Hon. Member for Peel and Glenfaba, and reiterated again by the Member for Ayre and Michael. This Hon. House, our system, is strongly and firmly based in my opinion on the independence of  
2375 each individual Member, and I have long articulated the argument against trying to force political party systems into such a small system as ours. It will not work. I do hope that if we got to the situation where a small party tried to unreasonably exert its power in such an important issue as who is the Chief Minister, then the independently minded Members, regardless of their position, would stand behind what we have.

That is enough seriousness from me, I just want to say – listening to the new Hon. Member for Ayre and Michael, and lightening the subject up a little bit – that if he ever did aspire to the higher echelons of being Chief Minister that we would end up, if this Bill is passed, concerning  
2380 ourselves quite regularly about 'Baker's dozen'. *(Laughter and interjections)*

**The Speaker:** Mr Cregeen.

**Mr Cregeen:** Thank you, Mr Speaker.

Two of us were elected around about the same time and we have gone through three elections for Chief Minister. I must say I think they have all been very interesting, especially our  
2390 first one. I supported the move to reduce the numbers, because you are looking at it afresh, but on hearing some of the debate today it has raised a number of concerns that quite frankly, for a small Bill, it can have huge implications for the Isle of Man.

The thing that we have valued so much for many years has been the stability of the Government of the Isle of Man. It has been a thing that has brought people to the Isle of Man because of its stability and businesses enjoy the Isle of Man because of its stability.  
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I think one of the issues we have got is that we have seen this Bill enter this House quite quickly, and we are running through this quite quickly at the moment. I do not think we have

2400 actually taken the time to see what the consequences may be of somebody just coming forward; and there may be people who get elected in the future who will, out of a whim, put a vote of no confidence, especially if you have got something controversial.

2405 So with that, Mr Speaker, I would like to refer this clause to a committee, to report by March. I would like to have a committee of five to review this clause because I am really concerned about the consequences. I fully support the review on it – and I can see Mr Shimmins banging his head against the desk, (*Laughter*) but he was not so coy when it came to shutting banks. (**Several Members:** Ooh!)

2410 I think one of the things we have to do is take a close look at this, and I would urge Members to put this to a committee. (**A Member:** Of 13!) (*Laughter*) You could do a Committee of the House, Hon. Member, but I think one of the things we really have to do is have a look at what the consequences will be. If you do not support it, fair enough, I will go along with the 13, but I really think that we would be doing ourselves a disservice if we did not review this clause and actually see what the consequences may be. Maybe putting a safeguard in, like some Hon. Members have said – the Hon. Member for Ayre and Michael said that on a whim three people could turn Government.

2415 So with that, Mr Speaker, I beg to move that we move this clause to a committee of five people. (*Interjection*)

**The Speaker:** Mr Quine.

2420 **Mr Quine:** Thank you, Mr Speaker; and I also rise to support the Hon. Member for Garff, Mrs Caine.

2425 Mr Speaker, we gamble with democracy at our peril. My hon. friend, the Member for Douglas Central makes a very important point about the potential, albeit remote, to what I would define as an arbitrary or an absolute administration. My hon. friend the Member for Middle, Mr Shimmins, also makes an important point whereby we must, as he said, always remember that the right decisions are not always popular and the popular decisions are not always right. (**Two Members:** Hear, hear.)

2430 I do not think for one minute, should Members of this Hon. House be presented with what may be referred to as a dictatorial regime, that anyone would fail in their duty to ensure that the integrity of this House and democracy on the Isle of Man is upheld. However, as the Hon. Member for Ramsey, Dr Allinson alluded to, we must also safeguard against developing a taste for sport or spite where our administration would be concerned. And as I said, I do not for one minute doubt that Members would ever fail in their duty to uphold the integrity of the House, no matter what potential issue may be laid before it.

2435 Thank you, Mr Speaker.

**Mr Thomas:** Well said.

**The Speaker:** The mover to reply.

2440 Mr Boot, you have already spoken.  
Mover to reply.

**Mrs Caine:** Okay, thank you, Mr Speaker; and thanks to everybody who contributed to that much lengthier debate at the clauses stage than we had actually at the Second Reading; but very welcome nonetheless.

2445 If I just try and get my notes in order ...

I think that there are two definite sides to this argument, and I completely understand and sympathise with some of the longer-term Members who struggle with the thought that reducing to a straight majority of 13 Members will somehow make us an unstable democracy; that people, on a whim, would bring votes of no confidence. Because in my experience, and actually

2450 history shows, there has never been a successful vote of no confidence in any Minister since the 1990 Act came in. There were several motions brought against individual Ministers, but most were not put and one failed to get enough support.

So I think Members do think long and hard before they would bring such a motion, and I think it goes back to ... This amendment from Mr Cannan's previous Amendment Bill changed  
2455 from the whole of Tynwald electing and removing a Chief Minister to only this Chamber, and the difference is that if you had a two-thirds majority of Tynwald – because that was considered the bar at which to get rid of a Chief Minister or an administration – that would be 22 votes out of the 33, which is just inconceivable that we would even go there.

So when the Act was amended by Mr Cannan and the responsibility for electing Government came within the democratically elected Chamber, the 17 outright majority of Tynwald somehow  
2460 changed to a 16, two-thirds vote of Keys instead of a straight majority. My contention is that actually this does not make it a more stable Government by having – as I think Mr Speaker called it – this extraordinarily high bar.

Can you imagine how the Isle of Man would be perceived? How the stability and credibility of  
2465 our Government would be perceived if there had been one or perhaps more votes of no confidence brought against an administration; and the administration itself, just the Members of that administration, defeated every vote of no confidence and voted themselves back into power for the remainder of the term of five years? What sort of signal would that send out about what kind of Government the Isle of Man had? I am not saying that that would ever  
2470 happen, and I do not believe that anybody would bring a vote of no confidence on a *whim* or for a popular policy.

Just to go through some of the feedback: I completely respect there is an alternative view, perfectly articulated, particularly by Mr Cannan, that suggests maybe we should make it harder to become Chief Minister. How would that play, do we think, if you had a higher threshold until  
2475 perhaps, as somebody said – I think it was Mr Baker – it takes three and a half years for an administration to effect change?

I hope Mr Baker is not saying that there will not be any meaningful change in the remainder of *this* administration, because we would hope with the support of independents that we all want to see positive change for the Isle of Man. And as independents, for whatever reason over  
2480 the last hundred years the public of the Isle of Man have not endorsed in any huge way the party political system, and there are concerns that perhaps that would change forever the make-up and the way of operating of such a small Chamber.

But that is in the hands of the people, and it is something for next September to demonstrate whether parties have enough traction and have enough support to put that system in place.  
2485 That would be a whole different ball game. But if parties garner enough support to have a meaningful place in a Government then that is the democratic process as well. And I think we are all answerable to our electorate.

I thought it was interesting that Mr Cannan also mentioned about the recall mechanism which of course is coming in for criminal offences following the next election, but yet there  
2490 would be some people that would say there should be a recall mechanism for any Member if they had enough support, the 10% support or whatever, of the electorate. These are all things that can be discussed. They are all things in an evolving democracy that we can consider, and at the end of the day we are all answerable to the public.

I really appreciated Mr Quine's comment that popular decisions are not always the best and the right decisions are not always popular. That is the constant battle that we, as Members, have  
2495 to juggle. And we, perhaps more than any other administration, are so in contact with our electorate that is perhaps perceived to be too close on constituency issues rather than the national issues of the day.

This year, more than ever, we have had to concentrate on national issues, and what a  
2500 transformation that has caused in the way of working of Government and the way of working of parliament. I think we have seen that the strength of this parliament is very much because it is a

consensus of independents with independent views able to be expressed, and then the majority view that wins out. So I do not accept that this would in any way be a threat to the stability of our Government; I think it would be of benefit.

2505 I refer Members back to the comments I gave at leave to introduce and also at the Second Reading with the benefit of the research from Professor Peter Edge, professor of law at Oxford Brookes University. He has done enormous amounts of research on this, so I do not really think that there is a need for a Committee of this House to go over it all. In all his research, the only jurisdiction he found in the world that required a two-thirds majority to remove the head of  
2510 government was in the Cayman Islands; and, unlike our administration, they do not have a large proportion of backbench Members also involved in Government work.

So I think I will leave it there. Thank you, all Members, for contributing, and some excellent points that were made. But I would urge Members to support this because I think it is a better, more democratic way forward for us.

2515 Thank you, Mr Speaker.

**The Speaker:** Just for clarity, I would point out that Mr Cregeen's motion was not seconded. Therefore the question is that clause 2 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it.

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

**FOR**

Mr Ashford  
Dr Allinson  
Mrs Caine  
Mr Callister  
Mrs Christian  
Mrs Corlett  
Mr Cregeen  
Ms Edge  
Mr Harmer  
Mr Hooper  
Mr Perkins  
Mr Quayle  
Mr Quine  
Mr Robertshaw  
Mr Shimmins  
Mr Skelly  
Mr Speaker  
Mr Thomas

**AGAINST**

Mr Moorhouse  
Mr Baker  
Mr Boot  
Mr Cannan  
Mr Peake

2520 **The Speaker:** With 18 for, 5 against, the ayes have it. The ayes have it.

**Council of Ministers (Amendment) Bill 2020 –  
Standing Orders suspended to take Third Reading**

**The Speaker:** Now, Mrs Caine, in accordance with your email yesterday I would invite you to move suspension of Standing Orders, should you so wish, for the Third Reading to take place at this sitting.

2525 **Mrs Caine:** Yes, Mr Speaker.

I please ask that Standing Orders, and in particular Standing Order 4.11(1), be suspended to permit Third Reading of the Council of Ministers (Amendment) Bill 2020 to be taken at this sitting.

**The Speaker:** Mr Hooper.

2530

**Mr Hooper:** Thank you, Mr Speaker.  
I beg to second and reserve my remarks.

2535

**The Speaker:** I put the question that Standing Orders be suspended to allow Third Reading to be taken at this sitting. Those in favour, please say aye; against, no.  
No? *(Laughter)* Gosh, what a loud no! I think we will go for a divide. *(Interjections)*

*Electronic voting resulted as follows:*

<b>FOR</b>	<b>AGAINST</b>
Mr Ashford	Mr Baker
Dr Allinson	Mr Boot
Mrs Caine	Mr Cregeen
Mr Callister	Mr Harmer
Mr Cannan	Mr Peake
Mrs Christian	Mr Quayle
Mrs Corlett	
Ms Edge	
Mr Hooper	
Mr Moorhouse	
Mr Perkins	
Mr Quine	
Mr Robertshaw	
Mr Shimmins	
Mr Skelly	
Mr Speaker	
Mr Thomas	

**The Speaker:** With 17 for, 6 against, the ayes have it. The ayes have it.

**Council of Ministers (Amendment) Bill 2020 –  
Third Reading approved**

Mrs Caine to move.

**The Speaker:** I call on Mrs Caine to move Third Reading.

2540

**Mrs Caine:** Thank you, Mr Speaker; and thank you, Members, for permitting me to take this through to Third Reading today.

There is no urgent rush or need, it is simply to get it off the table when we have so much other pressing business that is going to come our way in the New Year.

2545

**A Member:** I could use that phrase! *(Laughter)*

**Mrs Caine:** As I previously said, I believe this brief piece of legislation will be an improvement to our law governing the process by which this Hon. House removes a failing administration.

2550

Once again, I must emphasise that my bringing forward the Bill at this time should not be seen in any way as a reflection on the Chief Minister or the current administration, it is simply to ensure a failing administration *can* be removed in future by a straight majority of Members' votes. I believe that will be a step forward, one that avoids the possibility that a government which has a huge confidence of the majority of Members could cling on to power by only

2555 Ministers voting to keep themselves in office. It is inconceivable to me to think any Chief Minister *would* continue in office in the face of such a lack of confidence, but it would be theoretically possible. This Bill removes that possibility.

I beg to move the Council of Ministers (Amendment Bill) 2020 be read a third time.

Thank you, Mr Speaker.

2560 **The Speaker:** Mr Hooper.

**Mr Hooper:** Thank you, Mr Speaker.

I beg to second and reserve my remarks.

2565 **The Speaker:** Mr Thomas.

**Mr Thomas:** Thank you, Mr Speaker.

2570 Dr Allinson made a very good point about the absolute paramount nature of stability and certainty. That is a very wonderful aspiration and I just want to make sure it is on the record that when the current Mr Speaker, Mr Watterson, moved on 22nd March 2016 amendment number 6 to achieve this effect back in 2016. Mr Watterson moved it, and it was actually the Chief Minister at the time – who, then, was the longest standing Member of the House of Keys, I believe – who seconded the motion, and yours truly also voted for it.

2575 We have done the right thing today, we are on the right side of history, and I think we should be very pleased with that. Basically, this is one extra step taken at Christmas, because we made another step like this in December 2017 just before Christmas, to actually make the Chief Minister elected by the House of Keys rather than Tynwald Court. This is another step, at Christmas December 2020, in that inexorable move to make our Government ever more responsible in our own historic representative parliament, the House of Keys.

2580 Thank you, Mr Speaker.

**The Speaker:** Mover to reply.

**Mrs Caine:** Thank you, Mr Speaker.

2585 I thank Mr Thomas for those words, and I also salute the thoughts that Dr Allinson contributed to the last debate; but *many* Members have all made excellent points. It is all part of this debate but I thank the majority of Members for supporting this. I do not think that this is anything to fear, I think this is a strengthening of our democracy. (**Two Members:** Hear, hear.)

Thank you; and with that, Mr Speaker, I beg to move.

2590

**The Speaker:** I put the question that the Council of Ministers (Amendment) Bill 2020 be read for a third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**Ms Edge:** Divide.

2595

**The Speaker:** Sorry, did you call divide?

**Ms Edge:** Yes, please.

2600 **The Speaker:** Thank you.

*Electronic voting resulted as follows:*

**FOR**

Mr Ashford  
Dr Allinson  
Mrs Caine  
Mr Callister  
Mrs Christian  
Mrs Corlett  
Mr Cregeen  
Ms Edge  
Mr Harmer  
Mr Hooper  
Mr Perkins  
Mr Quayle  
Mr Quine  
Mr Robertshaw  
Mr Shimmins  
Mr Skelly  
Mr Speaker  
Mr Thomas

**AGAINST**

Mr Baker  
Mr Boot  
Mr Cannan  
Mr Moorhouse  
Mr Peake

**The Speaker:** With 18 for, 5 against, the ayes have it. The ayes have it.