

Positive Action Group (P A G) Submission

to

**The House of Keys and the Legislative Council Joint Committee
considering the constitutional principles raised by the Electoral Reform Bill
2011**

Task of the Joint Committee

The Electoral Reform Bill 2011 makes two main proposals.

1. that the Island should be divided into eight constituencies
2. that each constituency should return three MHKs and one MLC.

The Joint Committee is to consider the constitutional principles raised by the Bill.

Introduction

1. Positive Action Group (P A G) is a political lobby group, not a political party. It is a not for profit Association the objectives being to promote an awareness and understanding of politics and citizenship. We encourage members of the public to participate actively in politics by taking part in discussions, making their views known, voting, standing for office and holding public office. (See Appendix 1)

It is funded by membership subscription and donations.

2. P A G revised its Charter in 2011 and this can be read at Appendix 1.

3. Within the P A G Charter we declare:-

"The people to have the right to elect Members of the Legislative Council"

4. P A G therefore strongly supports the underlying principle of the Electoral Reform Bill 2011, that of popular election of most Members of the Legislative Council.

5. P A G considers the constituency re-revision and allocation suggested in the Bill to be an ingenious and sophisticated mechanism of realising the underlying principle

Discussion

1. Unlike many countries, the Isle of Man, does not have a written constitution, so the Joint Committee has an unenviable and difficult task in easily identifying and agreeing underlying constitutional principles.
2. It may be interpreted that the remit of Joint Committee is to identify any unintended consequences of changes embodied in the proposed legislation.
3. A written constitution defines citizens' rights and codifies a country's political system.
4. In the IOM an unwritten constitution has developed in haphazard fashion, building on common law, case law, historical documents and Acts of Tynwald
5. As a result vestiges of an arcane relationship between the citizen and the State remain. One such throwback is that over a quarter of the Members of Tynwald are not elected by the public.
6. The Electoral Reform Bill 2011 essentially seeks to provide a more inclusive, publicly participative, form of democracy and is on a continuum of a long tradition of progress towards democratic reform
7. Having MLC's elected by the public is a modern progression to the democratisation of our parliament and as such does not appear to have an impact on any constitutional principle.
8. In creating 8, three Member (MHK), constituencies the Bill elegantly enables a democratic anomaly to be rectified, namely it provides equality of representation in each constituency.
9. This was a recommendation of previous Boundary Review Committees;
 - a) Referring to 'democratic values' the Boundary Review Committee Interim Report (2006) stated "*..... as great, if not greater importance in maintaining the principle of one man, one vote, is the concept of equality of representation*"
 - b) Over 5 years later, in December 2011, The Interim Report of the latest Boundary Review Committee was received and its recommendations approved by Tynwald

Recommendation 1 states:-

"Tynwald accepts the principle of equality of representation so that all constituencies each return an equal number of Members to the House of Keys".

One of the ways to achieve this, and suggested by the Boundary Review Committee, is the establishment of 8 constituencies each having three MHKs

This is a proposal incorporated within the Bill.

11. In addition, in order to preserve the existing structure of the Legislative Council, the Bill calls for Council member to be popularly elected alongside the 3 MHKs for each newly 'designated constituency'.

11. The main business of the Legislative Council would remain:-

- a) sitting separately: the consideration of primary legislation. and
- b) sitting together with the House of Keys, as Tynwald Court: to consider matters of policy and finance.

12. The function of each MLC is not altered by the legislation.

Conclusion

1. Despite having members present at both readings of the Bill, PAG readily admits it is not able to identify constitutional principles raised by the Bill.

2. PAG recognises that the Bill may alter the relationship of popularly elected MLCs with their colleagues in the House of Keys, but this ought to be regarded as an unintended consequence of the change. It will not affect the function of the Legislative Council.

3. PAG considers that the legislation provides an extension of the democratic principle which would instill greater public confidence in the Council and ultimately Tynwald.

4. PAG fully endorses the Bill.

W Roger Tomlison
Chair, Positive Action Group (PAG)
January 2012

Objectives

- To promote awareness and understanding of politics and citizenship
- To encourage members of the public to participate actively in politics by taking part in discussions, making their views known, voting, standing for office and holding public office.
- To encourage an increase in the percentage turnout of the electorate, by raising awareness of the importance to the electorate of exercising their democratic right to vote - a consequence of which will be that they can help to shape and secure the future of the Isle of Man.
- To bring to the attention of Tynwald Members, the Government of the Isle of Man, or any other appropriate bodies, issues or matters of public interest raised by members of P A G; and which may include submissions in response to public consultation exercises.

Charter

Positive Action Group (PAG) believes that three 'core principles' should apply to the system of Government in the Isle of Man.

OPEN, ACCOUNTABLE GOVERNMENT
RIGOROUS CONTROL OF PUBLIC FINANCES; and
A FAIRER SOCIETY FOR ALL

Towards this end we RESOLVE that these steps be taken to implement the 'core principles':

The people to have the right to elect Members of the Legislative Council: - before this is implemented, no MLC may become a Minister.

The Chief Minister be popularly elected

The number of Ministries to be reduced.

The number of Departmental members to be reduced.

Equality of representation in each constituency be introduced

That Tynwald should introduce legislation to:

PASS A FREEDOM OF INFORMATION ACT

PASS A CONFLICTS OF INTERESTS ACT