

**6. Climate Change Bill 2020 –  
Second Reading approved**

Mrs Poole-Wilson to move:

*That the Climate Change Bill 2020 be read a second time.*

2485 **The President:** We turn now to Item 6, Climate Change Bill for Second Reading.  
Mrs Poole-Wilson to move.

**Mrs Poole-Wilson:** Thank you, Mr President.

2490 I would like first to thank Hon. Members for their engagement during First Reading and subsequently.

I would like, at Second Reading, to respond to points raised by Hon. Members that I may not have covered fully in reply at First Reading, and also to cover some other developments that I would like to highlight to Hon. Members.

2495 Firstly, noting the points expressed by Hon. Members during First Reading about the wider context, particularly how this Bill links with wider activity, including public engagement and support, the Climate Change Transformation Team has issued an update on the progress that has been made towards delivering the climate change actions set out in the Council of Ministers' Phase 1 Action Plan for Achieving Net Zero Emissions by 2050. The team are also taking further actions to improve public engagement and awareness of their work, which will include developing ways to help people with outreach and their transition to net zero.

2500 In addition, officers have provided further detailed information via a briefing note that was circulated yesterday and the opportunity for a question and answer session on the Bill with Prof. Curran and officers, which I hope Hon. Members have found of use.

2505 The briefing note is a document that I propose to have added to the public record by way of having it laid as an appendix to *Hansard*, and I am taking advice currently on the appropriate mechanism to achieve that.

2510 As Hon. Members I hope may have had the opportunity to see, the note provides information in response to questions raised as well as setting out a number of draft amendments to the Bill that are being considered, a table setting out the Bill's relationship to the Council of Minister's Phase 1 Action Plan, and another table setting out the changes that were, and were not, made to the Bill following the conclusion of the public consultation process, which is in particular in response to Mr Mercer's question on this.

2515 Now, for the record, I will respond to queries raised last week that I may not have covered at the time fully. In particular, Hon. Member Mr Mercer raised a number of important questions. The Hon. Member asked how this Bill will help us play our part in reaching or exceeding the IPCC targets. The Bill, for the first time for the Island, places on a statutory footing the requirement to meet the net zero emissions target by 2050, as well as a statutory process of planning of climate change actions to meet the specified targets, and the monitoring of progress towards meeting those targets.

2520 The Bill also provides a number of legal powers to Government to take regulatory actions in the future that will directly contribute towards reducing the Island's emissions.

Finally, the Bill will support the Island's application to the UK government for the extension of the relevant provisions of the Paris Convention on Climate Change and associated protocols.

2525 In brief, without the Bill the Island will not have a binding net-zero target for emissions, a requirement for climate change plans of actions, a requirement to regularly and transparently report on progress, or supporting legal tools to help reduce the Island's emissions.

The Hon. Member Mr Mercer also asked how the Bill would help us avoid or mitigate the economic costs posed by a warming world. This Bill deals primarily with mitigation but will support the undertaking of adaptation measures, such as via the amendments to planning policy and the

2530 planting of trees, that will improve our infrastructure and environment to better equip the Island against the effects of climate change. Further legislation to support the move to a circular economy and provisions of climate change adaptations are likely to follow in due course.

It will also, via the climate change plans, encourage the Island's economy and infrastructure to adapt to the challenges of net-zero emissions and the associated changes in the supply and use of  
2535 energy. Otherwise, there is a risk that actions to meet the challenge of changes to the energy market may be taken too late, and at a higher cost, than appropriate action taken earlier.

The Hon. Member subsequently asked for an explanation on why 2050 was chosen as the target year for net-zero emissions. Hon. Members may recall that 2050 was announced by the Chief Minister in May 2019, having regard to the UK's commitment to reach net-zero greenhouse  
2540 gases by 2050.

In the UK the 2050 target was informed by the work of the Climate Change Committee in a report released in May 2019. This report confirmed that this approach would keep the UK in line with the commitments under the Paris Agreement to keep global warming under 2° Celsius. Looking at the position globally, 2050 is the target date adopted by the majority of those who  
2545 have made a legal commitment.

Mr Mercer referenced Prof. Curran's comment in the IMPACT Report that:

the higher ambition timeline, in the absence of any slippage or unforeseen obstacles, can potentially deliver a net-zero position slightly in advance of 2050, perhaps even by 2045.

The qualification is, I believe, not one that we should ignore, especially when we think about the events of the past 12 months and what we have seen of the potential for unforeseen obstacles and their impact. That is not to say that with high ambition we should not aim to do better, and  
2550 the Bill allows for the net-zero target date to be brought forward.

The Hon. Member also asked whether the Government would go on record and tell us whether or not they are committed to following the high ambition pathway or the low ambition pathway.

As of today, I can inform the Hon. Member that work is ongoing to better understand the key aspects of the respective pathways. This work, such as the energy strategy that is currently being  
2555 developed, will feed into the delivery of future climate change plans and the pathway we choose to take.

Moving on to the Hon. Member's next question, he asked why the successfully proven concept of carbon budgeting has been left out of this Bill. I responded to this in part at First Reading, additional information that I would like to put on record is research that the UK government is  
2560 presently on course to exceed its fourth carbon budget for the period 2023-27. Furthermore, the Scottish government has moved its policy focus to the delivery of a series of emissions reductions targets within the context of the 'fair and safe Scottish emissions budget', which is the aggregate amount of net Scottish emissions for the period 2010-2050. This latest Scottish approach aligns with this Bill, in that it requires a climate plan that sets out meaningful actions for achieving  
2565 emissions reductions.

This change in approach, coupled with the matters I referenced at First Reading regarding limits of carbon budgeting in the context of our small Island, which does not have the volume of large manufacturing or industrial greenhouse gas emissions, is the primary reason for not adopting carbon budgeting as a key tool to achieve our drive to net zero. The Bill instead adopts the  
2570 approach of a statutory climate change planning process, supported by the legislative framework for monitoring Government's progress in delivering these climate change actions, reducing emissions and achieving any applicable targets.

The Hon. Member highlighted the matter of improving the quality of our housing stock to move to net-zero carbon heating and asked how the Bill would provide a framework for tackling this  
2575 challenge. The Bill contributes to such a framework in the form of the regulatory powers provided in clause 28 of the Bill, concerning fossil fuel heating. Other legislation already exists to form other parts of this framework. For example, the Building Control Act 1991 enables the making of

2580 regulations to set out the standards that must be complied with when building new properties. As the Hon. Member noted, regulations were made in 2019, and again in 2020, to support improvements in energy efficiency standards. I am aware of further regulations being developed that will, if approved by Tynwald, provide for further improvements in the construction of new homes that will ease the transition to emission-free heating systems.

2585 Furthermore, the Financial Provisions and Currency Act 2011 provides the *vires* for schemes to be made by any area of Government. I am aware of new schemes being developed that will, subject to Tynwald approval, provide support to homeowners to retro-fit existing properties with new heating systems.

2590 Finally, I am aware of work being undertaken with the Department for Enterprise and University College Isle of Man to provide training to new and existing contractors on the Island to support the implementation of such measures. Taken as whole, these various provisions provide a good starting framework for moving away from the use of fossil-fuel-powered heating systems in the Island's homes.

2595 The last question from the Hon. Member was to request further information on whether or not the requirement for the Island's emissions reductions to be based upon 100% domestic effort would interfere with the requirement for public bodies to give consideration to the climate justice principles when undertaking their climate change duties. I hope that I can reassure the Hon. Member by restating that, in my view, these two separate requirements do not conflict with each other. The only action that is affected by committing to 100% domestic effort is that carbon units generated by carbon reductions or removals in other countries cannot be applied or counted towards the Island's net emissions account. This does not prevent companies or individuals from voluntarily purchasing international carbon units for their own purposes.

2600 In addition, it certainly does not undermine ongoing and future funding for climate action projects in less developed countries as part of the Isle of Man Government's overseas aid programme. Support for less developed countries is a key theme of the Paris Agreement, and although the details are yet to be determined, commitment to continuing that support is likely to be required as part of the extension of that agreement. Investment and aid align more closely with the climate justice principle than purchase of units; supporting developing countries to undertake climate action without taking away their ability to apply the resulting emissions reductions to their own national accounts.

2610 This approach aligns with international practice and supports the desirable additionality provided by the voluntary carbon market, i.e. all net reduction must be through 100% domestic effort but private individuals and companies can take further action to reduce emissions or increase removals, even though this will not be included in the Isle of Man net emissions account.

2615 Turning now to questions raised by Hon. Member Mrs Sharpe, she asked whether the Bill allows adequate levers to change future behaviours, to change mind-sets and take people with us. Noting the process for preparing climate change plans and reporting each year on the implementation of those plans, the Bill places significant obligations upon Government to deliver meaningful climate change actions that will reduce emissions. These climate change actions, along with the climate change duties imposed upon public bodies by this Bill, will create significant levers for change on public bodies.

2620 The importance of taking the public with us is very much recognised and, following some delays as a result of the impact of COVID, the Climate Change Transformation Team will be stepping up their public engagement work in the lead up to and as part of the process of developing the next climate change plan.

2625 The Hon. Member, Mrs Sharpe, also expressed concern that the Bill seemed to contain opt-outs for the Council of Ministers that would weaken the Bill and remove pressure on Government to deliver climate change actions. I think it is important to make clear that the Bill does not provide for Council of Ministers to opt out of the Bill's requirements. Council may choose to bring forward the net-zero emissions target year, or introduce further interim targets, or introduce higher ambition targets in accordance with regulations that will have to be consulted

2630 upon and subsequently approved by Tynwald. But the Bill does not allow for the net-zero target date or any interim target date to be pushed back in time.

The climate change actions necessary to reduce emissions to meet these targets will be set out in climate change plans that are consulted upon and submitted for Tynwald approval, ensuring public and political scrutiny of such plans. The Government's progress in implementing these plans will then reported upon to Tynwald each year.

2635 The Bill therefore provides a mechanism for ensuring that the Council of Ministers, the public and Tynwald all have an important function in ensuring climate change actions are planned that result in meaningful reductions in emissions, and that those actions are undertaken and completed accordingly.

2640 Turning now to questions from the Hon. Member Mrs Lord-Brennan, she expressed concern as to whether or not the Bill is a serious and productive means of tackling climate change that sets out real climate actions. Referencing back to my comments earlier, from a high level perspective, the Bill provides for two separate but related legislative approaches for combatting climate change. Primarily, as I have already stated, it provides the statutory net-zero target date of 2050 and sets out the various mechanisms and processes that are to be undertaken towards achieving that target. So it provides a legislative framework that requires the development and implementation of meaningful actions as well as requiring public reporting and monitoring of progress.

2645 The Bill also provides a number of powers to support the delivery of climate change actions, either directly by provisions set out in the Bill, or by power to apply legislation from the UK, or also by amending a number of existing Acts of Tynwald. Without this Bill there is no requirement for a climate change plan, no linked Tynwald scrutiny of Government's implementation of those plans and no *vires* to support the climate change actions set out in plans that will result in the achievement of targets set out in law. The Bill is therefore an important document that provides legal tools and obligations to combat climate change.

2650 Hon. Member Mrs Lord-Brennan also raised the question as to how the ban on fossil-fuel heating systems in new houses is going to work in practice. First there is lead time linked initially to the announcement date in 2019 and now from the point of the ban being legislated for. There is also a practical measure in the Bill which provides that from 1st January 2024 plans submitted to Building Control for new buildings to be heated by a fossil-fuel heating system will only be approved if it is considered that installation of the fossil-fuel heating system will be completed before 1st January 2025. Once the ban is in effect, from 1st January 2025, then Building Control officers will be able to enforce the ban as part of their inspection process of new buildings, and take enforcement action where appropriate.

2655 Mrs Lord-Brennan was also correct to recognise that the ban on fossil-fuel heating systems in new builds should not be seen in isolation – it is a part of the overall transition to renewable sources of energy and changes to the way we heat our homes. The Hon. Member in particular raised a concern that climate change actions and costing is not transparent to the public and that it is more expensive and less efficient to heat using electricity compared to gas at present. Her point, and the need for increased engagement and public awareness, is well made so that people understand more about how the transition will happen and what it means for them. In debate in another place the broader context was discussed, namely the reduced cost of electricity from renewable sources, the options for us to meet our transition to renewables, the current range of businesses on the Island that are involved in installing solar panels and air source heat pumps, the importance of upskilling more people to help deliver the retrofitting and installation of alternative heating systems and the prospects for people to be able to have warmer homes at reduced prices.

2670 Mrs Lord-Brennan raised the hypothetical question on installing electric boilers today, as opposed to air source heat pumps, what would be the impact on emissions? Briefly, in the unlikely event that everyone on the Island was to switch today from oil and gas boilers to electric boilers, then the total emissions for heating and hot water would significantly increase. However, as we decarbonise the Manx electricity grid with renewables, the emissions will decrease from the

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current 0.43 kg/kWh to 0.11 kg/kWh by 2035, and close to zero by 2050. Therefore, switching to electric heating using electric boilers will result in lower future emissions in comparison to using oil and gas boilers. Even today, the emissions for heating and hot water can be lower if ground or air source heat pumps are used.

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The Hon. Member also raised her concern as to how Government is intending to recognise the just transition principles in the Bill, and that the current drafting of the Bill in relation to these principles was unclear. The drafting of the Bill with regard to the just transition principles is very similar to the equivalent provisions in the Climate Change (Scotland) Act 2009, and it is anticipated that further guidance will be issued to public bodies having had regard to documents such as the International Labour Organization's guidelines for a just transition towards environmentally sustainable economies and societies for all.

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The Hon. Member asked for some clarity as to why the Department of Environment, Food and Agriculture was advocating for the Bill but responsibility for climate change action rested in the Cabinet Office. I can clarify that this Bill was moved by the DEFA Minister on behalf of the Council of Ministers, and has consequently been developed by officers in his Department, under the policy direction of the Climate Change Transformation Team. The delivery of the Climate Change Bill is therefore a joint effort. Collaboration and inter-departmental work has been, and will continue to be, key to the success of climate action.

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Speaking to the Hon. Member's question that the Bill was remiss in not providing legal powers for improvements in air quality, I would highlight that clause 31 of the Bill allows for application of UK legislation set out in the Environmental Protection Act 1990, the Environment Act 1995 and the Clean Air Act 1993, or legislative instruments made as a consequence of those Acts. Consequently, while the Bill does not provide a direct means of imposing regulatory controls to prevent air pollution on the Island, it enables legislation to that effect to be applied by order to the Island in the future, subject to consultation and Tynwald approval.

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Finally, the Hon. Member expressed concern that the Bill did not make provision for grants for electric car uptake and associated just transition obligations. She is correct, and it is important to note that the Bill is only part of the Government's overall response to the climate change emergency. As with other financial schemes to support transition, such as to support home retrofits and energy transition, there is existing *vires* under the Financial Provisions and Currency Act 2011, and it is possible therefore for schemes to come forward to assist people with the purchase of low-emission or zero-emission vehicles, or to support the implementation and operation of active travel.

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Finally, responding to queries raised by Hon. Member Mrs Maska, she suggested that the Bill requires evidence of a future plan and an energy strategy. I can confirm that consultants are working on preparing an energy strategy at the present time, and that this strategy is intended to be ready in a matter of weeks. It will form a key part of the Climate Change Transformation Team's consideration of the climate change actions that are intended to be set out in the Council of Ministers' phase 2 action plan, which is intended to be submitted for Tynwald approval by July 2021. I would therefore like to reassure the Hon. Member that improved climate change actions, supported by the latest policy considerations, will be set out in the latest plan.

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The Hon. Member, Mrs Maska, also highlighted the importance of sending a clear message to the construction and building industry to ensure properties are ready for air source heat pumps. I would like to reassure the Hon. Member that significant engagement has already been undertaken between the Department for Environment, Food and Agriculture, the building control authorities in Douglas and Onchan, and representatives of the local construction industry on new building control legislation that would make such provision.

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The Hon. Member Mrs Maska also highlighted the importance of Government leading by example with high standards from the outset. Whilst this is somewhat outside of the purview of the Bill, I agree that leading by example is critical to encouraging others and also demonstrating the feasibility of climate change actions. The duty on public bodies in the Bill to act in a way that contributes to meeting net zero and any interim targets will also reinforce this.

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2735 The briefing note references actions allied to the Phase 1 Action Plan that are underway, but there is always scope to do more, and I will therefore ensure this point is raised with the Climate Change Transformation Team.

2740 Turning to queries raised by Hon. Member Miss August-Hanson, I recognise that it is challenging when looking at enabling legislation like this to be able to see the whole picture, especially when we do not have a set of draft regulations for consideration at this time. I would also agree with her point that it is important to understand what the intention is for legislation. To better inform Hon. Members, officers have provided a table of planned legislation, and the intended purpose of that legislation, in the briefing note that has been circulated.

2745 This legislation, combined with the need to deliver a climate change plan by 2022, will be an ambitious, but achievable, challenge for Government in the proposed timeframe.

2750 Hon. Member Miss August-Hanson also queried whether we needed all of the contents of the Bill, and suggested that the Department may have instead put forward a Bill that simply amended the Acts of Tynwald as necessary to enable the delivery of climate change actions. As already referenced, the Bill is necessary to drive climate change action through a statutory framework and climate change plans that are reported on and scrutinised by Tynwald on an annual basis.

2755 Such an approach follows that taken by other OECD countries and a number of small island jurisdictions, and will support our application to have the Paris Climate Change Agreement and associated protocols extended to the Island. I am therefore of the view that the provisions set out in the Bill are necessary to meet the challenges posed by climate change and support the undertaking of climate change actions to reduce emissions accordingly.

2760 Hon. Member Miss August-Hanson expressed concerns that the climate change duties on public bodies, as specified in clause 21, were unclear and suggested that greater strength be given to those duties on public bodies. While I appreciate the Hon. Member's concern, I note that the Bill provides for a general climate change duty that is applicable to all public bodies. It also enables the Council of Ministers to make regulations that, after consultation and Tynwald approval, will set out climate change duties relevant to a specific public body, for example Manx Utilities, or to a type of public body, for example local authorities. Given the wide range of public bodies, it was not considered appropriate to set out in fine detail the climate duties for each body in primary legislation.

2765 The Hon. Member also asked as to how the executive would act against public bodies. In creating an obligation on public bodies to act in line with climate duties, the intention is to bring such duties to the fore in policy and decision-making. The reporting duties under the Bill on Council of Ministers create a lever for the executive to report on climate actions undertaken by public bodies. There are also provisions in the Bill to: (1) make regulations imposing additional duties on public bodies; (2) provide guidance to public bodies; (3) require public bodies to report on compliance with climate duties; (4) require climate impact assessments to be made; and (5) to designate a monitor if necessary to investigate and report on compliance. On receiving such a report from a monitor, which Council of Ministers must then lay before Tynwald, the Council of Ministers could decide what enforcement action to take to require the public body to fulfil its climate change duties. The precise form of this action will vary depending on the public body concerned. For example, in some circumstances a Government Department may be directed to undertake a specific climate change duty further to the powers provided by section 6 of the Government Departments Act 1987.

2780 The Hon. Member also asked as to the status of the circular economy and climate adaptation Bill. This an area of ongoing work for the Climate Change Transformation Team that will be informed by the work currently being undertaken to support the delivery of this Bill and the Council of Ministers' phase 2 action plan. This work will inform consideration as to whether or not a circular economy Bill is required, or whether existing *vires*, such as the power to apply relevant UK climate change legislation, would mean there is an alternative means of delivering any new legislation that may be required.

2785 The Hon. Member noted the ongoing work of the Climate Change Transformation Team to analyse the high and low ambition pathways to net zero, which will feed into the drafting of the Council of Ministers' phase 2 action plan. This Bill has been drafted, as far as possible, to equip us for the future and the Climate Change Transformation Team are continually feeding into this process.

2790 As this ongoing work further informs the understanding of the pathways to net zero, the Bill allows for additional interim targets to be set or even the bringing forward of the net-zero year.

I would like to, at this stage, sum up and thank all Hon. Members for their questions, for their engagement with me and also with officers working on this Bill. This engagement has driven forward some significant improvements to the Bill's drafting and approach through amendments that I hope will command Hon. Members' support at the Bill's next reading.

2795 It is my intention, as previously advised to Hon. Members, only to progress the Bill's Second Reading today in order to allow Hon. Members further time to reflect on the Bill's contents, discuss any further concerns or queries, and give sufficient time to bring forward the amendments you may consider are appropriate for the Bill.

2800 Mr President, with my thanks again for the engagement thus far, I beg to move that this Bill be now read a second time.

**The President:** Thank you.

Mrs Lord-Brennan.

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**Mr Henderson:** I second, Eaghtyrane.

**The President:** You are seconding, Mr Henderson, are you?

2810 **Mr Henderson:** Yes, gura mie eu, Eaghtyrane.

**The President:** Thank you, that is fine.

Mrs Lord-Brennan.

2815 **Mrs Lord-Brennan:** Thank you, Mr President.

I thank very much the hon. mover, Mrs Poole-Wilson, for such a comprehensive outline in her moving of the Second Reading, and also thanks for the briefing note that we received yesterday. I am grateful for that. I have not had a chance to look at it. It is 51 pages long and I am hoping somewhere in that there will be something that links to the original consultation contributions in there, in a fuller extent than what are publicly available.

2820 I do still have some particular points of concern that I may seek to address in amendment. What overall concerns me about this Bill, and I have had a look at the briefing note, is that on the one hand, we seem to be comfortable with recognising just transition, we seem to be comfortable with putting future penalties and requirements in the public in a range of ways. We still have not addressed this matter of actual, real decarbonisation and proper renewables.

2825 I just feel concerned about whether it is right to bring in all these other penalties and requirements when actually Government has not got a solution as yet, and part of my question was about, well, how do we ensure Government's contribution – so Government's duties and Government's compliance with this? We hear a lot about the regulations enabling Council of Ministers to do things.

2830 The bottom line is that the only thing that makes any difference is, the Council of Ministers and Government being accountable to Tynwald anyway, whether it is done in law or whether it is done in the existing climate change action plan. In fact, the briefing note itself says that there are no specified consequences for public bodies not performing their duties under the Act. Fine, but at the same time on the other side of things, we are happy to introduce those penalties to the public.

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I do not really want caught up in this, but I think when the points about the Scottish approach outlined ... The comment to do with carbon budgeting effectively says, well, the Scottish approach has changed, they are relying less on legislation, I think I have understood it to be, and they are going to focus more on plans and actions – well, isn't that the reality of the bottom line on this? I feel like we were talking round in circles a lot of times and saying we need law to make sure Government ... [*Technical interference*] when they can only be held accountable in the same way.

My two particular points that I might look to amend in legislation, though, are: the point about impact assessment ... Now, if it is an emergency, if it is important, and if Government's actions matter now, and if the public's actions matter overall, then why would you not have some form of impact assessments? Why has that not even been happening already? I do not understand. So I feel that what the Bill is doing is actually requiring layers and layers of regulation and other things to happen down the line, instead of frankly getting on with it, because I think that even if the impact assessments or environment impact assessments changed over time and maybe got tighter over time, why on earth would you not be requiring Government to think of that? If we are going to have it, let's have it. Let's have the impact assessments. So I feel that some provisions in this Bill are overly complex, overly wordy, almost to specifically limit action.

Another example of that in there, I believe it may have been dealt with, is the matter to do with consultations. Well, saying that they must consult on these things seems to be expressed in such an overly verbose way that you think it never actually going to happen. So I hope that does get addressed, and I will pick up with the mover and the officers on this.

Well, DEFA does not have a great track record, has it really, with clean air and things like this, and air quality? So I do not know. I am just finding it hard to have the faith in this Bill, although I am absolutely happy in the action plan, and I just feel that in some ways it is talking around in circles. I will try and address some bits. I think the impact assessment is not in a good place at the moment. That should be being done sooner, if this is really serious.

Thank you very much to Mrs Poole-Wilson. I am sorry I cannot be more positive. I am just really sceptical about all this!

Thank you very much, Mr President.

**The President:** Thank you.  
Mr Mercer, please.

**Mr Mercer:** Thank you, Mr President.

I have reflected on the contributions made by hon. colleagues in Council at the First Reading of this Bill and on the responses by the hon. mover. Yesterday, we had a further Q&A session with the mover, Prof. Curran and officers from DEFA, and last night we received additional briefing notes that I hope can be placed into the public domain. Unfortunately, there has not been sufficient time to fully absorb the contents of that document yet, but I thank the mover and officers for their time and attention for the questions that were raised at our first sitting. My subsequent comments at the Second Reading must in no way be interpreted as criticism of the important and vital work being undertaken by the Climate Transformation Team.

I still have serious concerns regarding the date set by Government being at 2050. Prof. Curran, in his IMPACT report, pointed out that 2045 was achievable, even if this was a stretch objective. The subsequent action plan that has been drawn up by Government has made no mention of the pathway required to get us to where we need to be.

Let me be clear on this point: it is vital that we take immediate steps and actions that make significant reductions in our CO<sub>2</sub> emissions. To delay further means additional costs and far-reaching impacts for the way we live our lives. The 2050 date has been characterised as a backstop, and that provisions in the Bill allow us to ratchet this date forward as required. However, 2050 is already being used as *the target date*. Action plans and Government's strategic thinking are aiming at that date, rather than attempting, in the words of my hon. colleague in Council, Mr Greenhill, to over-achieve.



2890 The Lord Bishop, in the debate on the climate emergency in Tynwald in 2019, reminded us that the only realistic date was yesterday. I would add that the second-best date is today, not years from now.

Mr President, if the 2050 date is supposed to be a backstop, nothing more, wouldn't you like to see a little more room for manoeuvre? Government is not well-known for hitting deadlines, so I would strongly suggest that moving this date forward as a statement of intent and ambition to over-achieve deserves our consideration and support.

2895 The global budget for carbon is almost spent. Our Government has seen the data from the IPCC that underlines this fact, but they have chosen to wait another year before they set an interim target. They have chosen to wait another two years before they set requirements for climate impact assessments to be carried out. They have chosen to wait another three years before they act on fossil-fuel heating systems, and they have chosen to wait another four years before they issue a development plan that takes into account climate change policies.

2900 Mr President, there is a saying in business that you cannot manage what you do not measure, and therefore I also have serious concerns that Government have chosen to not set a start date at all for the monitor clauses in this Bill. If there is no monitor, there can be no measure. This administration and the one that follows will never be able to that the administration and the one that follows will never be able to manage this problem without measurement.

2905 Mr President, it seems to me that there is a ratchet mechanism in this Bill, but it is already being applied in the wrong direction. We should not delay provisions in this Bill because it is too difficult, or that resources may or may not be available. That should not be a concern when we are considering this legislation. What we find difficult to deal with now will only become harder to deal with as we run out of time.

2910 Other significant items are missing from this Bill. We are in the middle of a climate emergency, and this Bill is our response, but there are a number of continuing government actions that to my mind are completely incompatible with this. There is no provision for a ban on the extraction of hydrocarbons from our territorial seas. There is no education provision that would align us with Article 10E of the Kyoto Protocol, of which, by the way, we are a signatory. There is no provision for divestment of Government funds away from fossil fuels.

2915 We are being asked to scrutinise this Bill on the promise of some future action, but this is not an appropriate way forward in an emergency. Because clauses are delayed by years or not set to start at all, this Bill in its current state is insufficient for the task.

2920 Mr President, there is a hesitancy present in this Bill and it feels like there is a reluctance to commit to what we all know in our hearts is required. Hon. colleagues, I would seek your support for any amendments that will strengthen this Bill and to build a foundation for action that our nation can be proud of.

2925 Thank you, Mr President.

**The President:** Now may I ask the mover to reply? Mrs Poole-Wilson.

**Mrs Poole-Wilson:** Yes, sorry, Mr President, just trying to unmute myself.

2930 Thank you, and thank you to those Members who have spoken, and I appreciate the recognition that has been expressed by both contributors as to the detailed work and effort that is going on by a large number of officers. I apologise that, as others have referenced, the lengthy briefing note was only circulated last night. It was very much a function of trying to capture people's questions and information and make it comprehensive, but I can reassure my hon. colleague, Mr Mercer, that it will be laid in the public domain. I am in the course of checking the procedural basis as to how best to do that, but my intention is to make sure it is laid into the public domain as an appendix to *Hansard*.

2935 Perhaps if I could just speak to a couple of the points raised by Mrs Lord-Brennan. I thank her for her acknowledgement of the work going on to respond to questions raised, and I understand that she feels that she cannot be more positive at this point, and I hope that in ongoing discussion

2940 and work with her that, perhaps some of these wider concerns that she expresses can be  
addressed. I think what is challenging is that the Bill is part of a series of actions that are all running  
in parallel, and the Bill is one part of our response to addressing the climate emergency, and  
perhaps when we think about those wider pieces of work that are essential, such as the energy  
strategy, which falls within our current phase 1 action plan, that running in tandem and due to  
report within a matter of weeks is perhaps what would give her some reassurance that the wider  
2945 piece on delivering our transition away from fossil fuels to renewables, with the aim of being 75%  
renewable by 2035, that will be the road map to help us get there.

She also has raised her concern about impact assessments, and I recognise that, following an  
amendment in another place, the deadline by which regulations drive those climate impact  
assessments is now 2023, and I know she has already engaged with officers and myself about the  
2950 possibility of looking to bring that date forward.

I hear also what hon. colleague Mr Mercer has said about this being an emergency and dates  
in the Bill feeling somewhat out of step with a declared position on an emergency and the need  
to take action. I think my view would be that I completely empathise with that. The dates in any  
legislation are an absolute backstop and there is nothing to prevent work to bring forward activity  
2955 and regulations to that.

Apologies, Mr President. Sorry, there was some quite loud background noise there for a  
moment.

**The President:** We can hear you now.

2960

**Mrs Poole-Wilson:** Okay, thank you.

I want to speak to Mr Mercer's point about his serious concerns about the date of 2050 and  
ambition, as he said, and referred to Mr Greenhill to over-achieve, and that the only realistic date,  
as the Lord Bishop has said, is yesterday. I have mentioned that the work is ongoing at the moment  
2965 to look at the steps involved in the pathways to net zero, and it is my fervent hope and belief that  
the pathway that we will choose to adopt with any interim target that is set is the high ambition  
pathway, which is the direction of travel that brings us sharply towards net-zero with only tapering  
actions towards the 2050 date, as opposed to a low ambition pathway, where we have to take  
more action later and thus be responsible for all the emissions that will continue in the meanwhile.

2970 He has also referenced that you cannot manage what you do not measure. I suppose the Bill  
seeks to create a management framework and a measurement framework by setting into statute  
this ongoing requirement to have action plans with meaningful actions that are then tracked in  
terms of their impact on emissions and reported on.

2975 He has referenced the monitor provision. I think it is important to note that far and away the  
bulk of this Bill is due to come into effect on Royal Assent. The only things that do not come into  
effect on Royal Assent are the clauses that relate to the monitor provision, but I think it is also  
important to explain that the monitor provision is a tool to be used to address any failings by  
public bodies. So the primary step is that public bodies take on their climate change duties and  
there is visibility about how they are doing that through reporting obligations and through  
2980 monitoring of action plans. If there is a concern in due course that there has not been compliance,  
a monitor may be appointed in order to investigate those failings.

2985 He has mentioned that there are other items that are not covered by the Bill. This Bill is not  
the end or the whole answer to any legislative framework that we might need to address our  
journey to net zero, and so it is possible for further legislation as needed to come forward. So I  
hope that offers him some reassurance that there will be opportunities as needed to legislate  
further as we move forward on our journey to net zero.

I appreciate that Hon. Members will continue their close scrutiny of this Bill and will continue  
to work with officers, and I hope they feel able to approach me with any observations on potential  
amendments to improve the Bill.

2990 And with that, Mr President, again, I would like to thank Members for their engagement thus far and move that the Bill be read a second time.

**The President:** Thank you. I put to Council the question that the Climate Change Bill be read for the second time. I take Council to be in agreement unless I see dissent.

2995 The motion carries.