

**Climate Change Bill 2020 –  
Third Reading approved**

**The President:** Mrs Poole-Wilson to move the Third Reading, please.

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

1605 I am most grateful to Council for enabling me to proceed with the Third Reading stage of this Bill today. Before commending the Bill to Council, I would first wish to place on record, on behalf of the Climate Change Transformation Board and myself, my thanks to all Hon. Members for their careful and detailed consideration given to this Bill.

1610 I would like to give particular thanks to Mr Henderson and Mrs Sharpe for seconding the Bill as it has progressed through the Council, as well as to Miss August-Hanson for her engagement and for bringing forward a number of technical amendments to improve the drafting of the Bill, particularly in light of concerns raised in the other place.

I would also like to thank Mrs Lord-Brennan and Mr Mercer for their considerable engagement and for putting forward a number of amendments to the Bill, which have also improved its drafting and clarified its intended application.

1615 Mr President, Hon. Members have spoken with passion and commitment about the importance of meaningful action to address the climate emergency, and they are absolutely right. It has also been noted that clarity about our pathway to net-zero, and public engagement and support will be needed, to enable all of us to take the necessary action to achieve net-zero.

1620 Mr President, this Bill was *one* of the actions in the Tynwald-approved Action Plan and it provides the legislative tools to assist us to respond to the climate change emergency. It provides a statutory framework to focus successive administrations on actions to address our emissions reductions and removals, including powers to provide for a climate change plan, the reporting of that plan's delivery and also emissions reporting. It also provides the legal *vires* to take other steps to address climate change and environmental protection, including amending other legislation that will assist in actions to reduce and remove emissions, whilst being sufficiently flexible to adapt to the changes likely to occur in the years ahead in response to, as yet unforeseen, challenges and circumstances.

1625 Mr President, with thanks again to all hon. colleagues for their full engagement, I beg to move that this Bill be now read a third time.

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**The President:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

1635 I have much pleasure in seconding the Bill, and in doing so would just reiterate my concerns from First Reading; and indeed would highly recommend to all Members, if they have not done so already, and to the wider public who may be listening in, to ensure that you must watch Sir David Attenborough's *Our Planet*, and you will see why there is a climate change emergency.

1640 Certainly, if I had my way, this Bill would have been legislation quite some years ago when issues of climate change were being highlighted then, and really we need to get on with this now as best we can. It may not be perfect and there may be some issues Members have still with it, but we can bring amending legislation as we go along. Things can be changed, and so on. But of paramount importance we need to get the legislation in place and we need to be prepared for what is already happening and unfolding on our planet. We cannot see it too much here on our little Island, but the effects are huge across the planet and even in urban areas where death rates or mortality rates are highly increased due to pollution.

1645 I must thank Mrs Poole-Wilson and her team, and the Transformation Team, for all their hard work in getting us this far, and indeed the officers elsewhere behind the scenes who have been working on this; and indeed also the Attorney General's Chambers who have been stretched to

1650 the absolute limit in trying to cope with various slabs of legislation and amendments – indeed, right up to last night. All that is very much appreciated too, Eaghtyrane.  
Gura mie eu.

**The President:** Thank you.  
Mrs Sharpe.

1655 **Mrs Sharpe:** Thank you, Mr President.

I too would like to thank Mrs Poole-Wilson for steering this Bill through this Hon. Council; and also Prof. Curran, the Board, all officers engaged with the Bill, hon. colleagues in the House of Keys and in particular today to my hon. colleagues in Council for their close attention, their hard work and their passion, which they have brought to bear on their various amendments, whether they went through or not.

1660 It is without a doubt the most important piece of legislation we will have moved during the course of this administration and the most important piece of legislation to be moved during the course of our lifetimes, because it ensures the Isle of Man will begin to truly play its part in the global effort to combat climate change; and every one of us wants the Bill to be as perfect as possible. The Bill, as the hon. mover has indicated previously, is the starting block. It does not include everything we might have wanted it to, and for many it is worth acknowledging that it is disappointing that the Island did *not* follow Scotland in setting a more ambitious target of net-zero emissions by 2045.

1665 I make no apologies for reiterating the fact that the Chair of the Island’s Climate Emergency Transformation Team, Prof. James Curran, stated in his report that the Isle of Man can potentially deliver a net-zero position slightly in advance of 2050, perhaps even by 2045. I do think this is worth hanging on to, even though it has been said of late in this Hon. Chamber and also in the House of Keys that it is not all about the dates, it is about the implementation. As Mrs Lord-Brennan and Miss August-Hanson have indicated very clearly earlier today, this is very much to do with Government. The incentives it will provide, the independent oversight it will put in place and the communication and the engagement with the public, which will be so vital.

1670 Mr Henderson is also correct when he says that the public, all of us, must take personal responsibility for our actions, without a doubt; and, who knows, we might need emergency provisions at some time in the future to achieve our goals *if* the public – and by that I mean all of us – and if Government do not play their part as they should, and keep up the pressure necessary to deal with this emergency. But I think it is important that we do not lose sight of the positives in the Bill, not least the fact that it exists – finally.

1675 We are late to the party compared to other jurisdictions which created their Climate Bills much earlier, and we must ensure that just because we were traa dy liooar in the creation of the Bill, that we are not tardy when it comes to its application or late in achieving our goals. There is no room for traa dy liooar in terms of climate change. Our future depends on reaching our targets and, ideally, reaching them earlier than 2050. As Mr Henderson so rightly says, we have to get on with it.

1680 Thank you, Mr President.

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

1685 **Mr Mercer:** Thank you, Mr President.

I would like to take the opportunity to make some concluding remarks about this Bill, and to also reflect on some of the prior history that has brought us to this point.

1690 Previous administrations, at least as far back as 2005, had commissioned reports and consultants to look at the challenges presented by climate change. The Policy on Sustainable Development and Mitigating Climate Challenges was approved by Tynwald on 19th May 2015. Six

important recommendations were contained in that policy. Five of those recommendations looked at how greenhouse gas emissions from the Island could be reduced, and to review this assessment and progress against it every five years. I wonder how this administration did? Well, the answer is, it did nothing. Nothing to reduce emissions from electricity generation; nothing to reduce emissions from buildings; nothing to address emissions from land-use practices. These promises made by the *last* administration were not kept by *this* administration, despite that fact that five of the MHKs who approved those recommendations in 2015 were Ministers this time around.

So how does this Bill stop the merry-go-round of policies and promises from turning? How will this Bill hold future administrations to account? How will the promises made in this Bill be delivered by the next administration? One hopes that as this is now legislation rather than policy, then a significant step has been made here. However, as this is an enabling Bill, we have not yet seen much of the detail that is to be contained in regulations; and those regulations will not be drawn up by this administration. They will be drawn up by the next. They can make their *own* promises.

Mr President, reflecting back on that 2015 Tynwald debate, I can see that public opinion and the subsequent response of politicians has changed since then, and it has changed significantly. There are still some calls for additional evidence and expressions that we are too small to make a difference, but these have now for me become code words for a lack of ambition, and we have already run out the clock on that approach. The Network for Greening the Financial System has recently published a number of likely climate scenarios looking at the physical and transition risks of climate change. Only three of these scenarios achieve an orderly transition for the economy. Every one of these requires immediate action. We simply cannot afford to risk a disorderly and chaotic transition for our economy, however small we are.

Our current rate of unchecked emissions will exhaust our small portion of the remaining global carbon budget within seven years. After that, we are effectively spending the budget of another less well-developed country. It is deeply regrettable that this Bill makes no mention of carbon budgets and there is still no acknowledgement from our ministerial team that the high-ambition pathway is the only one capable of delivering what is required.

Mr President, it is true that the Isle of Man is late to the party. The UK had their Climate Change Act in 2008, and have reduced their carbon emissions by 41% since 1990, whilst ours have climbed by 67% since the same date. Scotland had their Climate Change Act in 2009. These have both been successful and have led to real and world-beating change whilst growing their economies. I sincerely hope that we have not left it too late to do the same.

Thank you, Mr President.

**The President:** Now, Hon. Members, the clock is showing just after one o'clock. It would be my intention to carry on with the debate until 1.30 p.m. in the sincere hope that we have completed the business by 1.30 p.m. I have to advise that if we have not completed the business, it is my intention to adjourn the sitting until four o'clock. There are various reasons for that, but it will not be possible to reconvene at 2.30 p.m.

So if Council is content to carry on with the debate? Thank you. We will do that.  
Next to speak, Mrs Maska.

**Mrs Maska:** Thank you, Mr President, and I will be brief.

I would firstly like to echo the thanks that have been offered to Prof. Curran and the Transformation and Analytical Team that set us on this journey and gave us a vision that we *can* make a difference. We are on a long journey, along with our colleagues and community across the world, but I would say thank goodness we have changed direction. I think we have made progress today. It might not be a perfect Bill, as has been said by others, but we do have important undertakings on the record today that cognisance will be taken of other jurisdictions' approaches

to measurement and accountability, and to look at practical ways in which we can make major steps forward.

1755 I hear what my hon. colleague, Mr Mercer, has said: that the clock is already ticking very fast. There is a degree of urgency, such that we have never known before and, as others have said, this is such a major piece of legislation in *my* lifetime and that of our children, and for our future and for the planet. I do hope that the engagement and the scrutiny ... and I thank colleagues today for an excellent job in actually making this Bill ready to go forward and better fit for purpose. I do thank the mover for her absolute engagement and attention to detail, but also for listening and  
1760 engaging with Members.

I do hope, Mr President, that this goes back to another place and is enabled to be given Royal Assent within this administration, because if ever a piece of legislation was needed to be enacted, this is one.

Thank you, Mr President.

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**The President:** Thank you.  
Mrs Lord-Brennan.

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

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I do not actually feel that we should be taking Third Reading today, but recognise it is probably because you want to get it done, put things behind us and allow it to go on to its next stage. I do think, though, we should be really aware of where the boundaries of legislative effectiveness lie. It is not the Bill that matters here so much, it is the Action Plan which matters.

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I think that we must also be aware of distraction techniques, and in a way this Bill is a distraction technique. I think it is an example of that. I think we need to be aware of doublespeak in some ways and of language used like, 'This Bill enables us ...' – well, as I said before, what was stopping that action? Or actually, are you just putting in place extra layers of progress to say that there is something stopping you from actually getting on with things?

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I think, further, we must be really aware of the state overstepping in some areas, but just not stepping up in others. I think that is part of my issue with this Bill. I think that we need to be really aware of ... I would say to anybody holding up a sign outside the Legislative Buildings, protesting or advocating for something important, be really concerned if the response to that is, 'Don't worry, we're going to pass a Bill.' Because in the end it is not just what you do or what you say you are going to do, it is *how* you do it and what impact that has.

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So I feel that I am rounding off the ending of this debate in Legislative Council in pretty much the same place as I started it. I worry that this Bill is a response to co-opting an agenda and advocacy for climate change action, and it was the quickest thing that could be said: 'We will legislate for this.' But in other parts of the world people are not using environmental law or Climate Change Bills to bring their countries forward to take them to task. There may be some actual levels of accountability, but that can happen with plans anyway. In some countries it has got so serious that people are using human rights law to try to address some of these issues.

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I am going to support it today, but we should not be fooled into setting store that this is a major triumph. I want to get back to the spirit of the place, where we had the action plan and the way forward that would advance in that way. So I am going to set store by that. I will support it on the basis that I think some beneficial changes have been made in this place, but it is *action* that matters, Mr President.

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I thank the mover and I thank the officers for the engagement.

Thank you, Mr President.

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**The President:** Thank you.  
Miss August-Hanson.

**Miss August-Hanson:** Thank you, Mr President.

1805 I will be brief because I think what Mrs Lord-Brennan has said and what Mr Mercer has said, is very important. I think that we need to be *very* careful when it comes to legislating, that we think that putting a Bill forward is a solution to a problem. It is not even the beginning. This is a tiny step forward, because we are so far behind in bringing this legislation.

1810 I do thank the officers, I do thank the drafter, and I certainly thank the mover for all her work since she first started working on this with the Transformation Board, with the climate action. All of the work that she has done is fantastic. But the action very much needs to come with this Action Plan. It is not the Bill, as Mrs Lord-Brennan has said, that is going to take us forward. It is not the Bill that is going to do that, it is *people* that are going to do that. We need to communicate with those people, we need to bring them on board and we need to move and drive this forward.

1815 I have a concern that if we are turning round to people and saying, 'You must do this and you must do that' and we are saying to Government, 'You *may* do this and you may do that', that we are not putting the right messages across here. Members have suggested in the Third Reading this is urgency, this is so important. But at the same time, in the clauses stage, we have voted against Mrs Lord-Brennan's amendment to change 31st December 2023 to 30th June 2022 regarding regulations that must be made by the Council of Ministers. That is not urgency; that is delay.

1820 I do not think that there are Members in here, in the Legislative Council, we are not alone in saying that this is a distraction. We are not alone in saying that. That is not something that is brand new to this Chamber. It has also been heard in another place as well, that it is a distraction, because where are the actions? And, if the actions are taking place, where is the communication; where is the drive? Where are the people being brought on board with all of this? It is just so important that all of this is brought together.

1825 Enabling legislation, if we are willing to put forward an understanding of what regulations will entail ... Rates, absolutely brilliant! But at the moment when we are seeing enabling legislation moving through the Branches we are not seeing the full picture, which is disappointing, because if we cannot see the full picture we cannot do a proper scrutiny piece on it. Those policies and those promises, or all of that accountability. We need to be seeing all of this in the round, and we are not seeing it all in the round at the present moment in time.

1830 I am *very* comforted to hear that this advisory-type body is being discussed and that the potential merits of this are being discussed at the Transformation Board. I think that is *very* important; and the fact that we are looking at other jurisdictions as well, particularly jurisdictions that are of a similar size to us, that we might actually make some of this realistic. It *really* does hearten me a great deal that we are looking at that, and I am *extremely* grateful that that has been agreed to. But we do need to start moving this forward. We have not had enough ambition in the past. We are not doing enough at the moment. This is a step forward. A tiny step forward, but it is a step forward and it is moving in the right direction.

1840 So I am going to be supportive of the Bill passing Third Reading, but more needs to be done, and this is not enough.

**The President:** Thank you.  
Lord Bishop.

1845 **The Lord Bishop:** Thank you, Mr President.

1850 I would not necessarily gainsay anything that the previous speaker has said, but I think I would like to also offer some positive thoughts around this, particularly in terms of acknowledging the limitations of what we have done, the balancing of that against the potential. Clearly, there is always a balance to be struck between detail and between momentum and, inevitably, there is some frustration amongst hon. colleagues about some of the detail that may be lacking from here. But it is moving ahead with momentum and my view would be, I think, that this gives us a template out of which more will grow.

1855 There has been real value in the debates and discussions that we have had at each reading of this Bill. I think we have learnt from one another, and out of that we have gathered a greater sense

of urgency collectively. The fact that the Bill is in place as a template now enables us to take that forward.

1860 I would like to express deep gratitude to the hon. mover for holding us on a steady course through some really quite complex legislation and for engaging and consulting so widely and, I think, for presenting things at every stage with such clarity. My thanks also to the legislative drafters, the officers. And I look forward, Mr President, to seeing how, as we develop the Action Plan, as we develop our communication strategy, we draw upon the work that we have done over these weeks in Council to put this Bill in place.

1865 So it is with great pleasure, clearly, that I support this Bill at Third Reading.

Thank you, Mr President.

**The President:** Thank you, Lord Bishop.

I call on the mover to reply. Mrs Poole-Wilson.

1870 **Mrs Poole-Wilson:** Thank you, Mr President.

1875 Can I thank all hon. colleagues for their, again, considered and well-expressed views on what I understand is an important Bill. It is certainly not the whole – by any means – way that we are going to tackle climate change, but it is a tool in our armoury. I think the comments that people have made at Third Reading on the record are important and will be an important part for us to check back in on the record to make sure that we do, as the Lord Bishop has said, maintain and drive momentum.

1880 I feel very remiss that in my opening remarks at Third Reading I thanked all hon. colleagues, but absolutely failed spectacularly to thank the drafter who has worked *so* hard and under *such* pressure to address questions and issues on this Bill, and I thank her very much indeed, as others have.

1885 I would also like to thank all the officers involved: Mr Karl Cubbon, Dr Fiona Gell, Naomi Atkins, Mr Dave Burnett, as well as Prof. Curran, for all their support, engagement and consideration. They have been superb, and I thank them for that. I am mindful, of course, that in discussing all of these issues they will carry on with all of the detailed work that comes as we go forward, implementing and writing action plans as well as associated legislation.

I would like to thank Mr Henderson for his support and for his clear restatement of the importance of action and that our small Island absolutely must play its part.

1890 I would like to thank Mrs Sharpe again for her support and recognition of all the effort that has gone into this Bill. She is right, it is *traa dy liooar* and we must not allow *traa dy liooar* to be our watchword as we address the climate issues.

1895 I would like to thank Mr Mercer for his engagement throughout, for his very important challenge. I think he is right to say that public opinion, and I think political view, has definitely changed, and he is also right to flag that impetus will come from other sources. He referenced the Network for Greening the Financial System. Businesses worldwide and others are definitely adapting rapidly to the changes in how we produce and consume, and we must be a part of it. I too hope in the way that the UK and Scotland have managed to deliver real, world-beating change that the Island can – perhaps belatedly – play its part in delivering its own world-beating change as part of addressing the climate emergency.

I would like to thank Mrs Maska for her support and her supportive thanks for those involved.

1900 Mrs Lord-Brennan: I understand her perspective that this Bill is not the solution to climate change. It absolutely is not. It is about action. But I think the Bill is part of the Action Plan that was approved by Tynwald, and the reason for that is it is part of the toolset that we need, and where we need to make legislative change to drive other actions we will now have that ability through this Bill.

1905 Similarly with Miss August-Hanson, thank you very much for her engagement, her constructive challenge. Again, I think it is recognised that whilst the Bill is not the whole answer, it is part of how we go about triggering and driving necessary action.

1910 Finally I think, as ever, the Lord Bishop has expressed some of the issues we have faced as we considered this Bill extremely well. I think he is right to talk about the limitations and the opportunity for potential, and of course there is always a tension when you are trying to act between the detail of perfection and maintaining momentum to deliver.

1915 I think one of the important issues we have discussed in debate is the idea that when you are addressing a crisis, an emergency, you go with your best efforts, you go with your minimum viable product and you learn through a process of iteration, and improve. So whilst I recognise that Hon. Members may feel the Bill is not everything that everybody would want, it is a minimum viable product at the very least. It is more than that, in my opinion. It *will* help us.

I thank Hon. Members for their deep and considered engagement throughout, and with that, Mr President, I beg to move.

1920 **The President:** Thank you, Mrs Poole-Wilson.

I put the question to Council that the Climate Change Bill 2020 be read for the third time. I take Council to be in favour. The motion carries.

1925 Thank you very much, Hon. Members. Can I, for the record, express the sincere appreciation of Council to the legislative drafter, Miss Theresa Graves, without whose work long into the night yesterday evening it would not have been possible to get the amendments drafted to enable the legislation to be complete today. So for her service, on your behalf, I express our gratitude.

Also to our own Clerk, Jonathan King, for marshalling at quite short notice the various amendments and the business into a manageable form. And can I reiterate thanks to the mover for the efficient manner and the way that this Bill has been planned during its passage.

1930 With that, Hon. Members, that concludes the business of Council for today and the Legislative Council will now stand adjourned until Tuesday, 20th April at 10.30 a.m. in Tynwald Court.

Thank you very much.

*The Council adjourned at 1.22 p.m.*