



TYNWALD COURT OFFICIAL REPORT

RECORTYS OIKOIL
QUAIYL TINVAAL

PROCEEDINGS

DAALTYN

HANSARD

Douglas, Wednesday, 20th July 2022

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Present:

The President of Tynwald (Hon. L D Skelly)

In the Council:

The Lord Bishop of Sodor and Man (The Rt Rev. P A Eagles),
The Solicitor General (Mr W H Wannenburgh),
Miss T M August-Hanson, Mr P H Craine, Mr P Greenhill, Mr R W Henderson,
Mrs D Kelsey, Mrs M M Maska, Mr R J Mercer, Mrs K Sharpe
with Ms J Corkish, Deputy Clerk of Tynwald.

In the Keys:

The Speaker (Hon. J P Watterson) (Rushen);
The Chief Minister (Hon. A L Cannan) (Ayre and Michael);
Mr J R Moorhouse and Mr T S Glover (Arbory, Castletown and Malew);
Mr T D Johnston (Ayre and Michael);
Mrs C A Corlett and Hon. C C Thomas (Douglas Central);
Ms J L Faragher and Hon. C L Barber (Douglas East);
Mr D J Ashford MBE and Mr J C Wannenburgh (Douglas North);
Mrs S L Maltby and Mrs C S B Christian (Douglas South);
Mrs D H P Caine and Mr A J Smith (Garff);
Hon. K A Lord-Brennan and Mr T M Crookall (Glenfaba and Peel);
Hon. J P Poole-Wilson and Mr S G Peters (Middle);
Mr R E Callister and Hon. J M Edge (Onchan);
Hon. L L Hooper and Hon. A J Allinson (Ramsey);
Dr M E K Haywood (Rushen)
with Mr J D C King, Clerk of Tynwald.

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Tynwald

The Court met at 10.30 a.m.

[MR PRESIDENT *in the Chair*]

The Deputy Clerk: Hon. Members, please be upstanding for the President of Tynwald.

The President: Moghrey mie, Olteynyn Onnoroil.

5 **Members:** Moghrey mie, Eaghtyrane.

The President: The Lord Bishop will lead us in prayer.

PRAYERS

The Lord Bishop

Procedural – Removal of jackets

The President: Hon. Members, it is going to be a warm one today. Feel free to remove your jackets and loosen your ties.

Order of the Day

12. Isle of Man Government Childcare Strategy – Report received and motion carried

The Minister for Education, Sport and Culture to move:

That the Childcare Strategy [[GD 2022/0050](#)] is received by Tynwald and the proposed programme of work outlined within the Childcare Strategy be approved.

10 **The President:** Hon. Members, we resume our Order Paper on Item 12 and this Item has not completed six weeks on the Register of Business. Is the Court content for this to be taken at this sitting?

Members: Agreed.

15

The Speaker: Eaghtyrane, I think if this is going to happen, especially on matters of substance, that the Minister explain why that is the case.

The President: Yes, by all means. If I can ask the Shirveishagh, Minister, to give a case.

The Minister for Education, Sport and Culture (Ms Edge): Thank you, Mr President.

Obviously we had a change of Minister in between this paper coming to the Court. It missed it by about, I think it was only two or three days, it missed the Register. Obviously it was the Minister for the Department for Enterprise, Dr Allinson, that was party to the foreword and that had to be changed. So that was the reason for it missing, I think it was probably only two or three days.

The President: Hon. Members, is the Court still content? (**Members:** Agreed.) Thank you.

So I now call on the Shirveishagh Ynsee, the Minister for Education, Sport and Culture, to move Item 12.

The Minister: Thank you, Mr President.

Through our Island Plan, we made a commitment to submit a childcare strategy to Tynwald by March 2022 with recommendations and a delivery plan helping to ensure that children have the best possible start in life, including equal access to early years education.

At the March sitting of Tynwald, the draft childcare strategy was introduced outlining the start of a public consultation process that would follow with a view to bringing the final Childcare Strategy to the July 2022 sitting of Tynwald. I am pleased to report that an extensive consultation process was carried out through the Government Consultation Hub, in-depth focus groups, a provider forum and in order to seek feedback from a wide range of stakeholders.

The final Strategy has been amended in order to reflect the two main points raised, which were availability and affordability of childcare for all, and some existing actions have been refined in order to provide clearer guidance for implementation. In addition, feedback received via the Consultation Hub and focus groups will be used to inform the development and delivery of individual actions within the Strategy. A cross-Government delivery group led by an officer from the Department of Education, Sport and Culture will be formed with ministerial leadership and political involvement designed to ensure development and delivery of the Strategy.

The delivery group will be responsible for devising individual detailed action plans for each high-level action contained within the Strategy and for delivering those actions within the agreed timeframe, subject to funding approval for identified actions. The intention of this group is to ensure collaboration between Departments and to deliver results in terms of policymaking. The group will regularly liaise with and involve representatives from private providers, private and third sectors in order to seek their views and allow their input to any policy changes going forward.

The aim of this Strategy is to ensure that every child has the opportunity to access high-quality childcare and early education and that parents and carers bringing up families on the Island have more choice, enabling them to access childcare which meets their individual needs, enabling more parents who wish to return to work to do so and encouraging those families wishing to relocate to see the Island as an attractive place to live, work and bring up their families.

The first step in the Childcare Strategy was to provide the uplift in pre-school credits to begin to address the issue of affordability for parents; and I thank the Hon. Court for approval of that yesterday.

Secondly, in a move to ensure that parental leave on the Island is flexible and responsive to individual circumstances, the Department for Enterprise are currently seeking views and consultation on a number of family leave rights through the Hub. This includes consultation on the introduction of shared parental leave, parental bereavement leave, provision for 'keeping in touch days' for maternity and paternity leave, an extension of rights to time off for antenatal care, the introduction of time off for adoption appointments and time off for dependants.

70 Through working in partnership with childcare providers and across Government, we aim to enhance the accessibility, affordability, quality and inclusivity of childcare and early education on our Island, ensuring the best outcomes for all children regardless of their need, and provide childcare professionals with a clear vision for the future of the Island's childcare and early education sector.

Thank you, Mr President.

The President: I call on the Hon. Member, Mr Johnston.

75 **Mr Johnston:** Thank you, Mr President.

I beg to second the motion moved by the Hon. Member, the Minister for Education, Sport and Culture.

80 The Childcare Strategy is an exceptionally important piece of work that brings together multiple strands of activity across Government Departments in support of the Island Plan and proposed Economic Strategy. As the Chief Minister has set out in his Statement on the Economic Strategy, we must change our approach and we must make the Island a more attractive place for people to live and work in order to retain our people and develop more economically active individuals now and in the future.

85 From an economic perspective, the Childcare Strategy aims to give our population more choices when they consider their employment options and starting a family. We no longer want the availability or quality of childcare to be a barrier to parents returning to work. We want to work hand in hand with childcare providers to enable them to enhance and grow their services to meet increasing demands and we want to develop the career pathways for people to enter this important line of work. We want to be an Island that supports parents and puts the child first. The Childcare Strategy sets out an approach that will not only improve our current standing but will also unlock additional economic participation and contribute to our shared vision of building a secure, vibrant and sustainable future for our Island.

90 It will, in all likelihood, require investment; however, the detail requires further development as part of the broader Economic Strategy. I would be hopeful such investment would clearly stimulate positive economic outcomes.

Thank you, Mr President.

The President: I call on the Hon. Member, Mrs Sharpe.

100 **Mrs Sharpe:** Gura mie eu, Eaghtyrane.

I would like to thank the Minister for bringing the Childcare Strategy 2022 before us today. I see that the Strategy working group has determined current trends, needs and issues faced by parents and employers, and that is an important piece of work.

105 Most significant for me, because of recent calls I have had from parents of children with complex needs, is the admission on page 10 that currently there is not equality of access for all children in terms of funding for equipment, additional staffing, training and support for children with complex needs.

110 This is particularly significant when we consider that respite facilities on the Island, as we heard yesterday – these allow parents with a child who has complex needs to take a break, sometimes only for one evening a month at the moment – are nowhere near adequate. So it is there in black and white: there is not equality of access for all our children with complex needs in terms of childcare. It is admirable and in line with the Children and Young Persons Act that putting the child first underpins the Strategy's vision. I see that under Actions we have:

Investigate the business case for an inclusion fund to allow increased pre-school credit to support children who may require interventions, one-to-one support, access to an outreach team and/or additional resources.

115 I do not know exactly what the business case is here. These children – and I have already met
some of our children with complex needs at Bemahague last week – need an inclusion fund and
to my mind that should be taken as a given. What does it mean – business case – unless it means
there are other potential avenues of financial provision to be explored? I am sure that children do
not mind which avenue the money comes down as long as they get the support they deserve.

120 I realise the Strategy is the skeleton and that the meat on the bones will come later, and
I appreciate that, but I wonder if perhaps the Minister might be able to assure me that children
with additional needs will be getting the support they deserve in terms of childcare and that no
one is left behind.

Gura mie eu, Eaghtyrane.

125

The President: I call on the Hon. Member, Mrs Caine.

Mrs Caine: Thank you, Mr President.

130 I also welcome this Strategy and I know what a serious amount of work has gone into preparing
it and crossing quite a lot of Government Departments, and it is vitally important.

I was hearing only from constituents last week the issue they have having a relatively newborn
baby and trying to secure childcare in order to go back to work, but being told that, ‘No, you’re
too late.’ People are booking before they conceive a child, so it is a real issue and it is affecting
people now and adding to their anxiety at what should be a very precious time with a newborn
child.

135 So I do welcome it. I question the Minister when it highlights in here, for instance, that the Isle
of Man is out of sync with other jurisdictions already offering support for threes and under threes.
How soon will that be addressed? While it is welcome to see the uplift in pre-school credits and
the consultation on parental leave, things are moving in the right direction, but it is how quickly
will things be delivered. Does this require the action plan? It is mentioned that the action plan is
to be worked up to be delivered; where are we on the action plan? When will people see greater
access to affordable childcare and also is there a move to enable that to be wider than the
9-to-5, because obviously people are working extended hours or different shifts, and that is also
very important.

145 Thank you, Mr President.

The President: I call on the Hon. Member, Mrs Maltby.

Mrs Maltby: Gura mie eu, Eaghtyrane.

150 I would like to start by thanking the Minister for Education, Sport and Culture for bringing the
Childcare Strategy to Tynwald today, but more importantly for including within it the proposed
programme of work. As a mother of a six- and eight-year-old, I am acutely aware of the difficulties
other young families face living on the Island right now.

155 I am not saying, Eaghtyrane, that families today have it harder than any other parents have
had it before, and I am sure we could all share lived-through experiences in this Chamber today.
However, we do have challenges that can no longer be ignored and not prioritised. The next year
is going to be crucial in not just consulting with stakeholders but also in the delivery – and I agree
with Mrs Caine there.

160 In year one the Department is planning to, ‘mitigate staffing pressures within child care
provision in order for it to meet demand, facilitate providers and review staffing ratios for those
under two and enable and supporting flexibility and family-friendly legislation, including shared
parental leave.’

165 These actions, in my mind, perfectly demonstrate a clear understanding of what parents have
said makes up part of the issue, and I am pleased – actually relieved – to see that the DESC is
listening and presumably after a number of years of consideration, coming forward today to this

Chamber with this Strategy that will not only make the Island more attractive but will reward the family who have made our Island their home.

I will be watching closely and supporting in any way that I can to see the implementation of the delivery programme is achieved.

170 Thank you, Eaghtyrane.

The President: I call on the Minister to respond.

175 **The Minister:** Thank you, Mr President, and thank you to Hon. Members who have spoken up and raised some concerns.

180 Firstly, I will go to Hon. Member of Council, Mrs Sharpe. Equality of access is the most important part of our Strategy and we will make sure that access is there for everyone. With regard to the business case, obviously we discussed in Question Time yesterday the AEN code and making sure that that is a business case that needs to be costed appropriately, as well as doing our funding review, all of these will be key, but within the Strategy obviously we are going to address this and a clear pathway for all children. I think that is the important part and obviously I look forward to working with the Children's Champion to make sure that when we are on this journey we are covering and making sure that everybody is captured and has that support that is required. A childcare strategy should be about the child and their progress. It should not matter where or what issues they have, we need to make sure they have that progress and are able to be supported on our Island.

185 Obviously, my hon. colleague for Garff, Mrs Caine, raised about the Island and access for under-twos and that we are not performing as well as others. Within the action plan we have indicated that within two years we will make sure that there is access. There is limited access for the under-twos at the present time, but obviously this is in the action plan and we will work towards making sure that is accessible as soon as possible. We have put within two years; if that can be brought forward, I would certainly be looking at that. But obviously it is down to having that provision from the providers as well, which is the key and we need to be supporting all the people in this space to make sure that if they can offer any additional spaces for under-twos that they are doing so and also that we look at the way that we can fund that to support families to be economically active for the Island.

190 Moving on to Mrs Maltby, I am pleased to hear that a Member of Treasury will look at ways that they can support us. There will certainly be a number of business cases coming forward, but I think the key item here is that delivery of an early years education programme, in conjunction with the Department of Health and Social Care – and we are going to implement a combined framework with the Care and Education Quality and work with them to ensure that this happens.

200 We all know that we used to have early years education. We are all aware of the research that has been done around the impact and effectiveness that early years education has on individuals, and a number of things were discussed yesterday with regard to supporting children that end up in the criminal justice system. We need to be trying to capture them through this Childcare Strategy to make sure that their needs are met at an earlier age. Certainly as a Department, our officer in here today, Chrissy Callaghan, has been working on this extensively for a number of years since the Social Affairs Policy Review Committee Report and our professionals and academics know that the most important thing for progress for children is to capture them early before that fifth year, if possible, and obviously the key policy driver is access for all.

205 I would like to thank everybody who has been involved in this. We have worked closely with the Department for Enterprise under Dr Allinson, and we will continue to work with them to make sure that the Island can be confident that through the Island Plan this Childcare Strategy will happen, will be funded and it will be for the best for the Island, its children and their futures.

215 Thank you, Mr President.

Several Members: Hear, hear.

220 **The President:** Hon. Members, we come to voting on this Item, Item 12, as set out on the Order Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. The motion therefore carried.

13. Department of Home Affairs Delivery Plan – Report received

The Minister for Justice and Home Affairs to move:

That Tynwald receives the Department of Home Affairs Delivery Plan for 2022/23 Quarter 1 Update (March - May 2022). [\[GD 2022/0064\]](#)

The President: We now move on to Item 13, which has not completed the six weeks on the Register of Business, and I will give the Minister an opportunity to put the case forward before asking the Court's consent.

Minister.

225

The Minister for Justice and Home Affairs (Mrs Poole-Wilson): Thank you, Mr President.

As I hope Hon. Members will recall, our Department Plan was published in March. We also did a briefing for Hon. Members at that time and explained that in order to allow time to give our initial first quarter update, we would not have sufficient time to publish the updated Plan for a full six weeks. We did circulate the Delivery Plan as updated in June, and we did not receive any concerns about this. So I hope today that Hon. Members will be content to debate our Delivery Plan, the updated version.

230

Thank you, Mr President.

235 **The President:** Hon. Members, is the Court content to take this Item at this sitting? (**Members:** Agreed.) Thank you. I call on the Minister for Justice and Home Affairs to move Item 13.

The Minister: Thank you, Mr President.

Our Island Plan put in place a process for each Government Department to come before this Hon. Court every year and set out work and progress made in building a secure, vibrant and sustainable future for our Island nation. Today, I am pleased to be able to provide you with the Department of Home Affairs Delivery Plan 2022-23.

240

The Delivery Plan sets out the work the Department will be undertaking over the next 12 months to support the strategic objectives set in the Island Plan. The Plan was published in March and so today, rather than talk through all the actions set out, which I am sure Hon. Members will have had time to have a look at, I want to take the opportunity to highlight the progress the Department has made in the first quarter of the Plan and also update on areas where we have to report some delays or changes.

245

In terms of progress, we have published implementation plans for the Justice Reform Act, Domestic Abuse Act, Sexual Offences and Obscene Publications Act, and Liquor Licencing and Public Entertainment Act – clearly setting out the work required and the timescales for bringing these important pieces of legislation into operation. Hon. Members, I want to assure you that work on the delivery of these implementation plans is ongoing.

250

Part 11 of the Sexual Offences and Obscene Publications Act has been brought into operation providing automatic pardons for those people convicted of historical homosexual offences, as well as a disregard process for people to apply to have those offences removed from their records.

255

The building and service designs for the new Sexual Assault Referral Centre have been finalised, bringing us another step closer to a clinically led service providing high-quality care to victims of sexual violence and abuse.

260 An independent review into legal services, as well as an independent review into the role of the Attorney General, have been commissioned and are underway, and we have published clear dates for completion of those reviews. We have reviewed and published revised licence conditions, providing greater transparency on how offenders are managed within the community. Our National Cyber Security Strategy has been reviewed and updated and will be published later
265 this week. We have published a Climate Action Plan setting out steps that we will take to minimise the impact our operations have on the environment.

Hon. Members, Home Affairs is a small Department and the actions set out in this Plan are being delivered alongside the continued delivery of critical services to our community by our service areas – the Police, Prison and Probation, Fire and Rescue Service, the Emergency Services
270 Joint Control Room and our Civil Defence volunteers – all of whom work tirelessly to ensure that everyone in our community feels safe.

Amongst our many actions in our Delivery Plan, Hon. Members will have noticed a green indicator that we are on track and some blue indicators, matching the Minister for the Department of Environment, Food and Agriculture, that some have been completed. However, as well as this
275 progress, and in keeping with the commitment to open reporting, there are some delays to areas of work and so we have highlighted these in the Plan and provided reasons.

In some instances we have adjusted actions since publication. This is to provide clarity, but also to identify where and why we have had to amend anticipated delivery dates. The adjustments include: amending the Road Safety Strategy action to align the review and update of the Strategy.
280 Hon. Members, in initial publication we had listed an update to the Strategy for October which was ahead of the actual review process for December, so we have now aligned the two to ensure they work. Hon. Members may be interested that the Department is undertaking regular meetings with Department of Infrastructure colleagues to review the Strategy and we are on track to finalise that review and deliver any updates within a refreshed action plan by December 2022.

285 The co-location of Police Early Action and Social Services/Multi-Agency Safeguarding Hub has been reviewed and we have combined the two actions here as it is recognised that co-location alone will not be effective in delivering improved early intervention. We have also amended the delivery date as we have identified a risk to delivery due to the limitations of resources and have had to be pragmatic. Additional requirements have been identified but both the Department of
290 Home Affairs and the Department of Health and Social Care are committed to this multi-agency approach, and we have put in place joint policy and oversight meetings. This particular action was discussed with the Minister for Health and Social Care last month and we have another update meeting scheduled for later this month.

A revised delivery date for a Suicide Prevention Strategy has been published due to resource
295 constraints. Hon. Members, I would like to assure you that in this important area progress has been made and we do have a draft strategy, but it does need to be considered by stakeholders and that is why a September deadline has been included.

The independent review of the role of the Attorney General is in progress and, Hon. Members, we will note that Mr Stephen Wooler, who is conducting that review, has been present with us in
300 this sitting of Tynwald. But the delivery date has been revised as, due to the Council of Ministers and Tynwald processes, we have recognised there would not have been enough time following completion of the review to bring the report to the December sitting of this Hon. Court.

The action to review the guidelines governing adjudications – which are the disciplinary hearings that take place after a prisoner has been charged with breaking a prison rule – has been
305 amended. An initial review has been completed but further work is required to give a comprehensive comparison with the Jersey and Guernsey guidelines. This will be completed later this month and then consultation with specific advocates and the Law Society will be required before the new guidelines are implemented.

310 Yesterday I made a Statement regarding the review of the harms caused by illicit drugs. I hope that in making the Statement it set out clearly for Hon. Members the next steps for that review and the reason for the revised timescales for delivery.

315 I also wanted to draw Hon. Members' attention to the following: there will be scoping work this year to prepare for a review of the Criminal Justice Strategy next year; the anticipated date for the independent review of the Prison which will commence in March 2023; and I would like to highlight that discussions are still ongoing with the United Kingdom around the *vires* to conduct a review of the Fire and Rescue Service. In the meantime, however, an agreement has been reached with the National Fire Chiefs Council to undertake a peer review which is expected to commence by the end of this year. The new legislation that the Department intends to bring forward – and actions in the Delivery Plan – have been amended to add delivery dates which reflect the
320 provisional dates for introduction into the Branches following agreement of the Government's Legislative Programme.

There are a number of Department of Home Affairs-led Bills in the Government's Legislative Programme. We will be focusing initially on a new Sentencing Bill in 2022-23 but the Legislative Programme beyond that recognises the need for work to update firearms and fire services
325 legislation. It is an extremely ambitious programme, particularly in the context of the implementation of significant pieces of existing legislation. The Department is therefore committed to seeking funding, and specialist policy input where needed, to take this work forward.

Hon. Members, we will not deliver these actions alone and the approach of one Government
330 and cross-departmental working set out in the Island Plan will be critical. We are working collaboratively – particularly with colleagues in the Department of Health and Social Care, Public Health, Manx Care, the Department of Education, Sport and Culture and the General Registry – around the actions required to ensure effective early intervention and priority areas such as youth justice and domestic abuse, and I am pleased with our progress to date.

335 We have worked hard to make the Plan as accessible as possible and I hope that the document provides a clear picture of what the Department does, how we do it, and our key areas of work for the next 12 months.

Mr President, I beg to move the motion standing in my name.

340 **The President:** I call on the Hon. Member, Mr Wannenburgh.

Mr Wannenburgh: Thank you, Mr President.

I beg to second and reserve my remarks. Thank you.

345 **The President:** I call on the Hon. Member, Mr Glover.

Mr Glover: Gura mie eu, Eaghtyrane.

I welcome this report and this update and the work taking place, and I say I have really enjoyed
350 the joint working between your Department and Infrastructure on road safety issues. It has been nice to see some joined-up approach to an issue.

The one area you will not be surprised I am going to ask you about in a little bit more detail is domestic abuse, because can you see to the outside world that it looks like we are wading through
355 treacle to get this over the line. I have had a couple of people come to me and say, 'Nothing is happening. Nothing is being done.' And you talk to them, but to the public it is just, 'Get on with it. Why haven't we got this?' It is a really big issue. I have heard some really harrowing cases and I just want to bring that to the Minister's attention; and if she will provide a more detailed update as to where we are so it is a matter of public record, because it is an area I am getting asked about an awful lot. The perception of the public is this is going too slowly.

Thank you.

360

The President: I call on the Hon. Loayreyder. Would you like to speak? No. Sorry.
I call on the Hon. Member of Council, Mr Craine.

Mr Craine: Gura mie eu, Eaghtyrane.

365 I welcome the report. I welcome the fact that we are getting a quarterly feedback report. I am
not sure if we are expecting that from all Departments, but here we have got a quarterly report.
Thank you for that.

I was particularly interested in it to see the section in there on page 17 about data. It had a
very honest analysis really of what the Department feels are the gaps in the data that is available
370 to them. It records a commitment to replace the measures of performance that appear there on
page 17, with detailed indicators, KPIs presumably, as you are going forward. Some of the
measures of performance that you refer to in there are very interesting and clearly run across
Government. The one that is in there about the number of people who would recommend the Isle
of Man as a good place to live clearly goes way beyond what just Home Affairs are doing. It would
375 relate to education, childcare, work and various other areas.

I wondered in there if there are sources easily available for Departments to use as their KPIs.
I had another look at the Social Attitudes Survey, which is an annual survey, although it has not
been done since 2019. I understand the reasons for that: staff being involved in COVID analysis
and so on. But in there it refers to confidence levels for the Police, for the Fire and Rescue Service,
380 for judicial services and so on. It covers sections on domestic abuse.

There may be some material there, although in reality maybe some additional questions in
there would hit the nail on the head better. In other words, it is about where does Government
get data from – this is not just a Home Affairs issue. I wondered about some of the data that might
be available from Island Global Research and so on, because I think this issue of Departments
385 having good KPIs that are easily accessible to them, how well the Isle of Man does data is the
question, really, there and I think that is something that absolutely is highlighted by the wording
and the list on page 17.

I wondered if the Minister would offer to make any sort of comment on that, or if she would
agree that the need for data sources for Departments to tap into or data sources that they could
390 perhaps seek amendment or additions ... ‘If only that survey asked a question on this’. Because
when we get something like the Social Attitudes Survey, I think the 2019 version had over 560
utilised respondents – and by that I mean that they took 560 out after they had done systematic
sampling to make sure it matched the age profile, the gender profile and the location profile of
Island residents. Not many Departments will be able to replicate that in their own surveys and get
395 that scale of it, so it is a case of using those sorts of surveys across Government surveys and how
helpful that is to a Department. So a comment on that and the sources of data would be welcome.

Gura mie eu, Eaghtyrane.

The President: I call on the Hon. Member, Mr Henderson.

400

Mr Henderson: Gura mie eu, Eaghtyrane.

I welcome the departmental strategy and fully support it, no problem at all, and very well done
to the Department and the work that has gone into producing it. Excellent.

There are just some areas I wish to highlight, not in a negative way at all, but if I can make a
405 real social issue and red flag. Having just attended the Chief Constable’s county lines conference
at the Villa Marina and the explanations of how illicit drug dealing is developing across the UK and
how the tentacles certainly of Merseyside drug gangs are progressing into Manx/Isle of Man
society at the minute is particularly frightening.

I know this has been ongoing for a while and the connections between certainly Merseyside,
410 to name but one area, to the Isle of Man have been growing. I know the extent to which drugs
have been used throughout the Island and in the community, and certainly on Friday and Saturday
nights, is exponentially growing as well. The drug squad informed me not so long ago that, having

415 had all the loos in Douglas hospitality establishments tested, most of the porcelain in most of the
loos round Douglas had traces of illicit drugs on them from people taking drugs on their nights
out. So it is an issue we have got to get to grips with.

The thing with county lines drug dealing is the fact that most know it involves coercing
vulnerable people and, in fact, it can also involve sex trafficking and other horrendous issues
associated with it. It truly is a nightmare of a situation. Our Police deal with this and the other
420 issues, as I have mentioned, as best they can. But after hearing what I heard at the Chief Constable
Conference and what the drug squad are telling me, I think Home Affairs have a justifiable case to
make to CoMin, for instance, whereby we need some funding somehow diverted to tackle the
drugs issue to take it to a new level. There is no doubt in my mind about that.

I know there are resource issues, but there are departmental spending patterns in other areas
425 that we have all seen in this Court and I think really, between Home Affairs and Council of
Ministers, we need to prioritise spending attitudes, spending aspirations. And this is one serious
critical social factor that I think needs a review of what resources are available to tackle the
horrendous issues of the drug problem here in the Isle of Man and in particular the county lines
drug dealing trends that we are now starting to see. The examples that were given to us at the
conference were particularly horrific. I can also say, Eaghtyrane, from first-hand accounts, I know
430 drug dealing goes on in our schools, having had to deal with that last year in particular.

That is the state of play at the minute and I think we need to discuss it more between ourselves
and certainly, from talking to the drug squad and police officers in general, they are crying out for
additional resources to help manage ... I would not say it is a tidal wave, but it is a mounting
435 problem where they have not got the resources. And at times they have not got the resources to
follow through on the covert observation operations that they have to do to evidence gather and
things have had to be stalled in the past. We need to seriously review that situation and I think it
needs to jump the priorities certainly within CoMin's vision, Eaghtyrane.

No criticism of anyone. The Police are doing an absolutely fantastic job as far as are able, but
I am afraid it is not quite a losing battle, but they are under extreme resource pressure, both via
440 manpower and budgetary issues, to try and cope with what is going on. To even try to stem what
is coming through from Liverpool and cut the supply lines off, if I can call it that, takes a huge and
tremendous effort.

The second point I would make is the Shirveishagh mentioned the review of the criminal justice
system etc. and I would wholeheartedly support that and certainly two specific areas; one which
445 I hope to raise with the Member for Infrastructure through Question Time, if we get to it, possibly
on Friday, with regard to sentencing regimes for drivers who cause death through dangerous
driving. I think that needs a review because I am certain we are not harsh enough in our penalty
system there compared to the UK. That is my feeling.

The second part of that is we certainly need to look at our sentencing regimes when we look
450 at the likes of road traffic collisions involving a driver who was well over the legal limit for alcohol
consumption. I especially cite a case that happened last year whereby one of my constituents –
inverted commas – was hit by a very large vehicle broadside on, t-boned in effect, and the car was
shunted across the road. The driver who caused that, the large vehicle bounced into the hedge
down the road and proceeded to drive off. As a result of that the driver was obviously found guilty
455 in the end, but they only received a suspended sentence and removal of the driving licence.

I think, under the circumstances, we need to look at our sentencing regimes there to ensure
that they actually do fit the crime and send out a warning signal and a cautionary signal to people
about their driving habits and, certainly with drink driving, that they will be dealt with more
harshly. I think that message needs to be put out there.

460 But those observations aside, Eaghtyrane, I acknowledge the work that the Department does;
it is hugely important for our Island and our public, especially our policing. I would wholeheartedly
commend the Chief Constable and the Isle of Man Constabulary in that.

Gura mie eu, Eaghtyrane.

465 **The President:** I call on the Hon. Member, Miss August-Hanson.

Miss August-Hanson: Thank you, Mr President, and to the Minister for this informative update and for all of the work, actually, that has been done to date since she arrived in post.

470 I welcome the provision of detail in the Plan and also the transparency and the progress indicators that have been shown as well. As a past Department Member, I am very well aware of the huge number of projects and functions that are ably led by the Minister and her colleagues.

475 Aside from the headline areas covered, the Minister will recall my interest in the implementation of several Acts. I have to say that the implementation plans are a prime example of best practice that other Departments would be very well advised to follow. They have been done very quickly, ably and they are fantastic, clear documents that I think will be very useful to all of the stakeholders involved.

480 In mentioning the stakeholders, perhaps the Minister might help Members and members of the public to better understand how long it takes, I suppose, for a piece of legislation like the Sex Offences legislation, to actually come into effect by pointing out what the pinch points may be, if you are aware of all of those pinch points, for all of those many stakeholders in implementing the sexual offences and obscene publications legislation and domestic abuse legislation. It is not a short period of time that we will see from an Act actually being made, then all of the work that then goes into delivering that across the piece. It is a lengthy piece of work.

485 I would particularly like to know a little bit more about the resource that is in the Department itself in implementing these pieces of legislation. Is there enough resource in Policy and Legislation, for example, and is that the funding that the Minister made reference to in her speech? What are the pinch points with stakeholders like? For example, the General Registry: at the moment I know their main focus is on DHA legislation.

490 The Fire and Rescue Service legislation has been on the Tynwald Decisions list for a very long time and a number of attempts have been made to try and move these pieces – or this one piece and now two pieces – of legislation forward, particularly following the Grenfell disaster over in the UK ... I think delayed it for some significant amount of time. But there was a bit of an internal clash of culture, one might say, between the Department, Policy and Legislation and the Fire Service itself and its culture, which is a quite separate thing as an agency under DHA. So how is that being tackled?

500 Very much on the same thread as my colleague on Council, Mr Henderson, there I have my own concerns regarding county lines and lack of border policy between the Constabulary, Customs and Excise and, importantly, Immigration as well. I would just like a little bit of information perhaps on the borders policy, how that is being developed and where we are actually up to with that.

Can the Minister also confirm if updates to these individual implementation plans for these pieces of legislation will be captured or highlighted quite clearly in all future editions of the Department Plan?

Thank you, Mr President.

505

The President: I call on the Hon. Member, Mrs Corlett.

Mrs Corlett: Thank you, Mr President.

510 I thank the Minister for this Delivery Plan and I only have one question and that is: when will the Domestic Abuse Act 2020 be implemented? We really are letting down victims by allowing this legislation to sit unimplemented for two years. Mr President, without enactment, domestic abuse is not even a criminal offence.

Thank you.

515 **A Member:** Hear, hear.

The President: I call on the Hon. Member, Mr Johnston.

Mr Johnston: Thank you, Mr President.

520 I thank the Minister for this Plan. I welcome it and will be supporting it. Just a couple of questions.

The feasibility of a western regional hub was mentioned in the Plan to be completed by December. Maybe a little more understanding of what you have at this stage of the plan and what it would actually look like on the ground potentially; and would this lead to a review of existing service sites in the west?

525 Also a broader question on whether in the future there is any discussion or plans for provision of a secure unit that is a step away from prison, but maybe a more appropriate centre for younger and more vulnerable individuals away from a full-grown prison situation, really? Whether there is any discussion going on on that at any time.

530 Thank you.

The President: I call on the Lord Bishop.

The Lord Bishop: Gura mie eu, Eaghtyrane.

535 Simply really to add my voice to commending the Minister and the Department for producing this Plan and indeed, for the vision and the values that lie underneath it and noting the complexity of working with a range of really very acute issues, which almost by definition are not always amenable to easy solution.

I think my question and area of concern would be around the suicide prevention strategy which, as the Minister has mentioned, is currently on hold pending further consultation through to September. I suppose my thought is that that is an area that is notoriously difficult to engage with and yet is symptomatic of wider social malaise and concern. So simply really to add impetus to that workstream and to ask the Minister perhaps for reassurance that she is confident that she has the resources and indeed all the assets required to engage with that theme and to produce the strategy for five years from September onwards.

545 Thank you, Eaghtyrane.

The President: I call on the Hon. Member, Mrs Christian.

550 **Mrs Christian:** Thank you, Mr President. Good morning, Minister.

I would like to thank the Minister for this comprehensive Home Affairs Delivery Plan and I would like to take this opportunity to thank our blue light services for the incredible hard work that they are doing, and I know we are all extremely grateful for their protection. (**Two Members:** Hear, hear.) Thank you.

555 Making our community safe: I am sure my hon. colleague, Mrs Maltby, will feel strongly about this as I do, without discussing any specific incident. I would like to ask the Minister if she might take this opportunity in her response to me to reassure our Island residents what action her Department is taking with community engagement in response to recent incidents?

I have been contacted by many residents in Douglas South who are scared in their homes. Some have had years of having to put up with anti-social behaviour and this needs to stop. I would like to know if the Minister has ... what plans her Department have for over the holiday during the summer period. I have not seen anything addressing this and I might be wrong, but normally we see a programme, for example, 'Do you know where your children are?' The children specifically are breaking up on Friday with school and I just wondered if there was a programme that was going to come out over the summer, or we are looking forward to something like that to really engage with young people over the summer period, and families and parents.

565 The next area I feel very strongly about, and I spoke about this – sorry to mention it, but election campaign, but I feel very strongly about this – in terms of increasing the numbers of our

570 police. What plans are there about that? Are we looking at addressing that or does the Minister not feel that we need to increase the numbers?

I also want to discuss and raise the question of whether it is time to review the pay for essential special constables. This is, I believe, 50 pence an hour. These constables are absolutely critical. On some nights they are really putting their lives at risk, and so many of them are doing this constantly and really is that value ... are we saying we respect them for doing that by paying them 50 pence an hour?

575 Equally, I am concerned for the safety of our officers. It was only 12 months ago, I remember being in a hustings where I was faced with the family of an officer who had been attacked at that time by a member of the public. As serious grievous crime rises, what plans are the Department looking to make to ensure safety of our officers and how we are going to deal with that?

580 Community policing focuses on developing relationships with the community. It is highly personal. Does the Minister agree that perhaps to have a better success in this area satellite police stations might help, especially in certain areas I know in Douglas South? This would increase Police presence on a more permanent basis and actually give a place, like a hub for our community to go to and talk about these issues.

585 Finally, would the Minister take this opportunity to elaborate a little bit more about what her Department are doing about improving the culture? It is really important. I have got many constituents who have had issues with this and she knows, I have spoken to her about this. I would really like some reassurances on how we are going to improve it, and that is not tarring everybody with the same brush, because they are all extremely brilliant people, but culture is important that we get it right.

590 Thank you, Mr President.

The President: I call on the Hon. Member, Mr Wannenburg.

595 **Mr Wannenburg:** Thank you, Mr President.

I heard what Mr Henderson had to say and I agree largely with pretty much everything he said. The issue of drugs casts a darkness on the Isle of Man, particularly on our youth and all parts of Government must play their part, but also communities need to be involved and parents need to take their responsibility. Picking up Mrs Christian's point of during the summer holidays, it is not the job of the Police to look after children in the holidays.

600 I am pleased to see that the drug wipes recently introduced to counter drug-driving have been used over 30 times. Unfortunately it shows a lot of people still think it is okay to drink, to drug themselves and drive. It is not okay.

605 Regarding our county lines, which Mr Henderson raised, our ports need to be more than just a gateway. We need to know more about the people who come and go to our Island. (**A Member:** Hear, hear.) We need to know more about the vehicles they drive and the records they have.

But overall it has been my pleasure to be in this Department for the last 10 months. I have to say I have been very impressed with all the staff who work there and their dedication, and they all play a hugely important part in keeping this Island safe.

610 Thank you.

Two Members: Hear, hear.

The President: I call on the Minister to respond.

615 **The Minister:** Thank you very much, Mr President, and thank you to all those who have contributed. It is very helpful for me and the Department and the staff to hear your thoughts in this sort of debate, and that is exactly what I would hope to hear.

620 Mr Glover, first of all, yes, thank you for your recognition of the importance of joint working and of course you have experienced that directly from a Department of Infrastructure perspective.

I have to say for a number of the issues that Hon. Members have raised in this debate, the theme remains cross-Government working. Very often matters that Home Affairs are either leading on or working on cannot be delivered without close collaboration and co-operation with other Departments in Government, and I am very committed to making that happen. And I am pleased to say that so far the interaction that the Department has had with other Departments has borne that out.

He raises the question about domestic abuse, and Mrs Corlett also raised that. So I think I would like to take the opportunity to give the Court a more in-depth update. I recognise that from the public's perspective ... Miss August Hanson welcomed the detailed implementation plans, and there is a lot of information in there that explains exactly why these things do unfortunately take time. It is as much about drafting secondary legislation, court rules, for example, to actually implement legislation, but it is also about the practicality of putting services in place, training. There are many aspects to this. That is detailed in the implementation plan, but I recognise from a public perspective people do not click into that and read all of the detail.

So a recent update from last month from our domestic abuse project co-ordinator highlights the following, which I will share with the Court and the wider public. There will be a strategy on how we are taking forward tackling domestic abuse, which will be going out for consultation with the third sector and stakeholder partners later this month. Statutory guidance is also now drafted and is ready for consultation with the third sector and stakeholder partners this month.

A draft of the Summary Jurisdiction domestic abuse protection order proceedings rules ... which I accept, Mrs Corlett, these things may be not switched on, but this is a practical reality that we have to have these proceedings rules in place in order that the courts can actually then act when action is taken. So those have been prepared and they have been shared now with the Attorney General's Chambers and the Registry for comment and, I hope, smooth progression to finalisation.

Training has been actioned by the Constabulary working with the LEaD. Also, the Attorney General's Chambers are arranging training for themselves and specialist units on both the domestic abuse legislation, but also the sexual offences legislation and justice reform. It is hoped to extend that training to the Law Society and the judiciary as well, because I think it is important that people have a good understanding of the particular circumstances of domestic abuse.

In addition, the project co-ordinator for domestic abuse is working on a basic awareness training package for e-Learn Vannin, so that all Government employees will have their awareness raised, even at a 101 level, of domestic abuse, so that we can try to tackle this issue as widely as possible.

In terms of services and support, there is mapping that has gone on in terms of specialist support for victims and survivors of domestic abuse. We talked about gap analysis yesterday and part of the reason for doing that now is to make sure that we understand what services are in place, but importantly, where the gaps are and then take concrete steps to try and address those gaps.

In particular, accommodation response is a critical issue. The Joint Commissioning Delivery Team are conducting a potential homelessness impact assessment as part of the homelessness strategic review, and this will then inform next steps to ensure that we have an appropriate accommodation response. There is connection going on with the Chamber of Commerce to raise awareness of something that goes on in the UK, which is the employers' initiative on domestic abuse, which is a growing network of businesses, small and large, in the UK, again to support increased awareness of this issue and supporting people who may be victims and survivors of domestic abuse.

We are critically also looking at governance around this project to make sure that it does stay on track for the future and that we can continue to monitor delivery. And to the specific question Mrs Corlett raised, the appointed day order to bring the Act into effect is hoped to be laid before the December sitting of this Hon. Court. So I hope that does give Hon. Members a flavour of what has been and is going on. There is a great deal of work. I recognise the frustration and the sense

675 the public may have that nothing is going on. I would like to assure you a huge amount is going on. We are working hard to try to make sure that we not only can turn this legislation on, but turn it on in a way that means that it will practically be able to succeed.

Mr Craine, Hon. Member of Council, thank you very much for your contribution, which was a very specific and, I think, helpful contribution. I would just like to clarify something: we will quarterly update our progress, but we will not be bringing quarterly debates to this Hon. Court. Some of you may be relieved, some of you may be sad, but we will bring our Delivery Plan annually for debate, but you will be able to see our quarterly updates if you go onto the website.

680 In terms of the data, though, I think the Hon. Member does highlight a significant issue. We were honest in our Plan that we recognise we do not have all the data sources that we would ideally have to be able to create the KPIs and monitor progress and reporting. I think he makes some very good points about how do we improve our data sources, and he talks about Island Global Research which I think is a helpful place to point.

685 Also the Social Attitudes Survey. Actually, Departments are asked to input to questions for those surveys, so there is an opportunity there to try to make sure that the sort of questions we are asking elicit the information that would help us. But I absolutely take on board his points. We are going to work over the summer, as we have indicated, to try and look at this area and try to refine our KPIs based on the data that we can obtain. It is a work in progress, but I hope we will be able to update that.

690 Mr Henderson, another Member of Council, thank you very much for your contribution and your overall support for the Delivery Plan. He has highlighted, as Mrs Christian did, the issues around anti-social but also, more importantly, concern around county lines drugs and the exploitation of the vulnerable. It was very pleasing that the Chief Constable did host a conference only a couple of weeks ago. It was very pleasing to see the turnout at that conference. It absolutely underlined that these issues are not solely Police matters; (**Mr Wannenburg**: Hear, hear.) they are social matters. And it was really important that we had representation at that conference from the Department of Education, the Department of Health and Social Care, Manx Care; we also had third sector partners. Because if we are going to tackle and succeed in addressing matters such as county lines and minimising the exploitation of vulnerable young people, we have to work collaboratively together.

700 The output of that conference, again just to give people an indication of where we are, is that the Chief Constable is pulling together some action that we can work cross-departmentally and with third sector people to put in place meaningful steps to try to increase early intervention and prevention, as well as the reality of addressing current harms today and that will come forward in due course.

705 In terms of the concerns about resourcing and so on – and this was a matter that the Hon. Member for Douglas South, Mrs Christian, raised – I think it is important to highlight to the Hon. Court that in 2019-20, actually numbers of police officers were increased following a budget increase, which was very welcome, and I know the Constabulary appreciated that. The benefit of that actually was that we were able to improve neighbourhood policing again, which was an area that had started to, I suppose had been, if not de-prioritised, then the resource had perhaps not been able to be allocated as readily to that area. But we have now got more neighbourhood policing in place and the Constabulary, I think, do have that visible presence in our neighbourhoods around the Isle of Man.

715 I think the other thing is that inevitably the demands on the Constabulary are such that it is a question of balancing a number of competing issues. The focus of the Constabulary is of course first and foremost on trying to reduce harm. I think what is interesting is the worst crimes that we may talk about and the worst exploitation, of course, is massively significant in harm terms for the victims; actually, though, it is not an issue that many people on the Island see directly. What we tend to hear more about is what I would call more the anti-social behaviour and matters like speeding, which in overall harm terms may not be as significant as some of the drugs exploitation issues that we face, but nonetheless are issues that our community have concerns around.

725 So I absolutely hear the points that the Hon. Member of Council, Mr Henderson, makes and
the Hon. Member for Douglas South, but I would say that what the Constabulary is doing is very
focused on harm reduction. Indeed, specifically in that context, the Constabulary has recently
developed a Violence Reduction Plan, which is there specifically to try and address these sorts of
issues.

730 Again, though, I would say that a lot of the issues that we are talking about in terms of anti-
social behaviour are wider than a Police matter; they do involve Social Services, families, parents,
the education system. All of us have a role to play in trying to address some of the challenges we
may see, particularly with our young people. But I can assure the Hon. Member that the Police
take their part in this very seriously, and I am encouraged by what I have seen about joint working
735 with those other agencies.

Thank you to another Hon. Member of Council, Miss August Hanson. I recognise she has
knowledge of the Department's past work from her former membership, and I would like to thank
her for her feedback that she has found the Plan to be transparent and user-friendly, which is
helpful to hear.

740 She talks about pinch points in terms of delivery. I think I will not go into the detail of every
pinch point. I think one of the themes that we have to address is that we often are asking the
same people to do the work on a number of areas. So those major pieces of legislation that we
are trying to implement at the moment, we are asking the same people in DHSC, the same people
in Manx Care, the same people in General Registry, the same people in Prosecutions; they are
745 always the same people who we are asking to do all the detailed work and, inevitably, we have to
prioritise because they cannot do it all at once. So that is a practical pinch point, in truth.

She also has asked more broadly about resource. I think the issue is in terms of our ambition
to achieve a great deal, you might say would there ever be enough resource? I think there is a
responsibility on all of us to try and manage our resource and manage our prioritisation to deliver
750 what we have to deliver. What I can say is from a Home Affairs perspective we are trying to be
creative where we can and use sources of funding, such as the Seized Asset Fund, to seek
additional resource and specialist policy input, so that we can continue to try and make progress.
But we do only have so many officers in the Department, as the Hon. Member knows, and only so
many hours in the day. I absolutely commend, and I would like to take the opportunity to
755 commend the incredible hard work of the officers, on what they are doing around our Legislative
Programme at the moment. (**Several Members:** Hear, hear.)

She is absolutely right that fire legislation has been long outstanding. I think the thing that
I would say is it is anticipated now that our Interim Chief Fire Officer will bring forward a
community risk-management plan in due course, and also I referenced the planned peer review
760 of the Fire and Rescue Service which we hope will begin by the end of this year, and those two
pieces of work should provide a basis for policy work to underpin that legislation. Yes, we will
update the Plan as well, we will make quarterly updates.

Mrs Corlett, I have addressed your question, I think.

765 Mr Johnston, you have referenced the feasibility of a western blue light hub. Work is under
way. We are actually, as part of the broader strategic infrastructure needs assessment work that
is going on across Government, currently awaiting building condition surveys. So there is a process
there to look at the current conditions of buildings and then feed that into the prioritisation of
how we might best take forward these sorts of works. So I hope I will be in a position to give
further updates on that in due course.

770 He also references the secure unit. I have to say the unit for young offenders, Cronk Sollysh, is
commissioned by the Department of Health and Social Care through Manx Care. One of the things
that we are changing with the Justice Reform Act, though, is to recognise the anomaly that
currently we have the cut-off for youth offending at the age of 17. We will change that to age 18,
(**A Member:** Hear, hear.) which will knock out that potential risk of people moving to the adult
775 Prison. It is difficult, though; when young people have a sentence that crosses the boundary of
their 18th birthday, technically they can no longer remain in the secure unit and they do have to

transition to Jurby. I know a lot of work goes on to try to facilitate that transition, but I think it speaks to a wider issue anyway about diversion and rehabilitation and trying not to criminalise our young people and trying to find ways of avoiding having them become subject to the criminal justice system in any event.

780

The Lord Bishop: thank you very much for your question in particular about the Suicide Prevention Strategy. I would just like to clarify that this is not on hold. I would not want anyone to think that something as important as this is on hold. What has happened is, because of the resourcing to try and make sure it is consulted on properly before it is brought forward, it has just taken longer than we hoped. But he is absolutely right, it is a critical area and again what we are talking about is wider issues across society.

785

I would also like to thank him for recognising the importance of vision and values. If we do not hold true to those things then we are not going to adequately inform ourselves on making sure we stick to what we are trying to deliver and how we prioritise it.

790

Mrs Christian, I have already touched on a number of points that she raised. I would like to thank her very much for her support for the work of the Constabulary. I think she talked about the concern about violence. Actually, this is one of those *really* difficult issues, in that our data shows that violence has reduced – serious violence. However, I completely understand that in the public mind when something happens it raises concern and so I do not dismiss this at all.

795

I think it is about how we ultimately try to reassure the public but also try to address some of the causes of this issue, and that is why the Violence Reduction Plan is so important. But it is also why it is wider than a Police matter. The Police can take active presence and enforce rigorously when there are problems. They are also looking at mentoring programmes and how they can be more involved in supporting young people, and they are very keen to do that. The Police Early Action Team is extremely active, along with the Link scheme, when young people are brought to their attention.

800

What we are finding at the moment is – I do not have the precise number, but – approximately 90% of their interventions result in that young person being diverted. But actually we have a challenge with approximately 10% of young people, perhaps our more vulnerable people who need more support and intervention if we are going to try and address their risk of offending behaviour.

805

We are supplemented, and I think it is worth mentioning, by our special constables, who are not paid actually but they do immense work to serve their community; and I would like to take the opportunity to thank them as well as our employed Constabulary. (**Mr Wannenburg**: Hear, hear.)

810

Some of her questions around the location of the force and culture and so on are really matters for the Chief Constable, but I would urge if there are any questions or concerns at all, that these are flagged, because I know the Chief Constable takes these matters seriously, but I think they have to be flagged with information in order that the Chief Constable can take account of those.

815

I would also like to say that the Chief Constable is proactive in this regard. I used to chair the body, the Constabulary Inclusion Scrutiny Group, and I am very pleased that Mrs Maltby, Hon. Member for Douglas South, has taken over the chairing of that group. Yes, it helps to inform the Constabulary about how they go about policing and engaging with our community, but I know the Chief Constable is also very interested in what it means culturally internally, and that that group is actively involved in matters such as training and recruitment to support a positive values-led culture in our Constabulary.

820

Mr Wannenburg, thank you very much for your remarks and it has been a pleasure to have you as a Member of the Department over the last 10 months. There is a huge amount of work ongoing, as he well knows, and I appreciate the support today.

825

I believe I have addressed everybody's questions and comments; I hope so. Thank you very much for your contributions. I hope I have been able to answer your questions today. I know this is our annual opportunity for a debate, but I would like to say that the door of Home Affairs remains open and we welcome your questions and comments at any time.

I beg to move.

830

A Member: Hear, hear.

The President: Now, Hon. Members, we come to voting on this Item, Item 13. The motion is as set out on the Order Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. Item 13 carried.

835

**14. Non-Executive Directors –
Tynwald support for appointment –
Amended motion carried**

The Chief Minister to move:

That Tynwald supports the appointment of Non-Executive Directors to Departments.

The President: We now move on to Item 14. This has not completed the six weeks on the Register of Business, and I will give the mover, Chief Minister, an opportunity to make the case for taking this Item today, first.

840

The Chief Minister (Mr Cannan): Thank you, Mr President.

This is simply fulfilling a commitment I made on the back of a very serious matter that this Court is well aware of. I made that commitment to bring forward further opportunities to enhance governance in the Isle of Man Government, and I am fulfilling that commitment to Tynwald today by putting it on the Order Paper.

845

The President: Hon. Members, I will now ask is the Court content to take this Item today? **(Members: Agreed.)** Agreed.

I call on the Ard-shirveishagh, Chief Minister, to move Item 14.

850

The Chief Minister: Thank you, Mr President.

At the May sitting of Tynwald, I committed to laying before this Court a code of practice for the appointment of non-executive ministerial advisers within Government Departments, and that draft code is on the Order Paper today.

855

For many years, in common with many others, I am sure, I have considered that the operations and policy implementation capability of Government Departments could be enhanced through the utilisation of expertise and experience from outside the public sector. The various benefits of non-executive directors are well documented and their operation is successfully embedded in a great many organisations in the public and the private sectors, and I am proposing that we should now seek to offer the opportunity to implement this too in central Government Departments.

860

To allow this to happen, a new Chapter for the Government Code has been drafted, setting out the approach that has been agreed by the Council of Ministers governing the appointment and operation of non-executive directors to act in an advisory capacity to the Minister of each Department, should they wish to appoint one. Whilst this is a welcome step forward, an enhancement to the governance of Government, it is also a significant change that will require embedding and development, and there are opportunities to do that, I would suggest, as we move forward.

865

The Code provides some detailed guidance on the structure and function for a Department board which a Minister may wish to constitute, the role of a non-executive and key principles for them.

870 Mr President, just to add, Tynwald needs to progress on governance. I think there are a number
of matters that have come to light recently that indicate that culture, performance and
productivity in Government Departments really does require some focus. And as, I would suggest,
875 the recent Dr Ranson affair would demonstrate, politicians are not immune from activities that
are happening perhaps outside the sphere of policy within their Departments and have a
responsibility, I would suggest, to be knowledgeable and understand what is going on. Appointing
non-executive directors will enhance that ability.

It will also help and assist with culture, performance and productivity. It will help avoid, I think,
silo thinking and possibly groupthink, where subjects and impassioned subjects and operational
delivery have failed to be thought upon more broadly, and rather than detracting from the Civil
880 Service, I suggest it may offer enhancements to the Civil Service, and actually could be a positive
avenue, particularly for chief executives where appropriate, to be able to discuss and have links
with the private sector, to help them understand and seek experience as to how problems facing
them in terms of personnel and operations can be overcome.

There are a number of reasons why I am pleased to bring this forward today. I welcome debate
885 on the contents, which are in draft at this stage, and will seek to finalise guidance with the
objective to allow the appointment process to commence, where appropriate, as soon as possible.

Thank you, Mr President.

The President: I call on the Hon. Member, Ms Lord-Brennan.

890

The Minister for the Cabinet Office (Ms Lord-Brennan): Thank you, Mr President.
I beg to second and reserve my remarks.

The President: I call on the Hon. Loayreyder.

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The Speaker: Gura mie eu, Eaghtyrane.

I am happy to support the principle of non-executive members to provide advice to Ministers.
The Civil Service is an invaluable resource for impartial advice and I believe that the proposed
system of non-executive Department members has the potential to be more transparent a
900 process than *ad hoc* consultancies. (**A Member:** Hear, hear.)

I do, however, believe that the governance arrangements need more careful thought to ensure
that democratic legitimacy is not undermined, that advice is given free from undue and unknown
commercial influence, and that the current governance arrangements in the draft code are silent
on some key points which require clarification.

905 For example, the excerpt from the code of practice is silent on the point as to how these non-
executive departmental members could be *removed* from office, nor how many are envisioned in
any one Department. I think there is also a reasonable expectation in this Court that given the
influence on policymaking that these people will have, they should have their qualifications and
experience, remuneration, contract of employment and declarations of interest publicly available.

910 Coming back to democratic legitimacy, the draft Code is clear that decisions are made by the
Minister and Members – quite right. However, it will be worth clarifying whether these non-
executive departmental members are able to hold any form of delegation from the Minister,
perhaps as chair of a Department committee or acting as client on a project. It will be important
to understand whether these non-executive departmental members can compel information
915 from civil servants, or whether such requests will have to go through the Minister or a Member.
Will these non-departmental members be expected to appear before Tynwald Committees, for
example? It would be far better to sort these issues out early on and set the right expectations
before issues arise.

920 One of the consistent themes of recent whistleblowing cases has been that where loyalty to
an individual or a Department is valued more highly than the public interest, issues occur. In the
UK, this is mitigated by allowing non-executive departmental members to add their own

commentary to the annual report, to allow them a direct reporting line to the Prime Minister and to collectively recommend the removal of a chief executive, as well as providing feedback on how effectively the department is operating. These have not yet been articulated one way or other in the current draft code.

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Finally, and importantly, the performance framework for non-executive departmental members needs to be worked out before appointment. I have no doubt that we will not be asking them to do all of this work for free. So you might expect the Chair of the Public Accounts Committee to ask how we will know we are getting value for money from those chosen.

930

With this in mind, I would like to move an amendment to add to the principle set out in the original motion that no appointments are made until the Government publishes a detailed code of practice on the issues I have raised. I do not want to hold the process up, so I have not required Tynwald approval for that code, but it is important that these issues are settled before the appointments are made.

935

The motion would therefore add that before any further appointments are made, Government must publish a detailed code of practice covering the appointment, rights and responsibilities of any non-executive directors of Departments. I hope that Council of Ministers will consider it a positive move to put the horse ahead of the cart on this issue and that Tynwald will support this amendment for the reasons that I have set out.

940

I beg to move, Mr President:

To add at the end the words –

‘; and that before any further appointments are made, Government must publish a detailed code of practice covering the appointment, rights and responsibilities of any Non-Executive Directors of Departments.’

The President: I call on the Hon. Member, Miss August-Hanson.

Miss August-Hanson: Thank you, Mr President.

945

We do not always agree, myself and Mr Speaker, on absolutely everything. We have not had any discussion whatsoever on this, so it is a little bit frightening as to how close perhaps we are in agreeing with each other here.

The Speaker: You won't get used to it! *(Laughter)*

950

Miss August-Hanson: I thank the Chief Minister for the update.

Harnessing external expertise in both Government and in the public sector is most certainly not novel or a unique concept, but it is fairly common elsewhere. Bringing business acumen and a fresh perspective to a sometimes fixed public service environment can be no bad thing. What is important here is that there is real added value. Would the Chief Minister agree with me that each NED assigned to a Department, Office or Board should have abundantly relevant skill sets for that particular Office, Department or Board: recruitment; management; audit; risk; and a refreshing perspective; a gift for scrutiny? That has not always been the case with the appointment of lay members perhaps in the past, so a different future for this would be most welcome.

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The UK's Institute for Government published in July 2021 a report on NEDs. It made some very pertinent points. Like, for example:

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Departments will get the best from NEDs if they ... [are] clear about the role they play and how they are appointed and managed. Using NEDs as a means of solving a ... problem will only jeopardise their independence and weaken their value.

That report was prompted by Matt Hancock's appointment of an old university friend – and latterly pre-resignation liaison – to the Department of Health and Social Care, which amplified concerns of non-executive directors in Whitehall departments. Before being appointed as his NED,

965 the lady was already working for him as an unpaid adviser and helped him in a political campaign for Tory leadership. Independent challenge and scrutiny were therefore hindered. There was a lack of transparency.

970 In the Government Code, there is part 7, in 7.6, we talk about the role description for Department non-executive directors being approved by the Minister for the recruiting Department and approved by the appointees commission, who will undertake an initial recruitment exercise. I very much welcome the fact that the Appointments Commission has a role there. However, it does start and end with the Council of Ministers. We have had concerns in the past on Ministers signing off on matters that may well conflict them, so I am quite interested in hearing what the Chief Minister is thinking there.

975 The UK government non-departmental committee on upholding standards in public life produced a report in November 2021, where they suggested that the ... [*Inaudible*] ministerial appointments are unregulated entirely and that they are not recommended. There are a number of areas perhaps as well, in the code of conduct for board members of public bodies, that the Chief Minister might well be interested in adding to the mix from the Speaker, there. They do include non-executive chairs in some of the points that perhaps we might take on board. Say, for
980 example, promoting an inclusive, diverse culture, dealing with the public in their affairs fairly, efficiently, promptly, effectively, sensitively and to the best of their ability.

Going back to the Institute for Government report, though, it:

... sets out how the government should improve the governance surrounding the appointment ... of departmental NEDs to restore public confidence in the role they play.

985 Importantly, the Chief Minister may be aware that there is a position of *lead* non-executive director in the UK. There is a governance structure that has been put in place, and for a reason. Will we need something similar in the Island? In the UK, it is said that the lead NED plays a key role in building leadership and management skills in departments, recruiting new NEDs, supporting the Cabinet Office and departments to transform the public services that are delivered. That is quite the mission, but it is not for me to get into operational detail on it. That is for the Chief Secretary, should he be so inclined. However, it is safe to say that the principle appears
990 sound, but the detail needs careful consideration and clarity to provide a fit-for-purpose governance structure that adds value in organisational learning with a purpose of its own; not that of a civil servant, not that of a politician, but one of a different kind.

Democratic accountability and legitimacy lies with the elected Member serving as Minister, supported by the Civil Service, with input from the NED. That leads me to say that should Tynwald
995 choose to support this concept – and believe me, I am very well minded to – there may be a challenge for officers to capture the remit that confines the role and provide governance structure that limits the conflict of interest in political power. Better still that the public both understands as well and supports the concept, which will mean a degree of clear and concise communication and engagement. The recent Government announcement of a change in culture is a very welcome
1000 one. This appears to me to be a very reasonable step doing something differently.

As a final note, I hope that we will look to harness the talent of this Island, rather than appointing from further afield when we do not need to. Ask our experienced people for help in improving *their* services. As a Member of Tynwald, I would prefer us not to be on the back foot, therefore I am minded to second Mr Speaker's motion.

1005 Thank you, Mr President; thank you, Chief Minister.

The President: I call on the Hon. Member, Mr Ashford.

Mr Ashford: Thank you, Mr President.

1010 My remarks will be briefer than normal, because Mr Speaker has taken up an awful lot of what I wanted to say on this issue. I am fully supportive of the move for non-executive directors across Government. I think it is a very sensible thing to do. I think it is a very good policy.

1015 Just to add to Mr Speaker's point, because I am very keen to see off any potential problems before they arise as well, and just building on that, Mr Speaker mentioned about the removal of non-executive directors and how does that work, because that does not seem to sit within the Part 7 of the new Government Code that we have had published.

1020 Adding to that, in the event there was actually an issue with a non-executive director and a complaint about their behaviour, where would that complaint go to? I am not entirely clear on that. (**A Member:** Hear, hear.) Would it go to the Cabinet Office? Would it go to the Minister of the Department? Would it go to the CEO of the Department? Would it go to the Appointments Commission? I think there need to be very clear lines of if someone made a complaint about the behaviour of a non-executive director where that would go, because what we do not want to find is it falling between different cracks. That is a problem that hopefully will never arise, but you never know, and I think it is better to iron that out now.

1025 Equally, I would be interested in the Chief Minister's comment particularly around Mr Speaker's point about parliamentary Committees, in terms of would non-executive directors effectively be able to be called before parliamentary Committees and where there are issues in terms of the appointments, if a person needs to be removed, who is doing that removal? Is it the Appointments Commission? Is it the Minister? Is it the Department as a whole? Is it the CEO? At the moment those lines of sight are not clear and I worry that if something goes wrong in that arena, it is going to be very difficult for any Minister who is involved and also potentially for the Cabinet Office and the Appointments Commission as well.

A Member: Hear, hear.

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The President: I call on the Hon. Member, Mr Callister.

Mr Callister: Thank you, Mr President.

1040 I also rise in support of this motion, but, like the previous speakers, I do have some questions for the Chief Minister, if possible.

The first one has already been covered around conflicts of interest. Many of our non-executive directors around the Island are on multiple boards, so I would like a little bit more information on how we manage that conflict of interest.

1045 In respect of terms of office as well, like the previous speakers, will this be a fixed term or will they be paid per meeting?

1050 Also, as has been picked up, we would need further details on the salary scales for the roles. More importantly, when we are looking at non-executive directors, how will the Department or the Minister assess the skills, the experience and the knowledge that the Department may or may not feel it is lacking when appointing a suitable non-executive director? Also, a point that was raised, more details around that removal of office, because I know, as well as conflicts of interest, there are details in the Government Code, but it does not actually explain within the document how non-executive directors could be removed, if needed to be.

Thank you, Mr President.

1055 **The President:** I call on the Hon. Member, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.

1060 I am grateful for Mr Speaker's timely amendment. This is a solution, but is it a good one? Does it potentially add additional cost and additional bureaucracy to an already top-heavy system? We do not really know what is happening in terms of the detail in either area. How can we prevent

the groupthink being adopted? It is one of my concerns, it was mentioned by the Chief Minister, but again it is a thing that could potentially become an issue.

1065 Will these roles be for fixed terms and can they be extended – can they be reduced, as other Members have suggested? Will there be a rotation of the people to encourage new and different ways of thinking? Will there be an inevitable influence of the commercial sector, given the people we are looking for? And in terms of the role, will the emphasis be on supporting the Minister or advising the Minister? The two things are quite different. In terms of the appointment, will they be to the Minister or to the Department? Both could cause issues to the existing advisory structure provided by the Civil Service.

1070 From the outset, it looks potentially a good move, but there are so many questions that need to be cleared before we move forward. I think the suggestions put forward by Mr Speaker could help us resolve many of these issues.

Thank you, Mr President.

1075 **The President:** I call on the Hon. Member, Mrs Christian.

Mrs Christian: Thank you, Mr President.

1080 I would like to associate myself with all that Mr Speaker has said, and I would like to thank him for his amendment, which absolutely makes this motion far more reassuring, professional and transparent. I only ask that the Chief Minister confirm he will circulate the code of practice as soon as possible, as it is drawn up.

I would also like him to clarify, in voting for this amendment, does this mean that we are unable to vote in favour for Item 19 on the Order Paper, the non-executive member of Manx Care? Is it in the same category? Perhaps the Minister would possibly be able to stand up and clarify that.

1085 I would also like to know from the Chief Minister how quickly he foresees his staff can produce the code of conduct? That said, I urge Members to support the amendment and the original motion.

Thank you, Mr President.

1090 **The President:** I call on the Hon. Member, Mr Johnston.

Mr Johnston: Thank you, Mr President.

I also would like to rise in support for the motion and I would also like to support the amendment brought forward by Mr Speaker; I think it is a sensible plan.

1095 A couple of points I would make. We have a relatively small pool on Island potentially of individuals who would qualify for these roles, especially when, as Mr Callister alluded to, you take into account potential conflicts of interest. Taking that into account, would the Chief Minister support, or would he have a view on the idea of non-resident NEDs in this situation? Is that something that is going to be considered to make sure that potentially there is a wider span and a much reduced risk of conflict of interest, and bringing that expertise from further afield; and whether he felt that would be an appropriate response?

1100 Thank you, Mr President.

The President: I call on the Hon. Member, Mr Thomas.

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The Minister for Infrastructure (Mr Thomas): Thank you, Mr President.

1110 My first point is that although the amendment from Mr Speaker is very clear and talks about non-executive directors, I think several times when Mr Speaker was talking and making his presentation, he referred to these people as departmental Members, which seemed to me to conjure up images of the fact that somehow these people were covered by section 2 of the Government Departments Act as departmental Members. So I just wanted the Chief Minister to make clear, and perhaps even Mr Speaker himself in some way, that that is not the intention.

These clearly are not departmental Members in terms of section 2 of the Government Departments Act. These are completely separate; they are non-executive director roles.

1115 The second point is that there has been some sort of plaudits for businessmen in this, but these roles, I imagine, and actually being privileged to be in the first place, where I am looking forward to the guidance and working together with the non-executive director in the Department of Infrastructure, it seems to me that the role is going to be about governance and risk. It might be in areas like infrastructure and in many other parts of public policy that is not a person who would see themselves, or other people would see as a businessman who is necessarily the person who is expert on governance and risk management. I can also think of places where businessmen have completely messed up public policy and caused fortunes to be lost.

1120 So in other words, what we are looking at is very specific non-executive advice on governance and risk, who have some familiarity with how those sorts of things need to be managed and applied in the areas in which they are providing a valuable non-executive service.

1125 The final point is can the Chief Minister advise, currently, is it his intention to think about changing perhaps the Government Code in this respect, rather than having a separate, *ad hoc* code of practice? Perhaps that might be one way forward. And if he does do that, perhaps he could look to update the Nolan Principles in the existing governance code, because there is all this talk about conflicts of interest, but the Nolan Principles has not had conflict of interest for quite some years. It talks about selflessness and objectivity and all of those sorts of things, rather than just listing conflicts of interest. It talks about other things, truthfulness and all of that.

1130 So perhaps we can take advantage of that to actually change the Nolan Principles at the front of our Government Code, so public appointments are no longer made on the basis of out-of-date Nolan Principles, rather than current Nolan Principles.

1135 Thank you.

The President: I call on the Hon. Member, Ms Lord-Brennan.

1140 **Ms Lord-Brennan:** Thank you, Mr President.

I was going to make some of the points that Mr Thomas was making there about the difference between departmental Members and this proposal, which is about having a non-executive director for Departments.

1145 I think that something we do so well in this Court is to take an overarching principle, which is about what would need to happen to improve something. In this case, I think it is really about corporate governance, getting that external expertise in. We all know, a lot of us sit in the same sorts of meetings with the same people, that actually getting constructive challenge from a place that is experienced outside Government is something that could be incredibly helpful.

1150 I think that some of the points that have been raised are in effect covered in this Code that is on the Order Paper already, or refer to other areas of it. But I think there have been some useful points made. I think really this is about the principle of looking at what might add to support for the Minister in that arrangement, rather than non-political members getting involved in policy.

1155 I just think that some of this detail to do with appointments and things like that could be brought out, but really we are looking here to establish the overall principle for getting some external input at a high level for Ministers and departmental Members in Departments.

Thank you, Mr President.

The President: I call on the Hon. Member, Mr Glover.

1160 **Mr Glover:** Gura mie eu, Eaghtyrane.

I thank the current Minister for Infrastructure for his comments. I am coming at this feeling like an *old timer* in the Department of Infrastructure, it would appear. But we have got a non-executive director working there. Mr Charnley has been appointed. I know he spoke and met with the previous Infrastructure Minister. He has met with the political Members. He has met with the

1165 leading civil servants, including the Interim Chief Executive, and his role on going in there has been very much a learning exercise, first of all, sharing ideas and experiences from all the different components of the Department of Infrastructure, so that he has got the background.

It was odd meeting Mr Charnley, because mine and his parents were long, good-time friends. He has been away off Island working for Shell, mainly in Holland, but elsewhere around the world.
1170 So it was very odd meeting Mr Charnley, but much more in a business setting.

So we have seen the first movement of a non-executive, and really it has been an information-gathering exercise so far. But I do support what Mr Speaker has brought to here by amendment and I think that we might as well start off on the right foot.

1175 **The President:** I call on the Hon. Member, Mr Hooper.

The Minister for Health and Social Care (Mr Hooper): Thank you very much, Mr President.

1180 Firstly, to address Mrs Christian's query, the non-executives for the Manx Care board are clearly set out in the Manx Care Act. That is a legal requirement. Section 7 of the Government Code that this motion refers to does not relate to non-executive directors appointed on Manx Care's board. That is a legal requirement and the reason that Item 19 is coming here today is because that is what the law requires. It is a separate issue entirely.

1185 I think in relation to that point, it is worth making it clear actually, because I heard the Hon. Member of Council mention this in her remarks around people with particular expertise being appointed to particular Departments. The proposal in front of us is about appointing individuals with experience in risk-management governance processes. That does not necessarily change depending on which Department they are sat in, and I would just like to try and steer this Hon. Court away from this idea that we are looking to appoint people with particular expertise in particular policy areas. Within the Department of Health, for example, we are –

1190 **The President:** Mr Hooper, do you want to give way? (**Mr Hooper:** Yes.) Miss August-Hanson wishes to interject.

Miss August-Hanson: Thank you, Mr President.

1195 Just to clarify, I did also say in my speech that they would need to have experience in risk, audit and governance.

1200 **Mr Hooper:** Yes, I appreciate that, but the remarks made at the start were people with particular experience for the Department, and that is the concern (*Interjection by Miss August-Hanson*) I just want to steer us away from. In the Department of Health, for example, we are looking to employ particular specialist advisers in particular policy areas to cover the policy input that is required. The principles behind non-executive directors are to provide support, as the Chief Minister talked about, around governance and risk management, and bringing some of that commercial sense to the public sector. So I just want to make sure we are quite clear on what is
1205 the kind of person we are looking for here.

I think that does speak then to some of Mr Speaker's concerns – I can sympathise with a lot of them, actually – that we want to make sure that we are setting out on the right foot. I have got no concerns with that at all. But one of the questions was would they come before a Tynwald Scrutiny Committee. Well, they are not really about policy development or policy oversight. They
1210 are to support us in that more broad-base, broad-brush governance approach.

So I think perhaps it is a sensible idea to come back with a bit more detail around how this would work, but I just want to be clear that what I would not want to see was us impose so many restrictions and rules and requirements around the appointment process that we actually deter anybody from wanting (**The Speaker:** Hear, hear.) to participate because they feel that is too
1215 burdensome for them to actually want to add their expertise into the pot.

The Speaker: Hear, hear.

The President: I call on the mover, the Ard-shirveishagh, Chief Minister, to respond.

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The Chief Minister: Thank you, Mr President.

I also just thank Hon. Members for their contribution and I am happy to accept the principles and ethics of what the Speaker is proposing and take some of the comments and contributions on board; say to Hon. Members that we will review that in the next coming weeks. And, I hope, look to try and actually strengthen the Government Code, rather than produce yet another side document, so that those sorts of principles are incorporated within the Government Code, so we can see clearly what this is all about.

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I think elements that have been raised, clarity of pay, for example, which was raised by a number of Members, clearly that needs to be transparent. I agree that needs to be actually firmed up. I recognise that that is currently a weakness and we need to work out how best that is done, alongside the clarity of the contractual arrangements, which I would suggest clearly put people on some sort of fixed-term appointment with an ability to extend under certain circumstances, and a time barrier to prevent an endless reappointment of individuals.

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Just in terms of the skill set, I do pick up on the point my colleague, the Minister for Health, has just raised, in terms of there is a variety of requirements potentially to be identified in Departments that may or may not need somebody with relevant and specific technical expertise to help add weight and value to the ministerial and political decision-making process at this board level. So accepted, but I think Departments' Ministers have to, at the initial stages, understand where they feel weaknesses, should they wish to bring in NEDs, will lie and then obviously look to advertise appropriately.

1235

But this is really about strategic clarity, commercial sense, ensuring the Department has got the right talent and the right people, that shaping departmental plans to achieve results is delivered and ensuring that the right management information is being brought forward at that senior level to enhance productivity and obviously to ensure that we are and to help get the right outcomes.

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I think the other point I just wanted to make in acknowledging and accepting and to embrace everybody's points, which we will reflect on and seek to enhance now when we review Government codes, and there are some benchmarks for us to be able to reflect on, is we do not want to go to the point where it just becomes, on a small Island, so cumbersome and so arduous and have this fear instilled in those who are willing to come forward for some sort of public service role that somehow they are going to have themselves subjected to endless periods of scrutiny, criticism, public furore, etc. as well. So there has to be the right balance.

1250

I think what my opening remarks, what I said, the legitimacy of this is an opportunity to progress, that there will be opportunities as we move this forward to review, enhance, develop, take on board the comments, will review those, particularly in relation to Mr Speaker's motion, come back and circulate the updated Code. The motion does not call for a further Tynwald vote. We will take that and just receive any further comments once we present to you and circulate the updated Code on reflection of the remarks made.

1255

Thank you; I beg to move.

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The President: Now, Hon. Members, we come to voting on this Item, Item 14, the motion as set out on the Order Paper, and to that motion you have before you an amendment in the name of Loayreyder. I put first the amendment. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it.

1265

Having dealt with the amendment, I now put the motion as amended. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. Item 14 carried as amended.

**15. Elections (Keys and Local Authorities) Act 2020 –
Electoral Commission –
Amended motion carried**

The Minister for the Cabinet Office to move:

That in addition to reviewing the number and boundaries of constituencies (which will include the number of seats per constituency) the Electoral Commission must consider and produce a report to Tynwald on the following matters:

- (1) Accessibility of elections to voters;*
- (2) The organisation of pre-election meetings;*
- (3) Postal voting procedures;*
- (4) Proxy voting procedures;*
- (5) Ability to vote at any polling station across a constituency;*
- (6) The feasibility of setting up one or more 'All Island' polling stations; and*
- (7) Candidate campaign materials. [MEMO]*

The President: We move on to Item 15. This Item has not completed the six weeks on the Register of Business, and I will give the Shirveishagh, Minister, the opportunity to make the case for taking the Item today. Please, Minister.

The Minister for the Cabinet Office (Ms Lord-Brennan): Thank you, Mr President.

The Electoral Commission does need to be established and the remit established, and the reason for it not making the deadline on the Register of Business was to allow further input on the motion proposed today.

The President: Hon. Members, I will ask if the Court is content to take this Item today? **(Members: Agreed.)** Agreed.

I call on the Shirveishagh, Minister for the Cabinet Office, to move Item 15.

The Minister: Thank you, Mr President.

The motion before us proposes matters for the Electoral Commission, which will be a new body, to review in respect of national elections. This body would replace the previously established Boundary Committees.

The primary scope of the Electoral Commission is set out in the Elections (Keys and Local Authorities) Act 2020. This states that the Commission must review the number and boundaries of constituencies, and issue a report to Tynwald no later than 18 months after their appointment.

A review of the boundaries and constituencies was last carried out by the Boundary Committee following a resolution of Tynwald in July 2010. The Boundary Committee submitted their final report to Tynwald in May 2013 and recommended that the boundaries and constituencies be amended to those we know today.

As part of the principle of regularly reviewing our electoral process, the Elections (Keys and Local Authorities) Act 2020 creates the requirement to consider afresh constituencies and boundaries. This must include a review of the existing boundaries; possible changes to existing boundaries; the size of constituencies; the number of Members per constituency; and whether population should be the sole guide to constituency size.

Mr President, section 57(5) of the Elections (Keys and Local Authorities) Act 2020 also provides for the Electoral Commission to review such other matters as a resolution of Tynwald directs. With that in mind, following the 2021 General Election feedback, which was collated from election stakeholders on the running of the election, these stakeholders have been involved in informing

the motion today. These included all candidates; all current Members; deputy returning officers; Captains of the Parish; and electors.

1305 The 2021 General Election was also attended by the independent election observers, the Commonwealth Parliamentary Association British Islands and Mediterranean Region, who compiled and submitted a report detailing their findings. This motion proposes that, in addition to their review of the number and boundaries of constituencies, the Commission also review and report to Tynwald on a number of additional matters informed by the feedback received from stakeholders and the report by the Commonwealth Parliamentary Association observers.

1310 Mr President, the motion proposes that the additional matters would be as follows: firstly, accessibility of elections for voters. The report from the CPA on the 2021 General Election found that access for persons with disabilities to the electoral process was feasible but in some cases difficult, despite efforts to make it easier. By including this matter in the remit of the Commission it is hoped to identify any additional accessibility measures that should be incorporated into future planning and administration of elections, in particular voting on the day.

1315 The organisation of pre-election meetings is the second matter. Following a recommendation from the Select Committee on the Organization and Operation of the 2016 General Election, a new system was established for organising pre-election meetings. This was implemented for the 2021 General Election. Feedback suggested that some of these meetings were poorly advertised and organised. In particular I would welcome recommendations on the number, frequency and timing of meetings, as well as who should chair the meetings and where they should take place, and this is something that the Electoral Commission should look at.

1320 Postal voting procedure: a number of candidates and deputy returning officers suggested that the postal voting process should be reviewed. A review of this matter would identify how well the current procedure supports the electoral process and if it can be improved.

1325 Proxy voting procedure: feedback suggested that the proxy voting process should be reviewed. In particular, the fact that there is currently no provision to appoint a proxy on the day of election. A review would consider the process and if it could be improved.

1330 Ability to vote at any polling station across a constituency: a digital tool was trialled in Douglas South constituency in the General Election that enables eligible electors within a constituency to vote at any of their three designated polling stations. Positive feedback was received and it has been suggested that this could be rolled out across the Island in all future electoral events.

1335 All-Island polling stations: we received the suggestions of all-Island polling stations that would allow an elector to vote for their constituency candidates outside of their constituency. This would mean that a voter living in Port Erin but working in Douglas could place their vote for Port Erin candidates in Douglas during their lunch break should they wish, and if this was taken forward. Incorporating this matter in the Electoral Commission's remit would allow independent consideration of the benefits and risks of such a provision.

1340 Finally, Mr President, candidate campaign materials. A number of candidates stated that they suffered destruction, damage or theft of their campaign materials. It was also reported that not all candidates were adhering to the guidance on the placing and dimensions of campaign materials, and that enforcement of the rules was inconsistent or lacking. An independent review by the Electoral Commission of this matter may consider how current guidance and enforcement might be improved.

1345 Mr President, this is quite a long list for a newly established body to look at, and it is rightly a parliamentary matter, although Council of Ministers have approved the motion that has been brought forward today, and I beg to move.

Thank you, Mr President.

1350 **The President:** I call on the Hon. Member, Mr Glover.

Mr Glover: Gura mie eu, Eaghtyrane.

I beg to second and reserve my remarks.

The President: I call on the Hon. Loayreyder.

1355 **The Speaker:** Gura mie eu, Eaghtyrane – me again! (*Laughter*)

I welcome the move for an Electoral Commission, and I hope that today's motion is an underarm bowl for the Minister. Let me assure her that it is not my intention to recite the evidence that I would intend to give to the Commission here today, and I hope other Members will show similar restraint and concentrate on the process for getting there.

1360 With this in mind, there are two possible changes that I have raised with the Minister. The first was improving accessibility of elections to *candidates* as well as voters. People with physical disabilities in particular will have real issues with having access to elections on an equal footing with able-bodied candidates. The tradition of knocking on doors, for example, is just incompatible with being wheelchair-bound on this Island.

1365 The Commonwealth Parliamentary Association is doing some good work in this area about ensuring reasonable adjustment for helping anyone stand for election. On that note, I commend Mrs Sharpe for taking on the role as Tynwald's representative in the Regional Commonwealth Parliamentarians with Disabilities network. However, I accept that the Commission has a big job on its hands first time out and this subject could easily be widened out to include those people
1370 with childcare commitments or other things that make running an election campaign more challenging. So whilst I hope that the Commission will consider this topic, I have stopped short of an amendment compelling them to do so.

However, I do have an amendment requesting the Commission to have due regard to the Commonwealth Parliamentary Association's Benchmarks for Democratic Legislatures and of the
1375 potential costs of recommendations, and I circulated the CPA Benchmarks just yesterday. These do represent international best practice in this area, so I would be concerned if the Commission strayed from them. However, we are seeking on this Commission people who will not necessarily have done this work before, who will not have been Members of Tynwald before, and so therefore may be unaware of this otherwise valuable resource.

1380 Secondly, I would want to ensure that the Commission's recommendations reflect value for money. We do not want necessarily the cheapest democracy available, but we do want to ensure that recommendations can be justified for what they will cost in a small jurisdiction. I hope, therefore, that the amendment, brief as it is, makes good common sense and will be supported by Hon. Members.

1385 I beg to move; thank you, Eaghtyrane.

To add at the end the words –

'and in doing so shall have due regard to the Commonwealth Parliamentary Association Benchmarks for Democratic Legislatures and to the potential costs of its recommendations.'

The President: I call on the Hon. Member, Mr Ashford.

Mr Ashford: Thank you, Mr President.

1390 Briefest remarks of the day: I echo what Mr Speaker said and would like to second the amendment.

The President: I call on the Hon. Member, Mrs Christian.

Mrs Christian: Thank you, Mr President.

1395 I welcome the work that this motion will cover on election reform. As the Minister has said, this committee will focus around the administration changes needed, some of which were highlighted in the election review completed by the Commonwealth Parliamentary Association in the last election, which I hope all Members have had time to read.

1400 A recommendation by the Commonwealth Parliamentary Association election observers at the last election was on better accessibility. I hope that we can get this so much better in the next election. But it is important to note that the focus for what would be considered good accessibility was not just making the poll stations accessible; it was about giving all users the same experience. For example, if you needed wheelchair access, good accessibility was achieved when these users were using the same entrance as every other voter, i.e. you were not coming through the backdoor entrance and possibly needing assistance to access these other accessible entrances.

1405 Additionally, the experience inside the polling station. For example, if you were visually impaired, can best practice to cast your vote be adopted across all polling stations, so that no matter what, it was fair whichever postcode you lived in?

1410 But moving back to the Hon. Member's motion, as some Members will know, I volunteered just a few weeks ago with the CPA to partake in an election observation delegation and Jersey's election. One standing out factor for me was the count itself. Every polling station followed the same counting method and the way their counting was done was absolutely genius. I do hope that this committee will extend their remit to speak with the analysts involved in the election observation with the CPA, specifically on this point, so we can look at best practices on the format of counting from all over the world and again set a standard so that it is more effective, more efficient and, indeed, the same in all polling stations, not this *ad hoc*, in some situations non-efficient way that we are doing it now.

1415 Here is another interesting thought I took from my observations on election day in Jersey. Similar to ours, approximately 40% came out to vote. What would be the challenges for polling stations if those voting numbers increased? Doubled, even. Would our polling stations be able to cope with that? It is an interesting thought, and I leave that with Members to ponder, especially as we are looking at polling station hubs, where turnout numbers could be very high. How would we cope? How can we make voting efficient?

1425 I also hope this Committee will look at ensuring the ballot papers are fair themselves. Again, in Jersey, I observed they only allow the ballot paper itself a box for the candidate name, a box for the candidate political type – i.e. saying independent or, for example, the Reform Party – and of course the box to cast your vote, whereas we allow party logos on our ballot paper. Is this fair? Does a logo represent something more, especially if it has a strapline on it? If a party is allowed this, then why as independents are we not allowed our strapline; our logo? Perhaps it is fairer just having the description of the independent party name, just like they do in Jersey.

1430 But also we need to think about, possibly, are photos necessary? I know that other jurisdictions are doing this as some candidates have similar names. Now, I am not saying this affected mine or Mrs Maltby's election success, but I know we both went to some doors and they called me Sarah and they called her Claire. And I remember in the Douglas South elections it was *very* close – just two votes! Could that have changed if possibly that mistake had happened? I do not know, but I congratulate my fellow colleague, Mrs Maltby, for coming top of the polls! (*Laughter*)

The Speaker: No one called me Michelle! (*Laughter*)

1440 **Mrs Christian:** Hon. Members – (*Interjection*) Don't get comfortable! (*Laughter*)

Hon. Members, the work that this committee will do is just the tip of the iceberg. Election reform needs to be addressed; *now*, early on in this administration. We cannot wait to debate this later if we need to implement changes.

1445 Members, I volunteered for the election observation for a reason. A full report by the CPA will be coming out of our work completed in that period in a couple of months. I would like to inform Members now that I would like to bring a full debate on election reform to parliament. Prior to this, I will ask CPA analysts to present, in a collection of a few briefings to Members, their findings from all the CPA, so that we can take this opportunity, reform the next election and enfranchise Island voters.

1450 We need to lead the way in democracy. We need to tease and debate our thoughts on the
roles of all parliamentarians, including that of you, Mr President, and the MLCs. Do we have
enough Members? Do we have too many? Should we have an all-Island vote for some or all seats?
Should councillors and commissioners have a vote in parliament? Should candidates have to
1455 formally announced their intention for Chief Minister? Sadly, he is not here to hear that. Should a
Chief Minister need a minimum number of signatures from other Members to show their support
before the votes are cast in parliament? Should we provide a 'none of the above' option on the
ballot paper which could trigger a by-election?

1460 There is so much more to be debated, but I thank the Hon. Member for introducing this motion
today, as I hope this will spark other Members' interest for a full debate on election reform, which
I hope to bring to parliament towards the end of this year.

Thank you, Mr President.

The President: I call on the Hon. Member, Mr Hooper.

1465 **Mr Hooper:** Thank you very much, Mr President.

I just wanted to comment briefly on some of those remarks, but the all-Island access I think is
going to be quite important for us. I had this come back from a lot of constituents during the
election around the difficulty in accessing polling stations.

1470 I remember during the first election in 2016 constituents racing to get back from work to get
there before the polls closed, because they were shift workers and it was difficult for them to
actually get there on time. Even this time around I remember having a conversation with someone
who, due to issues with the proxy voting at our local polling station, would not be able to cast his
vote that day, because he had to go to work and would not be able to make it back before the
polls closed. Whereas, if there had been an all-Island polling station, he would have been perfectly
1475 able to cast his vote. So I think that is a real problem that definitely needs to be resolved.

In terms of party logos, I actually quite like the idea of independent candidates having their
own logos. The reason that this was introduced actually stems from disability awareness
campaigns in other jurisdictions, whereby people, for example, with dyslexia struggle to identify
individual candidates, whereas a logo is clear, it is identifiable, you know who it is you are voting
1480 for. To my mind, Mr President, independent candidates this time around had a very easy way of
making sure they did have a logo next to their name and that would have been by joining a political
party.

A Member: Ooh! (*Interjections and laughter*)

1485

The President: I call on the Hon. Member, Mrs Caine.

Mrs Christian: Not fair, though, is it?

1490 **Mrs Caine:** Thank you, Mr President.

I would just like to advise the Minister that I also very much welcome a review which, while
legally required, is also going to be of benefit to ensure best practice in all our election
administration and the pre-election matters as highlighted.

1495 I would also like to fully support the comments of Mr Speaker and his amendment. I think key
for me is the matter of equality of representation, and when the Minister specifies it will include
a review of the number of seats per constituency that there is no intention to change the process
that it would be an equal number of seats per constituency. So while now two, it could be two or
one or three, but it would not be a different number of seats in different constituencies, because
I think that is – it is covered in the CPA Benchmarks, but – a key part and has already seen in the
1500 previous election a change and a welcome diversity amongst candidates coming forward.

Thank you, Mr President.

The President: I call on the mover, the Shirveishagh, Minister to respond.

The Minister: Thank you very much, Mr President.

1505 I am happy to support the amendment from Mr Speaker. I have also flagged this with the Crown and Elections team, and it is the Crown and Elections team that will look at the *Hansard* of this debate, as will the Electoral Commission, once it is established. I think in suggesting that the amendment from Mr Speaker is accepted, there is also the proposal that the Crown and Elections team compose an induction pack for appointed members to the Electoral Commission, which
1510 would include a copy of the CPA report and a link to the CPA Benchmarks – and other resources which they may find helpful. But this is a really valid point, because actually there are limitations in the Act as to who can sit on this Commission.

So I think there is a great deal that they need to look at. They will not necessarily – in fact, they *will not* – have had the experience of standing or running in an election before. It is not about
1515 electoral reform, it is about the administration of elections, so I will not respond to the debate contributions from Mrs Christian, which I fear could span out significantly, and in that case, then, I will just beg to move.

Thank you, Mr President.

1520 **The President:** Now, Hon. Members, we come to voting on this Item, Item 15, motion as set out on the Order Paper, and to that motion, you have before you an amendment in the name of the Loayreyder. I put first the amendment. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it.

Having dealt with the amendment, now I put the motion as amended. All those in favour,
1525 please say aye; those against, please say no. The ayes have it. The ayes have it. Item 15 carried, as amended.

16. Chair of the Post Office – Mr Stuart Peters MHK appointed

The Chief Minister to move:

That Tynwald approves the appointment by the Council of Ministers of Mr Stuart Peters MHK, as Chair of the Isle of Man Post Office. [MEMO]

The President: We now move on to Item 16, Chair of the Post Office. This has not completed the six weeks on the Register of Business, and I call on the mover to make an opportunity of a case to take it in this sitting.

1530 I call on the Chief Minister.

The Chief Minister (Mr Cannan): Are you asking me to move it or asking me to explain? *(Interjections)*

1535 **The President:** Just the case, please.

The Chief Minister: Fine. An appointment has become available, we can either continue with the *status quo* until the next sitting of Tynwald, which is in October, or take the Item now, Mr President. I would suggest to Hon. Members it makes practical sense to take the Item now.

1540 **The President:** That is content; and Mr Thomas, do you wish to add?

Mr Thomas: Just that the Post Office would very much appreciate having a Chair in place over the summer at this very important time for the developments and important strategies.

1545

The President: Thank you. So with that, can I ask if the Court is content to take this at this sitting? (**Members:** Agreed.) Thank you very much.

I call on the Ard-shirveishagh, Chief Minister, to move Item 16.

1550

The Chief Minister: Mr President, I am pleased to recommend to Tynwald, on behalf of the Council of Ministers, the appointment of Mr Stuart Peters MHK as Chair of the Isle of Man Post Office. Mr Peters will bring a *fresh* perspective to the Isle of Man Post Office board (*Laughter*) (**Several Members:** Hear, hear.) and is aware of the commercial challenges facing the Post Office. Mr Peters will support the board as it continues to develop through a period of strategic development.

1555

Mr President, I beg to move.

The President: Mr Thomas, do you wish to second? (*Laughter*)

1560

Mr Thomas: I beg to second and reserve my remarks.

The President: Hon. Members, I now come to voting on Item 16. The motion as set out on the (*Interjection*) Order Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. Congratulations, Mr Peters.

17. Isle of Man Gambling Supervision Commission – Mr David Reynolds elected

The Minister for the Treasury to move:

That Mr David Reynolds be elected to the Isle of Man Gambling Supervision Commission for a term of five years. [MEMO]

1565

The President: We now move on to Item 17, and I call on the Shirveishagh, Minister for Treasury, to move.

The Minister for the Treasury (Dr Allinson): Thank you, Mr President.

1570

In accordance with paragraph 1 of Schedule 1 to the Gambling Supervision Act 2010, Commission members are appointed by the Treasury subject to the approval of Tynwald for a period of five years. The Act also states that the Treasury shall ensure that at least one member of the Commission is an advocate, barrister or solicitor of at least five years' standing. Due to the upcoming ending of tenure of the Commission's legally qualified member, the Treasury undertook an open recruitment process to seek applications from suitably qualified and experienced individuals to fill this role. As the result of this process, I now recommend the following for appointment: Mr David Reynolds.

1575

Copies of the summary CV for Mr Reynolds have been previously circulated, which I trust demonstrates that he is suitably qualified to be appointed to the Isle of Man's Gambling Supervision Commission. Mr Reynolds is the incumbent member and if appointed it will be his second term with the Commission. His appointment will retain experience and ensure continuity.

1580

Mr President, I beg to move that Tynwald approves the Treasury's appointment of Mr David Reynolds as a member of the Isle of Man Gambling Supervision Commission for a period of five years.

Thank you.

1585

The President: I call on the Hon. Member, Mrs Maltby.

Mrs Maltby: Thank you, Eaghtyrane.

I beg to second and reserve my remarks.

1590

The President: Hon. Members, we vote on Item 17, motion as set out on the Order Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. Item 17 carried.

18. Isle of Man War Pensions Committee – Fourteen members appointed

The Chief Minister to move:

That in accordance with the Isle of Man War Pensions Committee Regulations 2002, Tynwald approves the appointment, by the Council of Ministers, of the following:

Ms Karen Angela;

Mr Kevin Birch;

Mr Brendan Byrne;

Captain Lee Clarke;

Mrs Ann Cottier;

The Venerable Peter Andrew Eagles;

Mr Ernest Ray Ferguson;

Lt Col Patrick Glynn-Riley (Rtd);

Mrs Catherine Angela Joughin;

Ms Elizabeth Kewley;

Mr Hamish Killip;

Mrs Sheila Pilling;

Mrs Lynsey Rushton; and

Mrs Bernadette Williams MBE

to the Isle of Man War Pensions Committee for a term of five years. [[MEMO](#)]

1595

The President: As we move on to Item 18, before I raise that debate, I would just like to apologise to the Lord Bishop, who is referred to on the Order Paper here as 'Venerable Peter Eagles'. He is of course the Rt Rev. Peter Eagles and I apologise for this error, which was corrected in the Votes and Proceedings. Sadly, he is not here to hear that, but it is on record. *(Laughter and interjection)*

1600

This Item also has not completed six weeks on the Register. May I ask if the Court is content for this to be heard at this sitting? **(Members:** Agreed.) Agreed.

I call on the Ard-shirveishagh, Chief Minister, to move Item 18.

1605

The Chief Minister (Mr Cannan): Mr President, Council of Ministers is pleased to recommend the nominations as set out on the Order Paper for appointment to the War Pensions Committee for a term of five years. All nominees have demonstrated their involvement with the armed forces and an understanding of the work of the Committee, as well as displaying a clear understanding of the principles required for public appointment.

1610 The War Pensions Committee consists of 18 members, of which one is a Member of Tynwald, being David Ashford, who was appointed following the House of Keys General Election. The Council of Ministers are recommending the appointment of 14 members today. It is necessary to appoint lay members to the Committee in line with the regulations, the current terms of appointment ending on 23rd July 2022, and in that respect, I would like to thank all the outgoing members of the Committee for their valuable contribution to the work of the board.

1615 Mr President, I beg to move.

The President: I call on the Hon. Member, Mr Ashford.

Mr Ashford: It is my great pleasure to second, Mr President.

1620 **The President:** Hon. Members, we now vote on Item 18, motion as set out on the Order Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. Item 18 carried.

19. Non-Executive Member of Manx Care – Mr Tim Bishop appointed

The Minister for Health and Social Care to move:

That the appointment of Mr Tim Bishop as a non-executive member of Manx Care be approved.
[\[MEMO\]](#)

1625 **The President:** Item 19 has also not completed the six weeks on the Register of Business. Is the Court content for this to be taken at this sitting? (**Members:** Agreed.) Thank you.
I call on the Shirveishagh, Minister for Health and Social Care, to move Item 19.

The Minister for Health and Social Care (Mr Hooper): Thank you very much, Mr President.

1630 Under Schedule 2 of the Manx Care Act 2021, non-executive members to the Manx Care board are appointed, subject to Tynwald approval, by the Department of Health and Social Care. As part of the recruitment process, the Manx Care board undertook an open recruitment process to appoint one non-executive member position that had arisen. The recruitment process sought applications from suitably experienced individuals with proven experience in one or more of a number of specialisms, including social care or the allied health professions. A total of 16 applications were received from individuals covering a range of specialisms.

1635 With Manx Care becoming a Statutory Board since 1st April 2021, and therefore at arm's length from Government, the recruitment process was led by the Manx Care board secretary. The shortlisting and interview panel consisted of Manx Care's board chair, deputy chair and myself. Four candidates were shortlisted. However, due to personal reasons, one applicant withdrew their application and so three were interviewed.

1640 The panel's recommendation was unanimous and the following candidate, Mr Tim Bishop, subject to Tynwald approval, is to be appointed by the Department of Health and Social Care as a non-executive member of the Manx Care board. In support of this applicant, I offer a brief summary of Tim's experience, which makes him an ideal non-executive member for Manx Care. Tim is a highly experienced social care professional, including being a qualified social worker. He is also a highly experienced senior leader, who has experience working as a chair and non-executive director, who has worked at board level within local government in the UK. These positions have included positions within the NHS and in the not-for-profit sector. Tim's experience

1645

and knowledge is one that is focused on improving outcomes for people who use health and social care services and co-producing solutions.

1650 His experience also extends to him holding several posts where he held the position of Chair of the Board and a non-executive position with the Church of England London diocese, where he was an independent safeguarding adviser. Furthermore, Tim has also been a non-executive director with a UK county council on the Independent Safeguarding Adults Board. Hon. Members, the applicant's breadth of knowledge and experience not only makes him an ideal candidate, but
1655 one that will be of huge benefit to the Manx Care board and, fundamentally, the future of Manx Care.

Mr President, I beg to move that Tynwald approve the appointment of Tim Bishop as a non-executive member of the Manx Care board.

1660 **Dr Haywood:** Sorry? *(Laughter)*

The President: Dr Haywood.

Dr Haywood: I beg to second and reserve my remarks.

1665 **A Member:** Woo!

The President: Hon. Members, we vote on this Item, Item 19, motion as set out on the Order Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes
1670 have it. Item 19 carried.

20. Tynwald Commissioner for Administration Fifth Annual Report – Report received

The Hon. Member for Rushen (Mr Speaker) to move:

That Tynwald receives the fifth Annual Report of the Tynwald Commissioner for Administration.
[\[PP 2022/0080\]](#)

The President: We now move on to Item 20, and I call on the Hon. Loayreyder.

The Speaker: Gura mie eu, Eaghtyrane.

1675 As Hon. Members will read in the Report, Tynwald resolved that this Report should be laid for debate. In doing so, Hon. Members, it is worth me pointing out that the Tynwald Commissioner for Administration is independent, not just of Government, but is also not accountable to me, the President, nor any Tynwald Committee – just Tynwald as a body.

I am grateful to Ms Main Thompson for acknowledging the practical support that has been provided by the Clerk of Tynwald's Office. However, when the Commissioner was looking for a
1680 volunteer to move this Report on her behalf, I have been only too happy to assist.

Hon. Members will note that there are observations in the Report about complaint making and handling, as well as some suggested improvements to legislation and financial provision. I am pleased to see that space has been made in the Government Programme for a Bill, and I hope that discussions between Treasury and the Commissioner bear fruit to ensure the ongoing success of
1685 this important public office.

I am sure that Government, the Commissioner and I will be interested in Hon. Members' reflections on the issues raised. However, for those not wishing to speak in the debate, I am sure that written representations would also be most acceptable.

On that basis, Eaghtyrane, I beg to move.

1690

The President: I call on the Hon. Member, Mrs Caine.

Mrs Caine: Thank you, Mr President.

I beg to second and reserve my remarks.

1695

The President: I call on the Hon. Member, Mr Thomas.

Mr Thomas: Thank you, Mr President, and to Mr Speaker and Madam Deputy Speaker for moving this important report.

1700

I, too, acknowledge the substantial contribution that Mrs Main Thompson has made, both in the role, but also in preparing this Report following my motion at the end of the last administration and then suggestion that it was incorporated into this annual reporting cycle, which came from the floor of this hon. place.

1705

I think the analysis is helpful, the evidence is incredibly valuable. And I do hope now that the Constitutional and Legal Affairs and Justice Committee of Tynwald, or some other place, can actually consider taking forward the evidence and the analysis and the suggestions in this Report properly, so that this role can continue to evolve in legislative terms, in finance terms, in operational terms and in governance terms; all of the dimensions that have been valuably considered by Mrs Main Thompson.

1710

One point I would make is that I hope that we have all now learnt from a couple of years of experience of the Tynwald Auditor General experience, which is that setting up these independent roles is tricky and is difficult. I do hope that, in the future, the Tynwald Commissioner for Administration, the Tynwald Auditor General and other similar bodies that seem to exist to me around this Island can actually come together, if only in terms of sharing support and sharing common resources, so that we can have the best possible system that the public understand and that the public feel able to use. Because it must be noticeable for people, in this Annual Report, what Mrs Main Thompson says in terms of the last year that she is reporting on is that most often she has to conclude that she does not have jurisdiction to take these matters further. That is a very important observation.

1715

1720

We have all got much work to do to make sure that the Manx public understands when they are appealing a decision and how they can go about that; the extent to which they can do things before they have to take legal action, firstly. And secondly, what they can achieve through involving either a Tynwald Committee or now the Tynwald Commissioner for Administration and classic ombudsman facilities. I do think that is something that conceivably the Constitutional and Legal Affairs and Justice Committee of Tynwald can make suggestions on. If not, I do hope that collectively we can find another way to take account of this valuable input into our timely reconsideration of the first few years of operation of the Tynwald Commissioner for Administration role and what it means for the Tynwald Auditor General potentially and for other similar bodies.

1725

1730

Thank you.

The President: Hon. Member, Miss August-Hanson.

Miss August-Hanson: Thank you, Mr President.

1735

Just to give comfort to the Minister, Minister Thomas, it is still in the programme for us to have a look at that at the Constitutional and Legal Affairs and Justice Committee and will remain so until after the inquiries that we are currently prioritising within the Committee.

The President: I call on the mover, Loayreyder, to respond.

1740

The Speaker: Gura mie eu, Eaghtyrane.

As I alluded earlier, it would be improper for me to respond on behalf of the Commissioner or to attempt to answer for her. However, I can reassure Hon. Members that their comments will be taken on board by those involved in both the Bill and the financing of the office.

1745 I beg to move.

The President: Hon. Members, we will vote on Item 20, motion as set out on the Order Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. Item 20 carried.

1750 We move on to Item 21, and I call on the Hon. Member for Douglas East, Ms Faragher.

The Speaker: Is her contribution only 10 minutes?

The President: Ms Faragher, may I ask, did you have a lengthy introduction?

1755

Ms Faragher: Fairly lengthy, I have not timed it, though, Eaghtyrane. *(Interjection)* It might be longer than 10 minutes.

The President: It might be longer than 10 minutes? In that case, then, we will take a lunch break now. Members are in agreement? **(Members:** Agreed.) All right. And we will resume back here at 2.30.

1760

The Court adjourned at 12.50 p.m. and resumed its sitting at 2.31 p.m.

**21. Gas Extraction –
Opposing in Manx territorial waters –
Amended motion carried**

The Hon. Member for Douglas East (Ms Faragher) to move:

That Tynwald is of the opinion that the extraction of hydrocarbon from Manx territorial waters should not go ahead.

The President: Fastyr mie, Olteynyn Onnoroil.

Members: Fastyr mie, Eaghtyrane.

1765

The President: Please be seated.

Hon. Members, we resume our proceedings at Item 21 and I call on the Hon. Member for Douglas East, Ms Faragher.

Ms Faragher: Gura mie eu, Eaghtyrane – and cue everybody timing my speech to see if it really is longer than 10 minutes! *(Laughter)*

1770

Eaghtyrane, I bring this motion in front of this Hon. Court today, because this is a matter of national strategic importance and, as such, I believe should have been brought to Tynwald in the first place for debate and a vote. This motion essentially will give all Tynwald Members the opportunity to have their say on this important matter and vote for the public record.

1775

There is a lot of public interest in this issue and a mandate for strong climate action. We have seen the results of multiple consultations and surveys gauging public opinion, the most recent of

1780 which, from Island Global Research, shows 72% of Isle of Man respondents said they were concerned or very concerned about climate change. So this is a matter the public are engaged with and care about, and our role here is to represent that. I know how many people here made climate pledges on the election trail and in their manifestos, and here is your chance to make good on your promises.

1785 Members, I have my place in this Hon. Court very simply because I want to bequeath as good an Island legacy as possible to my three children. I have no other axe to grind, that is my whole motivation. So I want to protect our Island, environmentally, reputationally and economically. I would like to look at the extraction of fossil gas from those three angles.

1790 How does this project fare in environmental terms? International scientific bodies – the IPCC, the International Energy Agency, the United Nations, NASA – cannot be any clearer about the unequivocal climate science. Whilst it is often a narrative that people like myself who follow climate science are environmentalists or have strong views about climate change, or even fellow backbenchers go on the radio to say that I am being *naughty* for opposing the Council of Ministers, actually the truth is I just try not to be on the opposing side to expert scientific bodies such as NASA on matters of science. It is just a personal aim of mine.

1795 As a backdrop, Members, it has certainly been the weather to talk about anthropological global overheating. I am sure we all saw that a major incident was declared in our neighbour the UK's capital yesterday, following numerous fires triggered by the historic heatwave. These incidents will become more common. This is just the start, according to all scientifically verified indications.

1800 Eaghtyrane, there are so many things to worry about just now. I know we are facing a cost of living crisis and I know the pressure that brings to Hon. Members. But this is the issue that has the potential to harm the most of us, this is the one that is irreversible and this one is caused mainly by the fossil fuel industry. So we must end the fossil fuel industry. We must stop overconsuming, knowing that we will be doing a runner and leaving our children with a tab that can never be paid. I do not want to be a part of that, not before, and certainly not now, when we have such a viable alternative – more on that later.

1805 I want to be able to look my children in the eyes and say I did all I could. And Members, we will be answering to our children and grandchildren on this issue. I do not say this lightly. This is not hyperbole or rhetoric. It is logical conclusion from scientific data. We are all in the halls of power at what we all know is a crucial time. So scientifically/environmentally, it is a no.

1810 How does this project measure up economically? Well, what we have is a promise from a private company who want to make a profit from this. It is important to note that the possible revenue figures started at around £800 million and are now in the seemingly fantastical realms of *£15 billion*. It is also important to note that if these claims turn out to be wildly inaccurate, there will be no penalty. The company can make whatever claims they want about economic potential, with no fear of consequences. But let's say if there is gas there and if it is extracted, it will not be until the 2030s, and by then it will be far more expensive than energy from renewables.

1815 There is also a question mark around whether it will provide energy security, as any fuels will need to be piped to the UK for processing, as stated in Government policy papers previously. And another thing that is important to note: Crogga's plan is to sell much of the gas to neighbouring jurisdictions. Who do we actually think we are going to sell this gas to? Ireland, whose emission reduction target is 50% by 2030? Or the UK, whose target is 68% by 2030? How can we logically believe these countries will want to buy our gas when they have made those commitments and are focusing upon clean, home-grown energy from renewables and knowing that they already have their own gas extraction projects and that they are currently investigating how to go about winding down?

1825 I have mentioned it before in another place, Members, but let me just remind you that the Oil and Gas Authority, which is the UK's regulator of the fossil fuel industry, says that decommissioning of oil and gas projects in the UK continental shelf will cost the UK taxpayer in the region of £24 billion. Also, Members, we have heard from the future economic strategy report that businesses want to see robust climate targets and policy, or they will leave us. That is really

1830 important. There is a strong drive from the business world to push forward with future-proof activity.

1835 So economically, I do not see how we can say that this project is anything other than questionable, with the potential to become a stranded asset and to cost the taxpayer. I want to highlight that from the timelines involved, I certainly do not see how we can sell this as a solution to the current cost of living crisis.

1840 So much for economic benefit. What will this project do for us reputationally? This is an aspect that has become more important in light of the future economic strategy outlined for this Hon. Court yesterday. We have heard from the Chief Minister about the direction we need to go in to attract that all-important economically active demographic to our fair shores. There is a clear push in the future economic strategy report for us to focus upon wind power, because that is (1) the direction of travel the rest of the world is taking and (2) the pathway with enough innovation, future-proof thinking and skilled jobs to attract the people we need.

1845 Eaghtyrane, Tynwald Members were told in the presentation from the Chief Minister and KPMG on our future economic strategy that the single most expensive land leased by BP for offshore wind has a piece missing from it and that piece is in our territorial waters – is in fact this same piece of land. So we can put our focus on to raising big revenue from offshore wind, which is future-proof, morally sound, attractive to younger, economically active people and will bring us energy security or into taking a big gamble on a sales pitch from a dying industry, an industry the pursuit of which even the United Nations Secretary-General has called moral and economic madness.

1850 I find it hard to believe that any Member of this Hon. Court would even consider taking this economic and reputational gamble, considering all the possibly short-sighted, possibly under-scrutinised Government projects and decisions we are now having to mop up from previous administrations. So reputationally, I am going to conclude it is a questionable decision and we are potentially in conflict with the future economic strategy already.

1855 Eaghtyrane, in summary, out of my marking criteria, of environment, economy and reputation, as an ex-teacher, I would have to hold this project up and generously mark it as not met for environment and questionable for both economy and reputation. Possibly an overall mark of around three out of 10 – sorry, CoMin.

1860 Drilling for fossil gas is environmentally and economically impractical. It is potentially damaging to our reputation globally and the direction our local research into our future economic strategy tells us to go. I hope that the Court can debate this in good faith and I look forward to hearing Hon. Members' input.

1865 Eaghtyrane, ta mee shirrey kied dy chur roish. Gura mie eu.

The President: I call on the Hon. Member, Mrs Caine.

Mrs Caine: Thank you, Mr President.

I beg to second and reserve my remarks.

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The President: I call on the Hon. Member, Mr Peters.

Mr Peters: Thank you very much, Mr President. *(Laughter)*

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The Speaker: I rise to second.

Mr Peters: And apologies to my colleague from Douglas East for calling her naughty – I am sure she is not! *(Laughter)*

1880 Mr President, I have the greatest respect for all Members of this Hon. Court, whether I agree with their politics and ideologies or not, but I am dismayed by this motion, firstly, because it seeks to undo a decision I thought was already made, no doubt after much deliberation and heated

debate by the Council of Ministers. And secondly, because it makes absolutely no sense to deny the people of the Isle of Man the huge potential benefits of having our own source of energy for the foreseeable future, especially since the Isle of Man makes virtually zero contribution to climate change.

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If the estimates prove accurate, and I appreciate that nothing in life is guaranteed beyond taxes and death, the Treasury and our wider economy will benefit from windfall revenues that could solve most of our financial and other problems, all privately funded and at no cost to the public purse. Manx consumers will enjoy cheaper price-capped energy from having a secure local supply that nobody in Europe can turn off for economic or political reasons. Our carbon footprint will be essentially unchanged. If anything, surely using local gas processed here using renewable power must be more eco-friendly than importing gas or electricity from the UK or Europe?

1890

Exploiting our own reserves at Crogga is the single biggest opportunity for the Manx people in generations. Our neighbours have all conceded, it seems to me, that natural gas is an essential transitional fuel and are rushing to exploit any remaining reserves that they have. The hot weather yesterday simply tells me that it is summer, rather than convinces me that we have a climate emergency. But even if I bought into this latest doomsday cult, I would be more minded to address the actual and very real problems that we face today: fuel poverty, energy security and the need for new revenues to fund things like our health and social services, education and the infrastructure.

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The IPCC and Greta Thunberg will *not* be held responsible for cold houses in the Isle of Man this winter, but we will and therefore we must reject this motion and any amendment to it.

Thank you, Mr President.

1905

The President: I call on the Hon. Member, Mr Johnston.

Mr Johnston: Thank you, Mr President. I thank the Hon. Member for bringing this motion forward.

I fully accept that achieving net zero by 2050 will require major changes to the way we live, work, travel and consume, and I as said such in my manifesto. I went on to say that:

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The Island must adopt a pace ... [of change] that creates a fair transition for people and the economy. There will be high costs involved but also new opportunities to create a more diverse economy.

The irony is that it is the global petrochemical industry that is seeing the baseline need to adopt and embrace renewable energies that is driving a great deal of progress being made. They have the technical know-how and resources to affect great change and are doing so. As time goes on, the transition will self-perpetuate, providing whole new sectors and job opportunities, but we have to recognise that the phrase 'just transition' is key to this. We have to be realistic about the cost of this and the short-, medium- and long-term economic pressures that any transition of this magnitude could create. We have to be able to afford our net-zero 2050 target.

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For me, if a private business with, it seems, extensive experience in its field, privately fund the exploration of gas in our waters and is successful in doing so, the development of that gas field will potentially help to fund the just transition to net zero that most of us want to see, provide new jobs in new sectors and potentially provide the Government with income levels that will transform our public services and secure our economy for years to come.

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There is usually a catch and all of this may come to nothing if, like some predict, there is not a viable amount of gas found. But I do not want to stop this process playing out. I support the decision to allow continued progress. I am fully conscious also that this may well be, and probably should be, the last exploration for hydrocarbons in our waters.

1925

I would also like to add that if commercial quantities of gas are recoverable, I do not support the use of the gas on Island. I would support the export and sale of all of the gas, ideally supporting a jurisdiction that plans to use gas as a transition fuel on a journey to renewable energy.

1930 Thank you, Mr President. I will not be supporting this motion today.
Thank you.

The President: I call on the Hon. Member, Mrs Sharpe.

1935 **Mrs Sharpe:** Gura mie eu, Eaghtyrane.

I would like to thank the Hon. Member for Douglas East for bringing this motion before us today. I stand before you as a Member of the Department for Infrastructure and as such the Department which recently agreed to extend a local company's hydrocarbon licence, and, in fact, as the Member who was tasked with signing the pink paper ahead of the former Minister. For those Hon. Members not in Departments, a pink paper comes with three decision choices at the end: approved, not approved or referred back. In this case, a decision was needed fairly rapidly and nothing concentrates the mind when it comes to big decisions such as these than knowing that your name will be forever associated with that decision.

1940 Of course, ultimately, it is in the gift of a Minister, with all the information that they have at their disposal, to make their decision. However, it is obviously important for Members of Departments to be able to voice their opinions within the Department and explain why they voted in a certain way. In this case, Eaghtyrane, I have first obtained permission from the Minister – the current Minister – and the former Minister, to reveal a bit of the behind-the-scenes workings of the Department.

1950 I finally came down on the side of 'not agree', and I will explain to you why. Of course, I am not a fossil fuel expert. I am not an environmental expert either. But in these situations it is our duty to amass as much information as we can both for and against an argument and to examine what information we have as dispassionately as possible, and to ask ourselves, at the end of the day, what is the best decision for the people of the Isle of Man.

1955 There is the argument that there could be as yet unknown riches beneath our seabed and that Government could make enough revenue from potential gas in order to fund green energy in the Island. There is the argument that currently green energy is expensive, that we need a transition period to get us off fossil fuels and onto sustainable energy, and that harnessing this potential gas could provide a bridge for that transition. There is the argument that with the war in Ukraine causing fossil fuel prices to hike up, this potential gas could provide people in the Isle of Man with cheaper gas when they most need it, and I am not pretending that this is not a very powerful argument.

1960 I mentioned that there was a time pressure associated with this decision, and I certainly pushed back so that I had adequate time to read and think. But ultimately a time pressure can be extremely useful, because it forces you to get to the very nub of an issue, regardless of the grey areas which always exist either side of any argument. And for me, the very nub was: is the potential extraction of fossil fuels from the Manx seabed a good thing for the people of the Isle of Man? And the answer was very clear to me: no, it is not. Because even if we are to be faced with expensive fossil fuels as a consequence of the war in Ukraine, extracting gas from our seabed and burning that fossil fuel, no matter who is burning it, Manx or Irish or whoever, it is all adding to global warming. That is a bad thing for the planet, for the global population and also, of course, at the end of the day, not least for the people of the Isle of Man. We have seen that a war thousands of miles away can affect our fossil fuel prices. In the same way, extracting fossil fuels here in the Isle of Man and burning all those fossil fuels will have dire consequences for us all.

1970 What is happening outside these very walls as I speak? Wildfires have burnt 98,000 acres of land in Portugal from January to mid-June this year, more than triple the area in the same period last year. And how many more acres have now burned since this current heatwave? As Ms Faragher described, the UK has issued its first ever severe heat warning and yesterday temperatures reached over 40 °C in the UK for the first time ever. Forty-one homes were destroyed by fires in the UK, due to what the fire service has described as tinderbox conditions.

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How soon before these temperatures reach our shores? To ignore the basic argument that burning fossil fuels ultimately leads to global warming is nonsensical.

1985 Some people argue: let gas exploration take place off our shores; it would only be a little gas field and it would not be for long and it might give us much cheaper gas and we are in a transition period, and this will help us transition and that to ignore the concept that we are in transition is somehow naïve. But the Earth does not know that we consider ourselves to be in a transition period. As far as the Earth is concerned, this is irrelevant, because the Earth is burning. There is no getting away from the fact and this administration, I believe, should be attacking the green energy question and looking to attract investors in renewables with as much gusto as those who are seeking to extract gas from our seabed.

1990 I was very heartened yesterday to hear the Economic Strategy Statement and the Climate Change Statement from the Chief Minister, together with the offshore energy strategy presented by the Minister for DEFA. The clear message which was coming through to me was that Government will be taking a joined-up approach and that sustainability will be placed at the heart of decision making in practical terms by putting the Climate Change Action Plan at the centre of Government's approach. But getting back to the motion before us, the decision to extend the recent hydrocarbon licence has already been made, and that is a problem. Because if every country, large or small, which is currently rushing ahead – as Mr Peters describes – into extracting fossil fuels from their doorsteps goes ahead, then we will never ever stand a chance of limiting global temperatures to 1.5 °C above pre-industrial levels. And that goes for every country of the world, the Isle of Man included, despite the Chief Minister stating yesterday that we must achieve net zero by 2050. If every country goes ahead, we cannot reach that goal. It is as simple as that.

1995 Of course Government has already signed this contract and to renege on a contract could send shivers down the spine of business and incur a hefty fine. I have listened to this reasoning and it is true that this argument is very powerful, and I certainly would not want to harm investment opportunities in the Isle of Man, either deliberately or accidentally. But it does equally beg the question who do you want to be doing business with?

2000 Worldwide fossil fuel companies are being likened to tobacco companies of the 20th century: forging ahead to make as much money as possible, in the knowledge that their actions are harming human life. The suggestion that fossil fuel extraction for burning can be done in any way which is green is absolute flim-flam. To use the smoking parallel, extracting gas from Manx waters is like giving a child a cigarette, and saying 'Go on, one little puff won't hurt you.' Or to say, 'Go on, you don't have to smoke for the rest of your life, just 20 or 30 years, and then you can stop.' Or, 'Go on, have one of these Manx cigarettes. They're so much cheaper than those foreign imports.'

2015 *(Laughter)*

Although reneging on a contract, breaking your word, usually goes totally against my own principles, bear with me: wouldn't reneging on this particular decision, in theory, open the gates to the kind of investors we want to attract, because in doing so, we would have nailed our colours to the mast? Why, for example, should the Isle of Man not advertise the aim to be the greenest place to live in Britain?

2020 The UN Secretary-General, António Guterres, recently said:

The argument of putting climate action aside to deal with domestic problems ... rings hollow ... Even in the short-term, it doesn't make political or economic sense.

And that, Eaghtrane, is why I voted no to the extension of the licence and why I will be voting in favour of Ms Faragher's motion.

Gura mie eu, Eaghtrane.

2025

The President: I call on the Hon. Member, Mr Greenhill.

Mr Greenhill: Thank you, Mr President.

2030 This is *not* a binary choice between renewables or gas extraction. This is *not* an either/or question. We, along with all other countries, need to make the transition from where we are now to where we need to be.

I was very pleased yesterday to hear from the Chief Minister regarding how important it is that we have a clearly defined plan as to how we are going to move to the point where we can meet our net-zero climate change target. Just as importantly, we have to work out how we are going to pay for that transition. We have to move on, and move on quickly, from constantly talking about what we want to actually working out and getting public support for how we are going to deliver it.

2040 One of the biggest challenges facing not just Government, but all the people of the Island, is how do we pay for the cost of transitioning towards and then achieving our climate change targets? If there is a way to fund that transition and deliver on our targets, whilst minimising the amount of any burden on the Island's taxpayer, the majority of people would certainly say you have to at least have fully explored that option. They would be very critical if that had been stopped from going ahead.

The transition to net zero will be extremely costly. If those costs can be met from new revenue streams that do not impose further fiscal burdens on the Island's population, then I believe Government will be derelict in its responsibilities to have not fully explored those. I think most of the population would share that view. I believe it is vital to the future of our Island that we put in place, immediately, multiple parallel projects, including both renewables *and* gas extraction.

2050 Mr President, with regard to what we and previous Governments should have already done, we should already be years into a programme to deliver renewables, with a mixture of wind, solar and tide projects that suit our environment, alongside the hydrocarbon transitional fuels for as long as we need them. We should be much further forward now in reducing demand on electricity and gas. We need to optimise the uptake and use of insulation, educate the general public and companies on how to use gas and electric in a more efficient manner. We should much earlier have set achievable targets to reduce emissions, with plans committed and in place to achieve and exceed those targets. In fact, those plans should already have been delivering significant, tangible results. It is therefore imperative that those plans are signed off and implemented now.

2060 Moving on to what happens if we were to stop the extraction from going ahead, today, all the electricity that we generate and sell to customers comes from imported gas. *All* that gas that customers use today is imported gas. Until our own renewables reach a level to provide our Island with sufficient energy, cancelling this licence would put us at the mercy of world events and world prices, where we would throw away the ability for us to ensure that we have control over our energy – what we need, when we need it, and at what price.

2065 If the licence is stopped, our political responsibility to be able to keep our lights on, keep our power on, keeping our homes heated, keep our businesses operating and keep being able to power our electric cars, all of that would disintegrate and these critical areas would be left in the hands of others, with us having no control at all over availability or cost.

By the way, in early March this year, Dr David Quirk, the research director of the Energy and Sustainability Centre Isle of Man said:

Following a 12-month research programme, it would take somewhere between 10 and 20 years to reach from renewables the level of power that we use today.

2070 Over 25,000 of the 40,000 homes and businesses on our Island are currently gas customers using existing technology: gas boilers, gas cookers and gas fires. These will all need to be removed and replaced with those that can use renewables. When and how would this be done and at what cost to those users? So we are now, and we will be for a number of years to come, massively dependent on extracted gas to supply users and to generate and deliver electricity. How can it possibly be said that our Island gas is not a transitional fuel?

2075 Mr President, what benefits could this Island receive from continuing with the contract that was signed with Crogga? The licence will provide the path to end this Island's total dependency

2080 on both world markets and on world peace to deliver electricity and gas, which will give us security of access. The areas of Manx territorial waters around the one which Crogga have a licence to explore are already licensed out from offshore wind turbines to Orsted and they will not interfere with each other. Crogga will employ between 100 and 300 staff on Island, which would deliver substantial exchequer benefits.

2085 Contrary to some comments made to Manx Radio a month ago that Crogga would not deliver until the 2030s, and the costs would be higher then, than renewables, Crogga actually plans to be in full production by December 2027 – and I will come on to the cost now. Currently, the price of gas in the open market is fluctuating between around 190 pence and 240 pence per therm. We currently buy about 48 million therms a year. On a straight calculation, this equates to a cost of around £100 million. In accordance with the agreement signed with Crogga, we will know with absolute certainty that we will be able to buy gas from Crogga at between 50 pence and 80 pence *gross* per therm. I just used the word gross, as up to around 50% of what we would pay to Crogga comes back to us as royalty on *all* of their sales. Our net price would be, therefore, only around 25 pence to 40 pence per therm, potentially reducing that annual cost from around £100 million to around only £15 million. This will substantially help to avoid fuel poverty and to battle inflation.

2090 As a result of the licence, the Island would receive seabed lease fees, hydrocarbon royalties, VAT and corporate taxes, which *could* then be invested in many ways to help this Island, including, for example, helping homes and businesses to insulate, to replace boiler and appliance technologies and to aid the transition to renewables.

2100 From an international business perspective, we can actually enhance our reputation by being seen to spend the money we receive to help reduce our carbon emissions in these ways, which actually mirrors the Norway model that most people hold up as extremely good practice. We could also take this further and create a Manx sovereign wealth fund similar to the one in Norway to invest the surplus revenues derived from hydrocarbon extraction to benefit the country's economy and its citizens. It is estimated that we will only be using on Island around 5% of the output from extraction. The rest will be sold to countries, such as Ireland, desperate to move away from coal, meaning that we benefit substantially economically.

2105 Estimates of what this all means in terms of revenue to the Island, based on the data obtained from BP that there are around 10 billion therms of recoverable gas potential from one small part of the block, and the forecasts of the range of gas prices in the future, these estimates of what this means in terms of revenue to the Island are between £300 million and £1 billion per year. All of this would be achieved without the taxpayer paying one penny to Crogga.

2110 Given these vast potential benefits to our Island, to stop the extraction of hydrocarbon from Manx territorial waters could be described by many to be politically, economically and scientifically illiterate and irresponsible.

2115 Mr President, this type of decision is not confined to these shores. We are not alone in believing that new gas extraction as part of a structured transition to renewable energy sources and meeting our climate targets is essential. Our near neighbours, the United Kingdom government, stated in March this year, that:

One of the things we are looking at is the possibility of using more of our own hydrocarbons.

And you will have heard already about what the Business Secretary has had to say about licences for UK domestic production. They added:

That doesn't mean we are abandoning our commitment to reducing CO₂ ... We have got to reflect the reality that there is a crunch on at the moment. We need to intensify our self-reliance as a transition with more hydrocarbons.

2120 Following that statement, earlier this month UK regulators approved the development of a gas field in the North Sea east of Aberdeen, which has the potential to produce 6.5% of Britain's gas output. The UK Business Minister posted at that time on Twitter that:

We're turbocharging renewables and nuclear, but we are also realistic about our energy needs now ... Let's source more of the gas we need from British waters to protect energy security.

This approval is in addition to a 3D seismic study work in the Irish Sea just about to be undertaken by Harbour Energy, which has a licence from the UK for nine blocks immediately adjacent to our territorial waters to the south.

2125 It is clear that rising energy costs have also put major financial pressure on households and businesses in Europe. The EU plans to completely wean itself off Russian energy by 2030. The Strategy recently presented by the European Commission President focuses on three key topic areas: improving energy efficiency; expanding the use of renewable energy; and securing non-Russian supplies of oil and gas.

2130 Mr President, as I said previously, it is vital to the future of our Island that we put in place immediately multiple parallel projects, including both renewables and gas extradition. Yes, we absolutely need to stop using fossil fuels to save the planet for our children and our children's children, but we cannot stop using them immediately, as there is nothing to replace them immediately. The extraction of hydrocarbon from Manx territorial waters should not, must not
2135 and will not be a distraction from the path to renewables. Extraction must be a part of the solution that delivers our required target at a cost that the Island's population can afford. The extraction of hydrocarbon from Manx territorial waters must go ahead, so I will be voting against this motion.

Thank you, Mr President.

2140 **A Member:** Hear, hear.

The President: I call on the Hon. Member, Mr Mercer.

Mr Mercer: Thank you, Mr President.

2145 Firstly, I would like to thank Ms Faragher for bringing this motion forward for debate in this place. (**A Member:** Hear, hear.) I think it is very good that we are able to express our views on this very important subject. (**A Member:** Hear, hear.)

My amendment, as circulated earlier, I will read out for the record, is:

*To leave out all the words after 'That Tynwald is of the opinion that' and add the words:
'(1) the extraction of hydrocarbon from Manx territorial waters should not go ahead; and
(2) the Petroleum Act 1986 should be reviewed; and that the Council of Ministers should submit to Tynwald before the last day of January 2023 a report on the outcome of the review, with recommendations.'*

2150 Mr President, the Petroleum Act 1986 was conceived and put together in a world much different to today, with challenges that were completely different to what we have today. The relevance of this Act as currently written is now called into question, in an age where we understand the impact that continued use of fossil fuel is having on the planet and on our ability to live sustainably.

2155 A review of the Act will allow Council of Ministers to consider that changed landscape, and to decide whether a renewal, refresh or even revocation of the Act would be appropriate. By asking for recommendations, we will have the opportunity in this place to debate those recommendations and to eventually progress them through the Branches with all the scrutiny that this entails.

2160 I agree with Hon. Member, Ms Faragher, that the licence extension should never have been granted. I agree that the decision disregarded the science. It ignored increased, and increasing, public concern. It ignored the United Nations' call for action on ending fossil fuels. It ignored the climate emergency declared in this place back in 2019. It sent out a message that the environmental and social and governance goals we need to build a modern economy did not

2165 matter, and it sent out a message that the Isle of Man was living in the past with a renewed commitment to an expensive, 20th century means of energy generation.

However, Mr President, yesterday's Statements by the Chief Minister on the economy and climate change did, I think, signal a welcome and significant change in direction.

2170 Hon. Members, we really must get past the idea of burning fossil remains for energy. It is too expensive, it is too risky, it harms the planet and it leaves the whole sorry mess to our children to sort out. Every pound we spend on pursuit of this is a pound wasted. Every hour we spend working on it is an hour wasted, when we could spend our personal energies on focusing on our new economic strategy, and delivering real lasting positive change and a fairer society for the benefit of all.

2175 A very popular question of course is how do we pay for it, and the answer is: it depends. It depends on whether you think that Government should own the means of production. Or whether you think that energy generation is best left to the market and commercial enterprises. Or indeed whether community owned generation is the way forward. None of these options are mutually exclusive, by the way.

2180 The UK government has not used taxpayers' money for any of the capital investments in renewables that have happened in the Irish Sea, for example. In fact the revenue to the Crown Estate, and the UK treasury, from just two of the latest seabed leases in the Irish Sea will be nearly £400 million per annum. That is real money, by the way, not just a promise of money. Our own waters are adjacent and have similar potential.

2185 We know that energy generation from renewables is cheaper than gas, and the price trajectory for renewables is downwards. The latest AR4 auction round completed in early July at an average of £48 per mWh, some four times cheaper than the cost of generation by gas, and without the harms associated with releasing carbon from its combustion.

2190 The statement on climate by our Chief Minister yesterday demonstrated that our energy future does not rely on fossil fuels, that our energy security does not rely on fossil fuels, that future jobs do not rely on fossil fuels, and that our economic prosperity does not rely on the increasingly desperate claims of wealth under our seabed.

2195 There are those though who will cling to a promise of future wealth, where all of our problems can be solved by drilling for fossil gas sometime by the end of this decade. But you cannot build an economy on a salesman's promise. We have problems now, that need to be solved now, with what we have now.

I am hugely encouraged therefore to hear the Chief Minister's economic Statement from yesterday, which to my mind has completely rewritten the playbook for our economy for the next 10-15 years, with a new Economic Strategy that will guide and inform the positive changes necessary.

2200 Ms Faragher's motion asks that we here in Tynwald are of the opinion that the extraction of hydrocarbon from Manx territorial waters should not go ahead. Hon. Members, my amendment preserves the wording of Ms Faragher's original motion. If you vote for this part of the amendment you are merely expressing your agreement with this sentiment. It will not change a thing that has already been granted. It is safe for you to vote for it and especially so for those of you who had climate change action as part of your manifesto. It will not change the law. It will not remove that licence being granted. I hope that departmental Members and Ministers can also vote in favour of this, and that they remain free to express their own opinions.

2210 In closing, Hon. Members, I would urge you to support parts (1) and (2) of my amendment. We, here in this place, are responsible for legislation and scrutiny, and this amendment allows us to do both. It will allow Tynwald to express much more than its opinion, and it will require Council of Ministers to review the current Act and to bring recommendations for change back to Tynwald for debate.

Eaghtyrane, I beg to move the amendment standing in my name, and would ask that, if possible, the items could be voted on separately?

2215 Gura mie eu, Eaghtyrane.

The President: I call on the Hon. Member, Dr Haywood.

Dr Haywood: Thank you, Mr President.

2220 I welcome this motion from the Hon. Member for Douglas East and the chance to discuss this issue this afternoon.

In the last 48 hours we have seen infrastructure across the UK literally go into meltdown, national emergencies declared, extensive warnings for health advice, multiple fires and gritters being mobilised in the summer to spread sand on roads. Although our Island will be somewhat cooler thanks to the close proximity of the sea – nowhere is more than 12 miles away, which is
2225 where that effect runs to – we know that the travel disruption affects our residents directly as they try to move around, and indirectly as deliveries are restricted.

To anyone who remembers 1976 – and I am going to just confess to just about being one of those; I was just sat in a paddling pool for most of it, to be fair – can I please restate this is not 1976 and that heatwave. Temperatures in the 1976 heatwave were up above 30 degrees for a prolonged period of time and the main impact was water shortages and standpipes. The level of carbon dioxide in the atmosphere was 330 parts per million. Over the last couple of days, temperature records have been broken across England and Wales, topping over 40 degrees in multiple areas. The current level of carbon dioxide in the atmosphere stands at 420 parts per million. Those numbers are significant, even if they do not sound like they are very much different.
2230 Human body temperature is around 37 degrees and if it is hotter than your body temperature, as it has been this week, there is a massive risk of overheating. It is predicted that nearly 2,000 people will die this week due to the excessive heat in the UK.

This is truly the stuff of nightmares, but they are nightmares that scientists have been warning about for decades, only no one was listening. Humans have increased the carbon dioxide level from 280 parts per million, pre-industrial, to 420 parts per million – that is a 50% increase. Humans are responsible for one third of all the carbon dioxide that is currently in the atmosphere.
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We already know that even if we stop emitting carbon dioxide today, it will take decades for that carbon dioxide that we have already released to be absorbed into carbon sinks. Since the 1980s each decade has been warmer than the previous ones and the warmest seven years have all occurred since 2015 – the top three are 2016, 2019 and 2020, and who is going to guess 2022 will come into that too. We are already locked into a future that includes extreme weather patterns, stronger winds, disrupted rainfall patterns, increased fire risks, damage to infrastructure and loss of life.
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The IPCC has issued many warnings over the past years and I can only feel deeply sorry for the IPCC scientists who have spent their life trying to warn us about the problems in increasingly strident terms which have been ignored by politicians and society until what is truly the 11th hour. We are standing at that 11th hour now and we look like those mad politicians in the films who ignore the scientists until the meteor is coming through the atmosphere.
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Limiting warming to 1°C is no longer possible. Limiting warming to 1.5°C is no longer possible. Limiting warming to 2°C is only possible if from 2025 greenhouse gas emissions peak and then start falling 20% by 2030. But even at a 2°C rise, we are in for a rough time on our planet. At 2°C the sea level will be half a metre higher than now. So if you think people have trouble getting flood insurance at the moment, wait for that one to happen. It does not feel like much; that is going to be a huge problem. Those floods will occur on a regular basis around our low-lying land and we will have people being displaced, huge cost incurred in trying to maintain our harbours, coastal roads, promenades and beaches.
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It is morally bankrupt to decide that we are too small to matter in this scenario. Everyone matters and everyone will have to make adjustments to how they live to avoid the extreme possibilities that will threaten and disrupt our lives in ways that would make the worst dystopian science fiction novel seem like a fairy tale. The Isle of Man has made no inroads so far into reducing carbon dioxide emissions; and between 1990 and 2017, our emissions increased by 66%.
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2270 We know what we need to do. We have known for decades. We have declared a climate emergency, and it is an emergency caused by atmospheric carbon dioxide emissions from human activity, for which we are responsible. In my manifesto I have bemoaned that politicians, focused on their own short shelf life, have failed to take necessary action for years. Sanctioning further extraction of fossil fuels is utterly incompatible with the need to achieve net zero.

Rebranding gas as a clean fuel is a cynical attempt to divert the attention away from the fact that it is still a fossil fuel. There might not be the sulphur and the nitrogen in there that give us problems, but once burnt it still releases carbon dioxide.

2275 The Leave it in the Ground movement was formed at COP17 in 2011, however, over a decade later that message is still true. A *Nature* study from September 2021 found that the majority of fossil fuel reserves must be left in the ground now and indicated that there was a:

yawning gap between meaningful climate action and the rhetoric of policymakers.

I do not want to be part of that rhetoric of policymakers that is causing the gap.

2280 I suspect this motion will be opposed today by those taken in by the promises of riches beyond all their wildest expectations in return for allowing fossil fuels to be extracted from our waters. The existing licence will of course run its course, but we need to ensure that we have drawn a line under fossil fuels with a clear statement. Otherwise, never has iron pyrite looked so relevant.

2285 We are already using gas, we are already in the transition phase. In some ways the Isle of Man was ahead of that; we moved to gas before most of the UK had. But any exploitation of fossil fuels now will come too late to help. They will not reduce energy costs this winter, but they will divert us from moving forward. They will divert our attention when we should be turning it towards renewable. There are companies ready to start installing renewables on Island now and that is the direction that we should be heading.

Thank you.

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The President: I call on the Hon. Member, Mr Craine.

Mr Craine: Gura mie eu, Eaghtyrane.

2295 I am hugely grateful to the mover, the Hon. Member for Douglas East, and for the way in which she presented her motion there. I will be supporting that, although I am just receiving some of the amendments to this and I am not sure which amendments I am on yet.

2300 But I want to do a very quick run through and others have touched on these. I will be very quick but we had three big reports of the Intergovernmental Panel on Climate Change (IPCC), which is the scientific body ... In the Working Group I, which was on 'The Physical Science Basis', they came out with the statement in August last year that:

It is unequivocal that human influence has warmed the atmosphere, ocean and land.

Then we had the UN General-Secretary's comment on that, that this:

... is a code red for humanity.

This is really serious stuff. Then we had the Working Group II on 'Impacts, Adaptation and Vulnerability' in February of this year, and they came out with the statement that:

Human-induced climate change ... has caused widespread adverse impacts and related losses and damages to nature and people, beyond natural climate variability.

So the UN Secretary-General came out with the statement:

Our fragile planet is hanging by a thread.

2305 – and that is how the scientists see it, and that is how I understand it.

Then we had Working Group III on the 'Mitigation of Climate Change' in April this year, and they came out with the statement:

The evidence is clear: the time for action is now

2310 – and that brought the response from the UN Secretary-General. He said that the report revealed 'a litany of broken climate promises' by governments and corporations, and he accused them of 'stoking global warming by clinging to harmful fossil fuels' and that is how I would see it, and that is how it pans out.

Then on top of that we had the world's leading energy organisation, the International Energy Agency (IEA) and they said in May last year:

Exploitation and development of new oil and gas fields must stop this year.

2315 That is the leading body, the International Energy Agency, in the field – its strongest warning yet.

We know that renewable energy is cheaper. It is cheaper now; it will be cheaper still in years to come. We know that. The amount of known reserves of fossil fuels – let's just take gas – the known reserves of gas, if we burnt them, temperatures would not be at one, one and a half or two, they would be at four. We would be right into feedback loops and complete crisis – possible wipeout of life on the planet. *Really* serious stuff.

2320 So the reserves that we know currently, half of them will be stranded assets; half of them will be subprime carbon. They will not be worth anything. The trajectory we are on, as we move here from 2022 through to 2050 as the economies of the world, the countries of the world, are pulling out of fossil fuels, there will be companies desperate to try and sell their gas because they are not going to all succeed. Half of them will fail. The gas economy, the gas marketplace, will crumble.
2325 This is the position we are in.

The war in the Ukraine, the effects of that war are temporary. Either the war comes to an end and things settle down or the war continues to drive economies to move away from gas. That is what is happening in Europe. The fastest drift away from gas that you can imagine is currently taking place. When we get out of that war situation, either the price will return to normal or the countries that have moved out of gas will hasten the decline of gas into the future.
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We have had in here this afternoon some different views of those in opposition to this – views that there is not climate change, it does not matter, the Isle of Man could not make a difference, to views of, yes, there is climate change happening and we have got to address that, but we have got time to do that maybe.

2335 I would suggest that it is really hard to believe that any gas found in Manx waters will be commercially successful. The head of Crogga, giving the briefing upstairs, put it at 50:50. Okay. Others have put it at much less than that. It is hard to believe it would be commercially successful. Crogga were claiming back in January, in a public meeting, it would finance a world-class NHS here, it would finance world-class education here. There is no evidence for that whatsoever.

2340 In terms of the possible benefits of this to the Isle of Man, we do not have those. It has been suggested here this afternoon that it makes no sense to deny the people of the Isle of Man. We are not sure you would be denying them anything yet, because we are not even sure that the gas is there in ways that are able to be extracted.

2345 The Hon. Member for Rushen suggested that it was morally bankrupt to suggest that the Isle of Man could make no difference to carbon contributions. We have heard this before in this Court. I would like to just take a minute to address that. The idea that because we are small it does not matter what we do, what emissions we produce, the idea that because we are small we should not worry about it, just does not hold water. Yes, it is morally bankrupt. We are the same size roughly as Chester, as Bath, as Durham. Are we saying that cities of that size in the UK do not need to do anything other; they are so small it does not make any difference? The reality is that, yes,
2350 the Isle of Man is just one drop in the ocean of world emissions, but every other drop in the ocean

is exactly the same. It does not matter on your size. We have all got to contribute to this. We have all got to make the change.

2355 It has been suggested that it is a transitional fuel – it is only a transitional fuel. Okay. It is only a transitional fuel if you are coming away from fossil fuels. It has been recognised, I think, that it is not a transitional fuel in the Isle of Man, because we are not moving ... We moved from oil to gas 20 years ago, so it is not a transitional fuel for us. It might be a transitional fuel for Ireland where they are cutting some of the peat that has been used in power stations to move to gas. But the expectation would be that as we move beyond these next ... 2027, maybe, when Crogga gas becomes available, as we move beyond the Ukraine situation, it is far from clear that Ireland will sign up contracts to buy gas when they could be buying renewables. They will be much cheaper for it. So there may be no market whatsoever for this gas – *if* it is there.

2360 We then had suggestions that: how do we pay and that this gas may be the means to pay for it. We have no evidence of that. Indeed, I think respectfully to my colleague here in Legislative Council – my room colleague in Legislative Council – I would suggest that his impassioned speech overstated ... and nowhere more so than when he came out with the statement, ‘It is an absolute certainty that we will be buying gas at 50 to 80 pence a unit.’ We do not even know it is there. We do not know who the stakeholders in Crogga will be if they find gas and decide to exploit it, because other big business, big stakeholders, will come in. We do not know who the stakeholders will be in Crogga if there is a point where they are wanting to sell gas to the Isle of Man, if that is the case. We do not know we can buy it at that price; it is not an absolute certainty at all.

I think the –

2375 **Mr Greenhill:** Point of order, if I may.

The President: Point of order. Will you give way?

Mr Craine: Okay.

2380 **Mr Greenhill:** The certainty is about the price, if there is anything, that will be paid. That is where the certainty is and that is what I was stating.

Mr Craine: Well, that is such an uncertainty (*Laughter*) it is hardly a certainty.

2385 The climate change announcement, the policy pillar from the Economic Strategy yesterday on sustainability, makes it clear the direction we are moving in and it announced some of the sections that are now available of the climate change transition plan going ahead. That plans to bring forward the ban on fossil fuel boilers in houses; for new properties, bring them forward to 2024. It makes it clear that the Island hopes to have electricity that is carbon neutral by 2030. We are moving fast in this direction. Suggestions that we might end up without heating, without electricity ... It announced the coming of a second interconnector. We have already got one 65-megawatt interconnector. This would be a second interconnector, so it would make a difference.

2390 I am utterly convinced that it is a wrong move. I understand, though, where CoMin are at with what they have done here in terms of the decision to allocate a licence. The suggestion from Mr Mercer, I want more time to reflect on, and I am aware of that. I will look at that, but I understand the movement forward on that. I am seeing this other amendment too, so I will not comment on either of those. But I am solidly with the idea that the decision to grant the licence to Crogga to go ahead and explore for gas in Irish seas, contrary to the instructions of the International Energy Agency, is an error, but it may be one we have to live with, because it has been a Government decision and a licence has been granted.

2400 From my point of view, I am not sure that it matters that much because I do not expect it to be commercially viable, if and when they get to that point. But I am with this motion.

Thank you, Mr President.

The President: I call on the Hon. Member, Mr Hooper.

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Mr Hooper: Thank you very much, Mr President.

I, for one, take great pride in my long history of naughtiness opposing the Council of Ministers, (*Laughter*) a trait that I seem to have somehow managed to partly retain whilst being a member of that august body myself. I would like to thank the Hon. Member for Douglas East for bringing this motion and for carrying on in this vein of wilful disobedience, which helps, I think, keep Government on its toes.

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As a Biosphere partner organisation, Liberal Vannin are committed to supporting sustainable development, making our environmental impact positive wherever possible and protecting our natural resources. Unfortunately, extraction of hydrocarbons as proposed does not fit with any of these stated goals or the pledge that we took as a party to support them. This pre-declared position has been acknowledged by the Chief Minister and the Council of Ministers, and I would like to place on record my thanks to them for doing so.

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This means ordinarily I would be voting for this motion without any concerns, following this pre-stated view. However, this situation is a little more complicated, so I will be voting for the motion as worded, but I do still have some concerns. The complicating factor here is the licence has already been issued and there are considerable risks to the taxpayer if Government decides to revoke it. And so I think whatever Tynwald resolves today, I do not believe revoking the licence is going to be an outcome.

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So I would like Tynwald to think about this debate in a slightly different light. I intend to encourage Members to support the motion as originally worded, but with a very clear outcome in mind, which is aimed at protecting the taxpayer and our Island nation.

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As usual, when I talk about climate change-related issues, I am not going to talk about carbon emissions, because either you agree with the science or you do not, and I am not interested in investing time talking to the tinfoil hat brigade. Instead, I am going to talk about money, because that is what all this boils down to. People supportive, as you heard today, have basically a single argument: there is potentially a lot of money in this. I am going to park the energy security angle here, because I have issues with the idea that we can both fully secure our renewable energy by 2030, but also have a significant demand for gas for energy generation purposes at the same time. Gas is very much a transitional fuel. We on the Isle of Man have been transitioning for the best part of 20 years. It is now time to move beyond transition.

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Gas will no doubt be part of our heating mix for some time to come, but I think as gas, as a global market, unless there is some surety the Isle of Man will get its first dibs, it will be sold to the highest bidder, irrespective of what we are hearing today in this Hon. Court. I heard the Hon. Member of Council, Mr Greenhill, provide some certainty around an agreement that has been reached with Crogga. I am not aware of any such agreement, Mr President. I am aware there was a promise Crogga made; that is definitely not the same as a legally binding agreement.

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Anyway, parking that argument for the moment. We have heard supporters of this argue that extracting gas from somewhere near the end of this decade or onwards will somehow help with our current cost of living crisis, although I find it difficult to take that argument seriously. People will also argue that this money can be used to help fund our transition to net zero; and again we have heard this argument today, and I appreciate that argument. That does I think overlook the fact that some of the most significant expenditure is going to be needed before gas extraction really gets under way. For example, decarbonising our electricity supply has to happen before the dates we are being told we will start to see any of the claimed significant revenues from gas extraction. So again, this argument around revenue somehow relies on spending money now that will be generated later.

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So these arguments boil down to that point: gas extraction in the future generates money we can spend now. And both of those arguments rely on something that is well understood but comes with significant inherent risks: spending money you do not yet have. There are two ways that I am aware of to spend money that you do not yet have. The first is to be Elon Musk; (*Laughter*) the

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second, much more reliable option for the rest of us, is to take on debt. That is how you spend money that you do not have. You take on debt you intend to recoup from future revenue streams. That relies on those revenue streams being pretty solid. In this case, we do not have that level of certainty, so anybody advocating an approach of spending gas money now, relying on this money being generated in the future from what is a very high-risk proposition, is nuts, in my view. But that is an aside to my main point.

The point that I am making is that the argument in favour all comes down to money, that extracting hydrocarbons will make us money we can then use for our other priorities. That is the argument I intend to try and tackle, because the reality of the matter is there is far more money and wealth generation involved in *not* exploring for hydrocarbons. We have already heard this in the sitting of this Hon. Court yesterday, as part of Government's new Economic Strategy. The fourth pillar of that Strategy is to place sustainability at the heart of the economy. Those were wise words, I think, from the Hon. Member for Ayre and Michael, from our Chief Minister. We have this commitment to sustainability from the highest authority in the Isle of Man Government, and there is a very good reason for this.

As I have said time and time again in this Hon. Court, the future of our Island economy is in sustainable business practices. That is where the jobs are, that is where the money is. And I am hugely pleased and more than a little relieved to see our Economic Strategy back this up, otherwise it could have been a little bit awkward.

The Economic Strategy talks about a fundamental shift in Government thinking, embedding these core pillars into all of our decision-making, to ensure that this decision-making has these core principles feeding through everything that we do. And this is vital, because the sort of change that is being talked about, the sort of seismic change, the sort of ambition that is being expressed, will only be achieved if we fully commit to it in our every thought and deed.

This I think is where the statement from this Hon. Court comes in, because we need to be clear to the outside world we are absolutely committed to developing a sustainable economy in order to properly attract inward investment to deliver on our economic aims. That reputational perspective matters right now – not in 10 years, because we are saying now that we believe in sustainable development. And yet, here we are, debating fossil fuel extraction.

We are saying we must move on and ensure we protect our natural environment – and yet ... We are saying we are committed to carbon neutrality – and yet ... We are saying we are committed to renewable energy – and yet ... What this does is it creates uncertainty. And I think, as the Hon. Member of Council, Mrs Sharpe, has already outlined, the one thing businesses dislike more than *anything else* is uncertainty. And this uncertainty places at risk some of the economic growth and development that is so firmly needed, for potential, unknown, uncertain benefits that *may* come down the line, *perhaps* a decade away.

This Hon. Court has already heard from the Hon. Member for Douglas East about some of the very real and much more immediate benefits that delivering aspects of our Economic Strategy will achieve, and I do not intend to repeat these remarks. But the problem facing us at its core is one of reputation and our ability to continue to attract inward investment and development in a world that is ever more interested and invested in environmental and social concerns. If you do not believe me, believe the market. Bloomberg has reported that investing in renewable power stocks has beaten a fossil fuel-focused strategy by more than threefold in the last decade.

So those arguing today that it does no harm to allow this to go ahead, because, worst case, they find nothing, it is not viable, so no harm, no foul, I think have fundamentally misunderstood the core of the problem. The risk of not making a strong statement today is to leave every investor, every business saying to themselves the same thing: 'I'd love to invest in the Isle of Man, they sound very committed to a world-leading, sustainable economy, and I want to be part of that journey – and yet ...'

So we are not going to attract world-leading companies here, the Microsofts and Facebooks of the world, if we cannot convince them we are committed to their ideals and their ambitions. And

I know Mr Ashford might quail in the face of some of these ambitions, but I believe we can and must be ambitious in our goals.

2510 So we have in front of us what looks like a potentially irreconcilable problem: we do not really want to pursue the extraction of gas, but we already have a licence issued to do so. And so I would argue that it is the role and responsibility of this Hon. Court to send a clear message: that this licence is where it ends. We do not want to interfere with a licence as already issued, for the reasons already outlined by others, but this Court does not believe there should be any further extensions and the like, and certainly no further or future licences issued. And that is what the original motion says to me. It sends a clear message that Tynwald is of the opinion that gas
2515 exploration and extraction is in the past, that we do have a legacy issue to address, but that is very much not the current view of this Hon. Court.

Failing to tie us to this position will make it a harder struggle to deliver the change in growth that we know we all need. Shakespeare wrote:

Thinkest thou, Hortensio, though her father be very rich, any man is so very a fool to be married to hell?

2520 Wedding us to this risky proposal by not making a clear statement today weds us to those old ways of thinking, and a much more difficult challenge will drag at our heels every step of the way.

So Hon. Members, this debate is not really about hydrocarbon extraction. It is about the reputation of the Isle of Man and how that reputation impacts on our future economic opportunities. Twenty years ago, it was international tax rates. Ten years ago, it was transparency and economic substance; and we rose to those reputational challenges. This is no different. The way to gain a good reputation is to endeavour to be what you desire to appear to be. In other words, actions speak much louder than words. And that is the problem, here: we are trying to counteract the impact of a historic action with a statement of opinion.
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And so, Hon. Members, I urge you to do the right thing, to make a firm statement today about the views of this Hon. Court around our commitment to the development of a sustainable economy; and the firmer, the better. So I would urge you to support the motion as worded. If you cannot support the motion as worded, support Mr Mercer's amendment, and failing that, the Council amendment that I know is coming is definitely worthy of consideration.
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Mr President, I am happy to second the amendment from Mr Mercer and will conclude by simply saying it takes a lifetime to make a reputation and 20 minutes to break it. Please do not let this be our 20 minutes.
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The President: I call on the Hon. Member, Mr Wannenburgh.

2540 **Mr Wannenburgh:** Thank you, Mr President.

I, too, thank the Member from Douglas East for bringing this motion forward, and I will state from the beginning that I agree with the end goal of a renewable future. However, my view on how we get to that end goal and to that hallowed turf will be somewhat different. The energy crisis confirms that we, along with others, should have been embracing newer technologies and renewables years ago. But with our resources of gas, wind, sun and tide, we have it in our hands to evolve: purposefully, properly and successfully.
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The development and extraction from the gas field is the base-load for the power generation in the future. The proposed wind towers will generate hydrogen, paving the way for this Island to be carbon neutral by 2050. Climate change needs the management of carbon emissions, and these conditions have been placed on this project.
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I welcome the recent extension to the licence granted in the last parliament. The funding is in place to keep this project alive; funding at no expense to the taxpayer. An £800-million investment into this Island is monumental, and the recent extension gives confidence to investors.

The war in Ukraine has demonstrated the fragility of the energy source we are most reliant on. As much as I am aware that we need to wean ourselves off hydrocarbons, it is in our national
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interest to have strategic energy security. It is important for our economy, our people and our way of life. Here today, in real time, we have fuel poverty and the view that fossil fuels should be ceased and not extracted is simply a luxury that our people cannot afford. We are where we are.

2560 I agree with Mr Peters: the Isle of Man's carbon footprint is minuscule. What we need to do as responsible politicians is to protect ourselves and grow ourselves to carbon neutrality. This growth towards carbon neutrality is evidenced already by a commitment to move away from placing fossil fuel boilers in new properties and by the Energy Efficiency Scheme in loft insulation. These are practical, logical steps in evolving ourselves towards a greener future. Just as our roads have a combination of petrol, diesel and electric cars, the evolution is already under way.

2565 My recent questions to the Chair of the Climate Change Transformation Board will testify that I do believe that the future will be renewable. The Crogga project is the enabler of a potentially fantastic transition that will create substantial new revenues. It is my view that it will fund the evolution to our brighter and greener future. If not, where will the money come from to pay for the cherished green new deal principles?

2570 Mr President, based on a 2D seismic survey, and at £1.50 per therm, it is estimated that there is £15-billion's worth of recoverable resource. If Government gets half, plus 20% on top of that, we have the funding for a green new deal, and the ability to create other industries around having a robust economy – you may even get Microsoft. Not to mention funding for the provision of social care for our elderly, education for our youth, job security for our economically active and so much more.

2575 I agree with Mr Greenhill: this is not a binary choice, this can be done together. We are big enough to do that and I will not be supporting this motion.

Thank you.

2580 **The President:** I call on the Chief Minister.

The Chief Minister (Mr Cannan): Thank you very much indeed, Mr President.

2585 I just want to, in my remarks, park for a moment the clear and obvious acknowledgement that for Tynwald to support the motion as written would in fact create significant uncertainty about the authenticity of the licence that has been issued, a licence that was issued fully in conjunction with the law and with the availability of all the knowledge, and based on obviously a decision and a licence extension request that had been going on for some time and well before, in fact, we brought forward the Economic Strategy.

2590 But leaving that aside, and asking Members of course to reflect on the decision that they are about to make, it is my pleasure to bring forward an amendment that I think takes us forward in a pragmatic and sensible way, and that indicates that moving forward now, on the back of the Economic Strategy that we delivered yesterday, that Government policy should be that no *new* licences are issued for the extraction of hydrocarbon in Manx territorial waters and that the Petroleum Act 1986 should be reviewed. I think we can agree with Mr Mercer, indeed, that the Petroleum Act should be reviewed and return in due course, and what we do here is offer a pragmatic way forward that accords with our focus on renewables, but also acknowledges the pragmatism of the decision that we have already made.

2600 I think there are three key points that should be borne in context when acknowledging the pragmatism of the decision and the grasp of the opportunity that came before us. Firstly, as has already been said, gas remains a transition fuel. Secondly, if successful, of course this opportunity could bring in substantial revenues and these could be used for the greater economic good. And thirdly, rather than providing uncertainty, I think it does provide the Island with additional certainty and security, as we push towards a future that we all want, where renewable energies, we hope, will play a substantial role in providing our energy for the future.

2605 But as it stands today, Mr President, there are still great uncertainties to overcome because, quite simply, the wind does not always blow and the Sun does not always shine. We have to work out pragmatic solutions as how to best harness the availability of renewable energies in a

2610 pragmatic way that can overcome the current hindrances that we face around storage and around
our capabilities of our grids and the networks to be able to take renewable energy onto the grids
in a consistent and pragmatic manner that will allow us to continually supply electricity to all our
houses.

2615 Also, the issue does remain, of course, that there are 25,000 homes dependent on gas on the
Island. We of course have got to figure out the solution to getting those homes off gas in a very
quick time. But as yet those plans have not yet been laid before this Hon. Court. But in line with
our ambitions, I expect those to start coming forward pretty quickly.

2620 I believe this Hon. Court in November will, I hope, support our objectives for climate change,
will understand now that we are on a path to maximising our opportunities for renewable energy,
but will also acknowledge, I hope, that we are giving ourselves additional courses of protection if,
for whatever reason, things do not happen. And, of course, recent events have shown us that we
do live in a very uncertain world, that words that we do not want to speak about, such as war, are
very real and present with us at the moment and may be for some time to come.

2625 Of course we can see, as various countries struggle to deal now with the impact of that type of
event, how they are desperate to get away from gas, I agree – but unfortunately, for some of
them, it means having to take a step backwards and reignite coal-fired power stations. We have
already seen European problems last autumn, when the renewable energy quotas were not met
because of a period of calm that fell in a November period when it was expecting that the wind
would be producing far more in the way of energies.

2630 So yes, we are committed, yes, we must push forward, but we must also recognise that as a
Government, as a nation, we must also bring forward and recognise that we are responsible for
security and for risk for this Island nation. I think what is before us today is a pragmatic solution
in terms of the amendment. We will go ahead now and support the Government and allowing
Crogga to meet the terms of their licences, and I hope be successful in that and not interfere, but
we will also be clear that we will not now be conducting further licence rounds for the extraction
of hydrocarbon in Manx territorial waters and of course we will undertake further work in terms
of the Petroleum Act.

2635 Mr President, I beg to move that amendment:

Amendment to Mr Mercer's amendment

To leave out all words in part (1) of the amendment and to add in their place:

*'(1) Government policy should be that no new licences are issued for the extraction of
hydrocarbon in Manx territorial waters; and'*

The President: I call on the Hon. Member, Mrs Barber.

2640 **The Minister for Environment, Food and Agriculture (Mrs Barber):** Thank you, Mr President.
I wanted just to start by making a few statements that I think should be put on the record.
There is certainly no suggestion that I am aware of that we would seek to spend money from
potential revenues from Crogga's operations before they were received. I think it is also important
to say that revenues are not guaranteed, but there is no Government investment being requested,
nor suggested. We will not be waiting for gas to be extracted prior to moving forward with our
2645 renewable energy agenda. The published Climate Change Action Plan and Roadmap, I believe,
make that very clear. This work will and must be progressed now.

2650 I also think there is a consideration around the period of time that Crogga had to do their
previous seismic surveying. That did pass through a period that was affected significantly by the
COVID pandemic. I think it is fair to say that many Government projects were delayed, as were
many private projects, and it was reasonable to ask for an extension, but they still have to meet a
number of significant environmental benchmarks. They will have to go through the Wildlife

Committee in terms of meeting the conditions for seismic surveying to ensure that we are mitigating the risk that exists to our environment throughout this process.

2655 I just wanted to talk a little bit about the key aspect, for me, around the review of the Offshore Energy Strategy being that the role of new contracts for offshore hydrocarbon extraction ... where they do or do not play a role in our future. The first part of the amendment, as proposed by the Chief Minister, makes a clear statement that no new licences should be issued for extraction of gas in Manx waters. This is in line with the views that Hon. Members shared at the workshop that we conducted in March and also supports the views of 66% of respondents to the climate change team survey when asked whether they were against new licences being issued.

2660 While I cannot support the first part of Mr Mercer's motion, as it would conflict with an established contract, I do think in the second part of his amendment he makes a valuable point about the need to review our strategies and legislation to ensure that they meet our current needs. With this in mind, I support the inclusion of the second part of Mr Mercer's motion, alongside a strong statement from Tynwald on its position that no new licences for hydrocarbon extraction in Manx territorial waters be issued, which is why today I am standing to second the amendment in the name of the Chief Minister, which I believe covers those elements that have been raised by many Hon. Members today in this debate.

2670 The amended motion supports the draft recommendation in the proposed new offshore energy production strategy that issuing new licences for hydrocarbon extraction is not appropriate. I hope Hon. Members will feel able to support the amendment in the name of the Chief Minister today.

Thank you, Mr President.

2675 **The President:** I call on the Hon. Member, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.

2680 This debate has got biblical undertones: our gas; Adam and Eve's apple. My key concern here is that what has been set in motion is going to be challenging to actually derail, but recognising that fact, we need to move forward and actually look at the wider situation. This development will not encourage new people to use gas, it will allow existing customers to have access to a transitional fuel.

2685 It has not actually yet been confirmed that there are reserves of commercial viability out there, and in terms of what I see here, it is a way the Island can move forward at a challenging time if those reserves are actually there. This could open up opportunities; again, it is down to what is actually there and the actual reality, as Minister Barber has just so clearly identified.

2690 In terms of moving forward, we need to be clear in terms of, even if there is gas there that is commercially viable, it will have to be extracted in such an environmentally friendly manner, using the highest possible standards, that there will be minimal impact and it will be one of the best examples of this in the world. And if there is the energy there and if it can be extracted in that manner, then it may open up that revenue stream that will then enable us to invest in the environmentally friendly solutions that so many of us want. Our reserves can be boosted and it is not only the children of Tynwald Members today who will benefit, but their grandchildren will benefit. The whole Island could actually change and benefit from this, but it is really important that it is done in a very carefully staged way and at each step we actually look at the best solutions, rather than saying that today we must end it and look to other things. By going forward in a careful, considered manner, we can still get good outcomes.

Thank you, Mr President.

2700 **The President:** I call on the Hon. Member, Mr Smith.

Mr Smith: Thank you, Mr President.

2705 To echo the words of the Hon. Member of Council, Mr Greenhill, this is not a question of
either/or, as we definitely need to make a transition from carbon dependency, where we are
today, to renewables, where we plan to be. Currently, all the electricity we generate comes from
imported gas or, in some cases, oil. The vast majority of Island homes are heated either by
imported gas or oil. It is clearly evident that this situation cannot and will not change overnight.
There has to be a transitional process, which will take time and have a significant cost on both
2710 Government and homeowners. Of the polluting hydrocarbons, gas is the smallest and we need to
progress the licence already granted to allow seabed surveys, so at the very least we can get to
the next stage of determining what is there.

In the current economic climate of rising inflation and exceptionally high energy prices, we
have an opportunity to give the Island a degree of energy independence and security in a world
where energy supplies will undoubtedly continue to become increasingly uncertain.

2715 We have had reference to Crogga and have previously had arguments from both sides of this
issue, and I therefore do not intend to unnecessarily repeat. However, I do believe this motion
leads to a wider issue of perception and credibility. Our Island and this Hon. Court are continually
under scrutiny from external parties who will revel in our indecisions.

Mr President, what message are we conveying as a reputable international jurisdiction by
2720 agreeing – and I wish to emphasise – not a *new* licence, but the extension of an existing licence to
a company to progress seabed surveys and then, less than six weeks later, have another Tynwald
debate tabled to *stop* the process. ‘Unbelievable’ and ‘ludicrous’ are two words which spring to
my mind. (**Mr Wannenburg**: Hear, hear.) The potential hydrocarbon deposits, and the benefits
their extraction could bring to our Island, are too big an opportunity to forego. We have an
2725 obligation to ensure we provide for the well-being of our Island and its future, and in this context
energy security is critical.

The inevitable cost and damages instigated as a result of rescinding such a longstanding licence
agreement are inconceivable. Therefore, I cannot support the original motion.

Thank you, Mr President.

2730

The President: I call on the Hon. Member, Mr Glover.

Mr Glover: Gura mie eu, Eaghtyrane.

2735 ‘Winner, winner, chicken dinner’ were my thoughts when this second amendment came
through, because I had spoken to the mover, and I do thank her very much for bringing this to the
floor of Tynwald, because we have had an hour and a half of really good debate.

I am not going to talk much about Crogga, because I did talk with Ms Faragher about the fact
I could not support her motion, even though I have all the beliefs and everything else to be fully
behind the motion, because I was aware of the situation of the licence extension with Crogga. And
2740 so I just want to park that, because it is done. I agree with what Mr Smith has just said: that it
would have looked ludicrous to go back on that, from an Isle of Man reputational point of view.
I do agree and associate with all the remarks that have been made about this transition has to be
just as well. I really do strongly hold those views.

I think the fact that we are seeing climate change is irrefutable – it really is. I referred to the
2745 BBC weather forecast yesterday, and I will refer to it again here now. In 2020, they did a forecast
of what the BBC weather would look like, sitting at home, watching on the telly, in 2050. It had
the red map of the UK with 40s and 42s in England and Wales. Well, we saw that yesterday! It
happened in 2022! *Way* earlier than even the most pessimistic of experts were saying it would
happen.

2750 I am encouraged by what I have heard so far in this Tynwald, in terms of wanting to expand
our population and turbocharge our economy, the Statement on climate change, and I firmly
believe that all our energies now should go into really pushing that agenda. It is going to be a huge
challenge, but we have all got to pull together and try and do that. It is going to need money –
undoubtedly – to bring everybody along, but it is an essential journey that we need to take. I am

2755 only frustrated that we have not already really started the net zero journey until, it feels, around about now, which seems late to me. I am disappointed that we have not, but we cannot go back and change that now.

So let's get on with exploiting solar, wind and tidal. And out of that, I believe that we need to turbocharge our economy and a green economy will emerge on the Island. We need to be astute, aware, clever and mobile about that and get on with those things. So I do welcome what I have heard in here so far, but we have to be realistic as well. We have to pay for our doctors, our nurses, our teachers, our police officers, our firemen, as we saw yesterday fully in action. Also Mr Wannenburg has made the point as well: if we get the economy right and working now, we can get rid of the Foodbank that is an embarrassment to Mr Wannenburg, and I think all of us in Tynwald, really. (Mr Wannenburg: Thank you.) We should not have that, so I acknowledge that as well. But I believe in climate change, we have got to act now, and that means in the Isle of Man a green economy must come now as well.

So although, with regret, I cannot support the original motion, I think I did say as well, if you actually got this to be the last licence issued, that would be a tremendous success from that motion coming to Tynwald and that result could come. So I am going to actually support the motion that has come through from Mr Cannan and would urge everybody, on all sides of this argument, because that really is a statement and it moves us forward.

Gura mie eu, Eaghtyrane.

2775 **The President:** I call on the Hon. Member, Mrs Kelsey.

Mrs Kelsey: Gura mie eu, Eaghtyrane.

I rise to support the mover, my hon. colleague of Douglas East, with her motion. Over the last few months and today, I have listened to all the arguments, the pros and cons, and the political, the practical, the ethical and moral inputs to this debate. I maintain my stated position that I held prior to election to this Hon. Court.

My key concern is that while we hold on to the possible financial riches we may benefit from if gas exploration in Manx waters continues, we are missing *many* more opportunities to seek and make investment and innovation *now* in sustainable, renewable energy on our Island and in our waters.

We need to be bold and we need to act now. For that reason, I support the original motion and I am happy to support the amendment of my colleague in Council, Mr Mercer, which aims to ensure that Tynwald can scrutinise further and take recommendations of the Council of Ministers.

Gura mie eu, Eaghtyrane.

2790 **The President:** I call on the Hon. Member, Mrs Maska.

Mrs Maska: Gura mie eu, Eaghtyrane.

I do thank the hon. mover for bringing this motion. It has really raised some important points and allowed us to refresh and renew what we might do as we go forward. I think the possible part that gas might play – it is only *might*; we do not know it is there, but it is part of a much bigger picture that might emerge as we go forward ...

I also recall the presentation. We had one in the last administration and then earlier this year, I think it was in March, led by Ralph Peake. But Prof. David Quirk came to talk to us and he proposed the idea that to ensure security of supply of energy, it will be dependent on finding the right mix of technologies as we go forward. So that might be a balance of: importing electricity through interconnectors; offshore and onshore wind; hydroelectricity involving gravity, pumping uphill and then allowing the gravity to generate electricity coming down through gravity – and we are surrounded by the sea, so in a way it makes sense to me; tidal in the future. I would ask that if we go forward and continue with this licence, that we also can research that mix, that formula of possibilities, to fulfil our energy needs for the future.

2810 I supported yesterday and spoke on the Economic Strategy framework and one of the points I raised was having confidence in this Island. As has been said by others, our reputation is vital. So would we receive and support the Economic Strategy framework yesterday and today turn round and rubbish our reputation by saying, 'Right, we've signed up last Tynwald to the Crogga licence', and then we decide today in this Hon. Court that that is torn up, almost? So on that basis, I think we do have to stick with our reputation and what we have already agreed in a much wider vein in terms of our confidence and reputation internationally, and it would be one step in the right direction.

2815 I do think that the Chief Minister's amendment hits that middle ground in that no new licences would be issued for the extraction of hydrocarbon in Manx territorial waters, but then allows us to review the Petroleum Act 1986. So I think the compromise for me and the middle ground is to support the motion, but as amended by the Chief Minister's amendment. It is a good compromise and protects our reputation.

2820 Gura mie eu, Eaghtyrane.

The President: I call on the Hon. Member, Mrs Caine.

Mrs Caine: Thank you, Mr President.

2825 I have listened and really enjoyed the debate here today, and I really commend and support Ms Faragher in bringing the motion before us. As she said, it is a pity we did not have this debate before the licence was extended, so that we could be certain what the political will was. (A Member: Hear, hear.) But it has been, and whatever the reasons for that decision, we are where we are now. And what I am not entirely clear about is whether supporting Mr Mercer's amendment of Ms Faragher's motion, including the original wording, would somehow put Government at risk of being sued by the licence holder for the work already carried out. That would concern me.

2830 However, I think my view on the position is very clear and has been frequently stated: we should not be taking any new fossil fuels out of the ground. It should stay in the ground and the Isle of Man, I think, with the Economic Strategy and the Chief Minister's commitment yesterday to climate strategy as well, it is very clear that this Government is all about putting sustainability at the heart of Government policy. That is a very welcome, new, fresh message about this administration and the direction of travel for the Isle of Man. The trouble is, we have this black stain that is a carryover from the previous and extended ...

2840 Let's look at Crogga. We are told it is 60 or 70 local investors, in that company. We are told there is no possibility, there is no request for any Government financial support to take the business forward, and that there is the possibility – and I am grateful to Mr Greenhill, Hon. Member of Council for telling us – of up to £300 million to £1 billion a year if the extraction goes ahead. But as Mr Craine said, it is all *not* definite at all. I seriously doubt we will ever see, firstly, this go ahead and the income on the level being stated. And oh, wouldn't it be so much better to do as is in the Economic Strategy and get seabed lease fees for renewable energy and the new world and where the rest of the world is going, rather than old technology and stick to gas?

2850 The concern I did have with Mr Greenhill's clear lobbying for this to go ahead and for the great prospects that potentially are there, is that as Vice-Chair of Manx Utilities, my biggest worry is switching Manx Utilities on to the need to reduce emissions, to have the second interconnector and to get the Isle of Man off its dependency on gas. And, as eloquently put, bring in the science, and including Mrs Sharpe's contribution, it is this addiction, this one last puff, one last look. We need to have that clear direction. We need to say this is not where we are in the future, we are transitioning, we are decommissioning and moving away from gas and we are embracing new technology.

2855 I completely support the views expressed by Mr Hooper, and I think that was an excellent speech. It is about money and the problem I have is ever since the beginning I have felt that what

2860 Crogga are holding up is, ‘Lollipops!’ and we all follow, because it is the money. They are waving wads of money in front of Government. I do not think there is a Government in the world that would walk away from £300 million to £1 billion a year of potential revenue. But I was always told if something seems too good to be true, it probably is. I think that is an unwelcome distraction.

2865 They have been given an extension to the licence. What I am not clear on is, as Mr Mercer said, that supporting his amendment would not take away from that, that that would carry on, whereas the Chief Minister’s amendment is very much plainer that no new licences ... which absolutely must be endorsed. (**A Member:** Hear, hear.) But I support that there really should be no extraction of gas from our waters. I do not think there will be, and I said I think there are many more benefits for the Isle of Man, reputationally, investment-wise, business-wise and as an attractive jurisdiction to come and do business if we embrace the green agenda. Absolutely there are stronger possibilities and I think more people queuing up to invest in the Island with green technology than there is with gas, but time will tell.

2870 So I think this debate has been very welcome and very timely, but should it have happened before? And in terms of giving certainty to business, I can absolutely see where the Chief Minister is coming from, and I think it will probably get support. But really, as citizens of the world and looking further ahead than that five years, looking further ahead to our children and future generations and the legacy that we are going to leave behind, the shocking scenes of the burning acres of land in Portugal, in the south of France, Australia, America at times, but now so close to home in London and in Yorkshire. It is only a step to us. We are very grateful for that cooling sea breeze around us, but for the Isle of Man to be this beacon of green hills by the sea and embracing sustainability for our future.

2875 I think it is a shame that licence was extended. I can see why it was, but I do not think we will ever see it happen. I hope, and as Chair of the Climate Change Transformation Board, that we can crack on and deliver the Action Plan once it comes back and hopefully receives the endorsement of this Hon. Court.

2885 Thank you, Mr President.

Mr Henderson: Eaghtyrane, could I raise a point of order, please?

2890 **The President:** Yes, by all means, Mr Henderson.

Mr Henderson: Gura mie eu – *not* to do with Mrs Caine’s excellent input.

2895 Could I ask, somebody has got a phone on their bench or desks and everyone’s writing Teams messages at the minute. All I can hear is ‘burr, burr, burr’ and it is interrupting my train of concentration and I cannot hear some of the contributions.

The President: Can you please check your devices? Make sure they are *not* on vibrate. Thank you.

Next up, I have Hon. Mrs Christian.

2900 **Mrs Christian:** Thank you, Mr President.

2905 There has been an extremely amazing debate today and I am not going to repeat all of what my eloquent colleagues have said, but you will all see in front of you I have asked the Clerk to draft an amendment to, essentially, Mr Cannan’s amendment. The reason for this amendment is just simple, it is clear. By removing the words ‘Government policy’ ... why should we remove those words? It means it could change. This amendment strengthens Mr Cannan’s amendment, as it means that it does not matter what Government is in place now or in the future, this is what should happen. This amendment says that Tynwald expects Government to follow it and Tynwald can hold Government to account.

Thank you, Mr President. I beg to move:

Amendment to Mr Mercer's amendment

To leave out all words in part (1) of the amendment and to add in their place:

'(1) no new licences should be issued for the extraction of hydrocarbon in Manx territorial waters; and'

2910 **The President:** I call on the Hon. Member, Mrs Maltby.

Mrs Maltby: Gura mie eu, Eaghtyrane.

I am happy enough to accept that I might be in the minority today with my decision to show publicly my objection with the advancement of hydrocarbon extraction from Manx territorial waters, and I recognise my objection makes *no* difference whatsoever to this current agreement. Trust me, to be proven wrong is now my last hope, as the terms of the current licence decision, as the Hon. Member of Council, Mrs Sharpe has described, has already been made.

Eaghtyrane, make no doubt about it: if I was appearing on a gameshow and I was offered the chance to win an unknown fortune, then you could be sure I would gamble, accepting that if I lose, I could just walk away and go home and have had a lovely day – you know how it is. However, Eaghtyrane, this is not a gameshow we are talking about, this is real life, and this is not a gamble any of us will be able to just walk away from if it does not work out.

We have already heard from Hon. Members that effectively anyone in favour of Ms Faragher's motion is basically looking a gift horse in the mouth. But I would challenge this by saying that I, too, Mrs Caine, was taught that if something looks too good to be true, then it probably is. We have a stack of amendments – the irony does not escape me – and in order to get Mrs Christian's amendment to the vote, I will second it.

With that, Eaghtyrane, I will leave my contribution there.

2930 **The President:** I call upon the Hon. Member, Mrs Poole-Wilson.

The Minister for Justice and Home Affairs (Mrs Poole-Wilson): Thank you, Mr President.

I think also it has been a very full and very interesting debate. I do not want to take up the Hon. Court's time in repeating any of the many contributions that have been made, and I absolutely recognise the importance that Hon. Members have attached to the ability to express their views today.

What I would like to do is actually highlight where we are in terms of the original motion and the amendments now before the Hon. Court. I think what is important, and Hon. Members have grasped this, or reflected it in their contributions, is that the extension to the licence has been granted. It is a fact. People obviously have expressed their views about that today and there are differing views. I do not intend to comment either way. However, the amendment that has been proposed by the Chief Minister enables clarity for the future, which is in line with the Economic Strategy and the climate statement that was brought forward yesterday. I think that is what is important: clarity for the future.

We are where we are, but going forward an expression of no new licences as well as acknowledging Mr Mercer's suggested amendment is I think what is important. One point I would just like to make about the Hon. Member for Douglas South, Mrs Christian's amendment. It would be my view, actually, that it is stronger that the amendment says 'Government policy', because that is a clear commitment from this Government that there will be no new licences as opposed to an opinion from Tynwald that may or may not be followed by any Government.

So I would suggest I think it is semantics, I do not think too much turns either way, but the amendment as proposed by the Chief Minister gives us clarity, gives us a clear way forward in line with everything that was talked about yesterday and I would encourage Hon. Members to support that amendment.

2955 Thank you, Mr President.

The President: Mrs Christian, did you wish to give way?

Mrs Christian: Thank you.

2960 Sorry, it was just to ask if the Hon. Member would give way. But just to clarify, my amendment makes it *Tynwald* policy, which is what we are here to do today, not *Government* policy. Thank you, Mr President.

The President: I call on the Hon. Member, Mr Henderson.

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Mr Henderson: Gura mie eu, Eaghtyrane.

It would be remiss of me not to have some input into what ostensibly is a climate change debate.

2970 Eaghtyrane, I have to declare that I have a pre-declared position on this and always have had. So I am in a bit of a cleft stick, because although I support the Chief Minister's economic policy for the future and so on, which we have to look at and the Island has to go forward, half of me absolutely supports Ms Faragher's motion and I thank her very much for bringing it to Tynwald and having the nerve to do so and being quite brave about it. Excellent; well done.

So I feel I can, if I wish, vote either way, Eaghtyrane, (*Laughter*) at the ...

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Mr Hooper: Excellent speech! (*Laughter*)

A Member: Hear, hear!

2980 **Mr Henderson:** But I will put some more (**A Member:** There's more!) beef on the bone, as they say, as we go along with my input.

The first thing I want to say, which has really driven me to my feet, is the observation from our Hon. Member from Middle, where one person will not make a difference, one tiny little Island will not make a difference; not a jot, or however the phraseology was used. Zero – even worse.

2985 So what I would say to that is – which is what I have been saying for years, Eaghtyrane – yes, I entirely agree with the Hon. Member, Mr Peters. One person probably would not make any difference, or zero difference. But if we all did our little bit, all 85,000 of us here, then I am sure we would make a massive difference. It has been scientifically calculated that we are looking at between 10 and 15 tonnes of carbon footprint a year per person. If we all managed to knock a couple of tonnes of that off by adjusting our living behaviours, we would make a big difference. And if eight billion people across the globe had the same thinking and the same push from all their governments and so on, there would be a monster difference made by very little effort, as it turns out. That is all you need to do: turn your engines off; stop using washing machines two or three times a day. All sorts of things. Turn your hot water down in your household. Easy – win, win, win, win, win.

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Anyway, Eaghtyrane, I was impressed with the input from Hon. Member for Rushen, Dr Haywood, inasmuch that she recognised what I have been saying for a long time in here: that the CO₂ we are pumping into the atmosphere is going to be there for a very long time. Not just decades, some scientists reckon, it could be there for hundreds of years, and that is the thing we are missing. We can cut out everything we can do tomorrow and we have still got a legacy, historical CO₂ issue swirling in the atmosphere that needs to be dealt with as well. What is in the atmosphere now, the legacy CO₂, is what is causing current global warming and climate change. We are only adding to it and making it worse, so that is why we saw the fires in London yesterday and so on: because of the dry nature of the land and surrounds as a consequence of the unprecedented heatwave.

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So there is a lot to think about, Eaghtyrane. There is a lot to think about our Island's reputation. And Dr Haywood is right: NASA scientists, IPCC scientists, world scientists in general, have amassed scientific data, measurements and so on, and we all know why we are here. I am going

3010 to reiterate it, Eaghtyrane, and I apologise to Hon. Members, but from the industrial age in the
late 1700s, as Dr Haywood pointed out, there is a huge chunk of CO₂ directly attributable to human
activity, and it is increasing as we go along, whether we like to acknowledge that fact or not. And
even if we do not, how come the sea levels are rising, then? How come we are having these
extreme weather events? How come people in Australia are suffering as much as they are? Even
if we throw out the term 'climate change', the whole nature of planet Earth is changing and it
3015 needs to be addressed – and we need to be addressing it here as well.

The Chief Minister's amendment has come through this with some sort of middle ground and
acknowledges the situation we are in. Yes, we have agreed the extension for Crogga to get on with
their survey work and so on, and that is a done deal – end of. So it is up to us: if we want to reverse
that decision, there will be consequences, and that is the thing I am trying to grapple with at the
3020 minute. It is easy to vote for Ms Faragher in many ways, because the last thing I want is to see
carbon fuel or gas extraction on our own shores when we have declared a climate emergency, we
have passed climate change legislation and so on.

But at the same time, I think we have got to be pragmatic in all of this and look at the situation
as is. The amendment clearly puts a directive on our future direction of travel and, if voted
3025 through, certainly our direction of travel in the next couple of hours will be fairly secured with a
clear Government policy intent with this amendment.

So Eaghtyrane, I would urge Hon. Members to – I know they have, but – think about the
situation. I know it is difficult and I know for some of us we would rather just vote for Ms Faragher,
without a shadow of a doubt, but we do have a situation and, as I said, the Chief Minister's
3030 amendment puts some middle ground into it that we do really need to think about.

The President: I call on the Chief Minister to speak to the amendment.

The Chief Minister: Thank you, Mr President.

3035 My hon. colleague, Mrs Christian's amendment really does emphasise the fact that no new
licences should be issued for the extraction of hydrocarbon in territorial waters. So recognises
that this is about no new licences, rather than casting uncertainty over the current position. And
I would urge Hon. Members to really carefully reflect on what responsibility that means in terms
of undermining investment in the future and, indeed, here and now on a perfectly legal, legitimate
3040 document and process that has taken place.

I think we have to be pragmatic when we are looking at these amendments and particularly
Mrs Christian's amendment when compared to the Government amendment, Mr President.
Pragmatic in endorsing the way forward without destroying the past or undermining, indeed, our
ability in the *future* to go forward. What if in the future we call other, renewable energy contracts
3045 that have been signed into Tynwald to cast aspersions on them? That would be just really
horrendous in terms of setting the undertones for future contractual arrangements.

On that note, therefore, I think that is why the amendment that I laid before you is the best,
more secure route. I think Mrs Christian, whilst well-intended, really, this is about Government
policy and that this really does make that clear statement that Government policy should be that
3050 no new licences ...

So I urge you not to get confused with Mrs Christian's amendment and instead respect the
amendment that the Government, through me, have laid: that our policy will be no new
hydrocarbon extractions, but we protect the integrity of contractual arrangements that have
already been made, accepting, of course, the impassioned arguments still exist amongst
3055 Hon. Members about hydrocarbon extraction. But I call for practicality and reason about it;
reasonable approach in this case.

The President: I call on the Hon. Member, Ms Lord-Brennan.

3060 **Ms Lord-Brennan:** Thank you, Mr President.

I think it might have been quite interesting if this debate brought by the Hon. Member for Douglas East might have happened perhaps in the autumn of last year. I think then perhaps we might have been able to deal with the hypothetical situation. But the reality is now, as Mr Henderson said, we cannot reverse the position that this licence is in place, Government has
3065 decided to extend that. There are solid reasons behind that, actually. Because in these past few months alone, notwithstanding the fact that we know that it is going to require huge investment in order to prepare the Island for the transition, and the fact that there is concern about global energy security and provision, I would actually venture that there are many jurisdictions that would actually be happy to be in a position where you have got the potential to have your own
3070 supply of transition fuel – and gas is that – as well as having a Government that is committed, has laid that out clearly, to a quick transition to renewables.

So I would say that there has been a lot of arguments either side that have been quite extreme, actually, and that is why it has been fascinating to hear, but I think the point is that we all actually agree on the main points, which is that we need to make this transition, we want it to be funded,
3075 we need to make it so that it is not hard on the people that we represent.

I will make the point that I feel – and I speak on this having been a Member of the Legislative Council – that now, as an MHK, a serious responsibility to think about how these things will be explained to constituents in the future, as to how we are going to afford this transition, to the opportunities that might potentially be turned away or just ignored, just on the basis of theoretical
3080 things here.

Government is not in a position where we are having to fund this or take the risk. Tynwald today is at risk of potentially disrupting a process that is already in place, something that could be a game-changer for the Isle of Man. I think that it is perhaps easier for Members of the Legislative Council to take a view where they can get into a more extreme position because there is not
3085 necessarily the point to have to go back and explain to constituents about that. I just feel that this is being slightly polarised in this way.

We need to find a way forward that is practical, that honours the commitments that we have made, and also is not putting the Island at risk. By not accepting a compromise position, we are acting in a risky way in terms of Government's existing commitments. We are acting in a way that
3090 is not going to potentially afford the Island an opportunity for the sort of security and funding and opportunity that we need.

If we were in a position where everybody could go home tonight and not be reliant on gas and maybe there were not the sorts of issues that there are, or that we already had a well-progressed roll-out of renewables, then we would be in a different situation. But the fact is now I do not really
3095 think it is responsible for this Court to even give the indication of shutting down this situation as it already has been progressed.

We are in a situation where we should just keep going and recognise that the commitments have been made and that there is not a conflict between pursuing the renewable energy and making sure that we have got a gas supply that can serve us well and serve the people well here.

3100 Thank you, Mr President.

The President: I call on the mover to respond. (*Interjection*)

Ms Faragher: Gura mie eu, Eaghtyrane – let me just scroll right back up to the start, here.
3105 Can I start by thanking all Hon. Members for their contributions today. It really has been an interesting and quite candid debate there, but there was quite a lot of commentary to sum up there. So do forgive me if I am more brief in responding to some Members than others who spoke.

So firstly to thank Mrs Caine for seconding my motion. Mrs Caine has made comments about the fact that the licence renewal should have been brought to this Hon. Court in the first instance
3110 and how much better that would have been, which I thoroughly agree with, and about the future economic strategy and sustainability and the direction of travel for our Island. Crogga themselves

seem to be talking about quite high figures, but they also appear to be fairly questionable figures, and I do agree with that assessment.

3115 An important point to take away, Members, is that the income from offshore wind leasing is entirely predictable, but the income from Crogga is not. Are we pursuing an unwelcome distraction to our direction of travel with this, when we should be embracing the green agenda? Again, as Mrs Caine said, we are citizens of the world, we do need to think of our legacy and climate change edges ever closer to our shores.

3120 I think these comments from Mrs Caine are particularly resonant, being from our resident expert, as Chair of the Climate Change Transformation Board and someone who has long held an interest in climate science. So thank you, Mrs Caine.

On to Mr Peters. Thank you for your contribution, Mr Peters. I do appreciate that you are following your manifesto and election campaign promises, and I do respect that, too.

3125 Thank you to Mr Johnston for your comments, which mostly focused around the economy, which I think and hope I have already responded to in my initial comments on this. I appreciated your mention of a just transition, but I have actually had occasion before now to wonder whether Hon. Members realise the implications of that term. But I absolutely do agree, Mr Johnston, that we do need to bring everyone along with us, and I firmly believe that we can do this, actually, by pursuing wind power in line with the future economic strategy.

3130 Thank you very much to Mrs Sharpe for your comments. As you are a Member for the Department of Infrastructure, it was interesting to hear your comments and hear how this decision was reached, and more about the reasons behind this decision. Obviously I can only agree with your comments about global overheating and about using gas as a transition strategy. I feel like we must also address this fallacy of gas being a transition fuel. We are nearly 20 years into our transition now. We can no longer hide behind gas being a transition fuel, I am afraid.

3135 It is absolutely correct to say that we all need to take individual responsibility as jurisdictions for our own actions in terms of emissions and global overheating, and to make the point that there is no clean way to extract and utilise fossil fuel. So thank you for that.

3140 On to Mr Greenhill, I want to thank Mr Greenhill for those interesting comments. I agree that it is not an either/or – I do agree with those comments – but the point that I am making is that we do not have to do the gas project at all. We can pay for the transition by leasing our seabed for offshore wind, which will make guaranteed, quite substantial revenue, as explained in my opening comments.

3145 I do hope that I have answered your questions about the cost of living crisis and about explanation to the taxpayer. I believe this project will mean that we will be going back to the taxpayer with further explanations about why we are having to claw back lost revenue.

3150 When people talk about us being at the mercy of global gas markets, I do find this a little strange as justification for pursuing *new* gas projects. Fossil fuel companies are not charities, whether they are on our shores or not. How can gas effectively decouple us from world volatility, when it would simply tie our economy to a world market? Yes, we are at the mercy of gas companies, so let's move away from gas and create energy security via offshore wind.

3155 On the point that we are not the only country doing this – and Mr Craine made some interesting, pertinent points around this also – it is easy to say that our actions will not change what happens in other countries, and it is partially true, but we do not have political authority in other countries: we have that here. And who knows? There is a tipping point in all behavioural shifts and small jurisdictions making climate responsible choices might shame other countries around us into doing so, too, and it could even have a wider knock-on effect.

3160 Regardless, though, as we have a viable alternative to raise revenue that does not give us a moral dilemma in the form of leasing our seabed for offshore wind, my view is that we should take that option and I have not heard a persuasive argument against that logic.

Mr Mercer: as ever, thank you for a clear and logical contribution. The decision to license gas extraction does indeed fly in the face of science, public concern, the needs of businesses and industry, the opinion of international bodies such as the United Nations and our very own

3165 declaration of a climate emergency more than three years ago. Call me naïve, Members, but I would have thought three years would be long enough for climate science to be embedded into business and policy. Will this Court be able to conform to its own stated belief of a climate emergency or not, and will it be able to follow its own future economic strategy at this early stage? I also very much agree with the comments by Mr Mercer about time wasted on fossil fuel production when we should be putting our focus upon clean renewables and energy security.

3170 On to Dr Haywood. Thank you, Dr Haywood, for your comments and again reference to the climate science and to the chaos that we have seen ensuing from record extreme heat, as I watch people are finding themselves in this Hon. Court right now. Yes, you are absolutely correct that scientists have been telling us about this for decades.

3175 Members, we heard yesterday that the first time climate change was discussed in this Hon. Court was in the 1990s. What a shame that we did not see bold leadership at that point. What a shame that we did not act in accordance with the climate science then. Every Member here knows we would not be facing so many challenges around population imbalance and cost of living if we had pursued innovative, future-proof technology, clean, renewable energy and home insulation then. Is it not time for some bold leadership now? Come on, Members; is that not what we want to see? As Dr Haywood says, we need to see peak fossil fuel use at 2025 and then see a rapid decline. This project is incompatible with that. Exploitation of fossil fuels will only divert our attention without assisting with cost of living.

3180 Thank you to Mr Craine for his input and focus upon the words of scientific bodies. As you said so clearly, Mr Craine, the IPCC's Working Groups I and II have been very clear that we are currently hanging on by a thread and the International Energy Agency has said that fossil fuel exploitation must stop *now*, actually. Renewable energy is cheaper and the trajectory we are on means that fossil fuel exploitation will be a stranded asset, as companies become increasingly desperate to sell their gas and the industry collapses. It is hard to see how this project would be commercially successful and I do ask Members to focus upon this.

3190 Thank you to Mr Hooper for your comments. I can commit to continue disobedience, if that helps. I appreciate your comments around revocation of the licence. Again, comments around the questionable financial viability of this project, which have been made by quite a few of us today. And thank you for the argument made very clearly about the issues with this project being posed as raising revenue for our transition. You did that so well that I am going to leave that one with you.

3195 Again, there is a focus upon our future economic strategy and its own focus upon sustainability and how there has been a fundamental shift in Government ethos. We must be true to this from the outset. We must make a strong statement today for our future. I understand the fundamental problem that Mr Hooper outlined about the fact that this licence has already been issued and we do not want to issue any more. Mr Hooper, I do have to say, I did not mean this motion to be that there would be no new licences issued. I wanted this Hon. Court to debate upon whether it should have been issued in the first place and, indeed, to prompt exploration on how we can limit damage or extricate ourselves.

3200 Thank you to Mr Wannenburg for his comments, and I know that we disagree on this issue, Mr Wannenburg. I do hope that you feel comments about carbon emissions being limited in this project by contract and about this project raising revenue to fund the green transition have been answered during this debate. I do respect also that you want the same future, so thank you for the input.

3205 On to the Chief Minister's contribution, thank you for that; some interesting comments. And I appreciate that the licence was issued in compliance with the law and before we brought forward the Economic Strategy. But I would point out that climate change does not care about when or how we brought forward a strategy; it marches on regardless.

3210 Comments around pragmatism are interesting, I think, and I want to quote the Hon. Member for Ayre and Michael, Mr Cannan, from yesterday's debate upon growing our population in which he said:

we need to be realistic ... [and aware] of the current challenges. But that does not mean ... we should not be ambitious ...

I agree with the Hon. Member for Ayre and Michael, Mr Cannan, and I would like to request that that comment carries through to all topics, including this one.

3220 Regarding the Council of Ministers' amendment, I am not in agreement with this. I would like to see our vote upon the issuing of a licence to drill for fossil gas, which, again, I say should have been brought to this Hon. Court in the first place.

I do also want to say to Members that actually there are decisions taken by Government that have been overturned due to changing attitudes and improved understanding. Sometimes it is okay to say we got it wrong and move on. We need to see action, not bold words and strategies whilst continuing with business as usual.

3225 Thank you to Mrs Barber for her comments. I do understand that renewable projects can proceed alongside this project to drill for fossil gas, but as mentioned by a few other Hon. Members, the project to drill does not seem either viable or necessary.

3230 With regard to meeting environmental obligations, I could only refer the Hon. Member to Mrs Sharpe's comments around there being no way, really, to make this project green. There is no clean way to exploit fossil gas.

On to, Mr Moorhouse, thank you for your input. Again, I just make the comment that there is no such thing as minimal impact for extraction of fossil fuels.

3235 Again, Mr Smith, thank you for your input and your comments. I would refer to previous comments about the either/or nature of this, and with regard to your comment on the licence being agreed, then this debate being brought to this Hon. Court, yes, I do agree: there should have been a Tynwald debate in the first instance.

3240 Mr Glover, thank you again for your engagement with me about this prior to this matter and this debate today. I am hoping that some of your other comments around funding the transition will have been answered. I must say I cannot accept that there will be any lead on from this to get rid of the Foodbank; and thank you for the comments about moving forward with clean energy generation. I do agree with that.

Mrs Kelsey, I would just like to say thank you for your support on this. Your focus upon missed opportunities is very resonant, as are the comments upon being bold. I agree with you fully.

3245 Mrs Maska, I do agree that this debate has raised some really important points and focused minds, and I do really like your comment about research into the mix of energy generation needed for the future. I also agree that Mr Cannan's amendment picks the middle ground, which is why I do not think it is appropriate for this issue, in which all the indicators are shouting code red.

3250 Mrs Christian, thank you for your alternative amendment, and I do agree with your comments in moving it. But for the same reasons as I gave with regard to Mr Cannan's amendment, I cannot support this.

Mrs Maltby, yes, if something appears too good to be true, it probably is and thank you for your comments and support on this.

3255 On to Mrs Poole-Wilson, thanks for your comments. There was some focus upon the extension of the licence having already been granted. Yes, isn't that a shame? I do hope that all of the Council of Ministers have noted today that issues such as this should not be taken behind closed doors with most elected representatives excluded.

Thank you to Mrs Poole-Wilson for your comments around the amendment. I have already spoken to that, but thank you again for your input.

3260 Mr Henderson, I understand you are conflicted in this and I appreciate you putting on the record your reasons for your vote, and we agree about the importance of each nation looking after and being responsible for its own actions. That is all we can do.

On to Ms Lord-Brennan, thank you for your comments. Again, I would comment that Government decisions have been reversed as we come to better understanding. You are right that there seems to be general consensus on our goal of a greener future, and there just does seem to

3265 be a disagreement on how we get there. I think comments around commitments we have made
and putting the Island at risk are slightly alarmist, I have to say. I do refer the Hon. Member to
previous comments about how we should transition by *not* coupling ourselves with a volatile
global gas market.

3270 Eaghtyrane, agreeing that we should prospect for gas is in contradiction to declaring a climate
emergency and with international scientific bodies' advice. I think the reason some people are in
favour is because they think that we will get cheap gas very soon. This is a fallacy. If gas is
extracted, it will not be until the 2030s, and by then it will be far more expensive than energy from
renewables. So it is also economically unsound. It will damage our reputation, it will be off-putting
3275 for businesses and industry who are trying to meet their own climate targets, it will be off-putting
for our target demographic, and it is in direct opposition to the direction of travel of the Economic
Strategy the Chief Minister outlined only yesterday.

We must stand by our words on climate action and on our economic strategy. We must all
make the choice between what is right and what is easy. And on that note, you will all be pleased
to hear, I will end my summing up and beg to move, Eaghtyrane.

3280 Gura mie eu.

A Member: Hear, hear.

3285 **The President:** Hon. Members, I have received a request from Mrs Christian to withdraw her
amendment. Is the Court content for the amendment to be withdrawn? (**Members:** Agreed.)

I have also received a late request to ask a question of the Solicitor General, which I will allow,
and will ask Mrs Caine to ask that question.

Mrs Caine: Thank you, Mr President.

3290 In light of the two different amendments we have before us, I wonder if I could ask the Solicitor
General to comment on the likely impact, as Mr Mercer said it would have no impact on the
licence already issued, whereas the Chief Minister's amendment is very plain on that point.

I think the key thing is there is a legal contract in place. Would the amendment have any impact
on that? I think that would be beneficial to us to know before we voted.

3295 **The Solicitor General:** Yes, thank you very much.

Mr President, Hon. Members will have noted that the original motion, as well as the various
proposed amendments, have one thing in common, and that is that they begin with the words,
'That Tynwald is of the opinion *that*'. So, self-evidently, whichever motion is resolved in the end,
3300 it will amount to no more than an expression of the sentiment of this Hon. Court – no less, but no
more – and certainly it will not amount to legislation and would not itself be reason for the
Department, in this case the Department of Infrastructure, to withdraw from or cancel or frustrate
any of the existing contracts.

The legal position, as legislated by this Hon. Court some years ago, as has been mentioned, is
3305 set out in the Petroleum Act 1986, and it is very plain under that Act that it is only the Department
of Infrastructure which is able to issue and control licences to search for and get petroleum. There
is nothing in that Act which subjects the Department's issue of and controlling of licences to
Tynwald control, although it is true to say that under that Act Tynwald has some role to play in
the making of regulations governing the actual application process.

3310 Were the motions, whichever one is arrived at, to be regarded as carrying legislative weight,
then of course the role of the Department under the Petroleum Act would be completely usurped,
contrary to the important principle that existing legislation should only be altered by a further
legislative provision, as distinct from a notice of motion.

3315 So I hope, in direct answer to the Hon. Member's question – would Mr Mercer's amendment,
or indeed any other, have any impact upon the existing contractual arrangements – no direct
impact, but one wonders, for example, if Crogga was to enter into arrangements looking for

finance, whether the opinion of this Court might affect what arrangements could be made by Crogga in those circumstances. I hope that is a sufficiently clear answer.

Thank you, sir.

3320

The President: Now, Hon. Members, we come to voting on this Item, Item 21, the motion as set out on the Order Paper, and to that motion you have before you two amendments, one in the name of Mr Mercer, which is to be voted on in parts, and one in the name of the Chief Minister, which would amend part (1) of Mr Mercer's amendment.

3325

So starting with part (1), I will put first the amendment by the Chief Minister. All those in favour, please say aye; those against, please say no.

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

In the Keys – Ayes 20, Noes 3

FOR

Dr Allinson
Mr Ashford
Mrs Barber
Mr Callister
Mr Cannan
Mrs Christian
Mrs Corlett
Mr Crookall
Ms Edge
Mr Glover
Dr Haywood
Mr Johnston
Ms Lord-Brennan
Mrs Maltby
Mr Moorhouse
Mr Peters
Mrs Poole-Wilson
Mr Smith
The Speaker
Mr Wannenburg

AGAINST

Mrs Caine
Ms Faragher
Mr Hooper

The Speaker: Eaghtyrane, in the Keys, 20 votes for, 3 against.

In the Council – Ayes 7, Noes 2

FOR

Miss August-Hanson
Mr Greenhill
Mr Henderson
The Lord Bishop
Mrs Maska
Mr Mercer
Mrs Sharpe

AGAINST

Mr Craine
Mrs Kelsey

The President: Legislative Council, 7 for, 2 against. Therefore, the amendment carries.

3330

So with the Chief Minister's amendment having been carried, I now put part (1) of Mr Mercer's amendment, as amended. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it.

Now I put to you part (2) of Mr Mercer's amendment. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it.

3335 Finally, I put the motion as amended. All those in favour, please say aye; those against, please say no.

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

In the Keys – Ayes 23, Noes 0

FOR	AGAINST
Dr Allinson	None
Mr Ashford	
Mrs Barber	
Mrs Caine	
Mr Callister	
Mr Cannan	
Mrs Christian	
Mrs Corlett	
Mr Crookall	
Ms Edge	
Ms Faragher	
Mr Glover	
Dr Haywood	
Mr Hooper	
Mr Johnston	
Ms Lord-Brennan	
Mrs Maltby	
Mr Moorhouse	
Mr Peters	
Mrs Poole-Wilson	
Mr Smith	
The Speaker	
Mr Wannenburg	

The Speaker: Eaghtyrane, in the House of Keys, 23 votes for, none against.

In the Council – Ayes 9, Noes 0

FOR	AGAINST
Miss August-Hanson	None
Mr Craine	
Mr Greenhill	
Mr Henderson	
Mrs Kelsey	
The Lord Bishop	
Mrs Maska	
Mr Mercer	
Mrs Sharpe	

The President: Legislative Council, 9 for, none against. Motion, as amended, therefore carried.

**22. Social tariffs for the internet –
Treasury review of need –
Amended motion carried**

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to move:

That the Treasury should review the need to introduce a social tariff for internet access and should submit a report to Tynwald by the last day of November 2022; that in undertaking its review the Treasury should work with the Department for Enterprise, the Department of Education, Sport and Culture, the Communications and Utilities Regulatory Authority, and any other public, private or third sector stakeholders that seem appropriate; and that the review should consider:

(a) the report published by Ofcom in February 2022 entitled ‘Affordability of Communications Services – Summary of research findings and update on availability and take-up of broadband social tariffs’;

(b) the various options now available in the UK;

(c) the impact of the current pricing structure in the Island on the digital inclusion of people in low income groupings;

(d) evidence from the lockdown experience about students from low income households accessing the internet and the impact on learning; and

(e) the impact of current charging on personal debt levels and debt management amongst certain social, economic and demographic groupings.

3340 **The President:** Hon. Members, we move on to Item 22, and I call on the Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.

3345 Item 22 on the Order Paper: social tariffs for the internet. If you watch any television channel with advertisements, you will almost certainly see some incredibly attractive internet access offers being promoted. However, if you need to access low-cost internet provision, then try to get one of these offers on Island, unfortunately, nothing comparable is on offer. That inevitably creates digital exclusion, a challenge that must be evaluated and resolved at the earliest opportunity.

3350 One of my strongest memories from the first lockdown was the message I received from a close friend concerned about her children accessing remote learning. She was a proud lady who did not want to contact the school or others to be aware of the challenges she faced. I was able to find a solution, but local people should not be put in that position.

3355 In the adjacent island, mechanisms are in place to ensure low-cost internet access is available. The capacity reflects that fact, but it allows children to their homework, the key research, the elderly and infirm and others to remain in close contact with family and friends, and entrepreneurs to activate their dream. Whilst this motion outlines key factors and areas of focus, the underlying aim is for an assessment to be carried out into the cost of internet access on Island. CURA is well placed to carry out this role. Hopefully Tynwald can signal that today.

3360 On 24th May in the House of Keys, I asked the political Member for the Regulatory Authority whether the option of a social tariff for internet access has been considered. When answering the Question, Mrs Corlett stated:

The Authority would be happy to investigate the introduction of a social tariff. However, this decision cannot be made by the Authority in isolation. Such issues are a matter of public policy, and while the Authority plays its part in implementing such policies, they must come from Tynwald or Government. If affordability is a barrier to some people accessing the internet, there are further issues that must be considered, such as identifying the individuals who are finding internet access to be unaffordable and designing a suitable mechanism that best suits those individuals' needs.

3365 On the adjacent island, Ofcom goes so far as to provide a comparison site showing what is available and aligns Social Security benefits to those options. Hopefully you have had the opportunity to look at these links, which I have sent. Here in the Isle of Man, it is a challenge to find data which enables people to compare different providers. The people who have time to collect the data or have an alternative are often left bemused to see their options, but price bands and the services available all tend to fall within very small and costly brands.

Thank you, Minister Allinson, for the email, which gives us a quick insight into what is available. As part of my Question to Mrs Corlett, she stated:

Debt Services has not raised any concerns with the Authority about communication charges and in any way contributing to individual debt ...

3370 However, local charities have raised concerns about this in meeting with me, and I would ask that the situation is really considered ahead of the challenging and costly winter period.

3375 From my perspective, it will be positive if our key decision-makers could consider the Ofcom report in this area, with around 5% and possibly more of the Island's population facing digital exclusion. For many, because of the cost. Intervention is now required. Ofcom are being very proactive and customers they protect now have a choice of low-cost options. This should also be happening here. With a challenging winter ahead of us, many people would like to know what assessment of the current situation could be provided by November 2022. With a limited number of providers and people in real need, this is achievable.

Thank you, Mr President.

3380 **The President:** Hon. Member, Miss August-Hanson.

Miss August-Hanson: I beg to second and reserve my remarks, Mr President.

3385 **The President:** Hon. Member, Dr Allinson.

The Minister for the Treasury (Dr Allinson): Thank you, Mr President.

I rise to move the amendment standing in my name, which has just been circulated to Hon. Members.

3390 The Hon. Member for Arbory, Castletown and Malew, through a rather wordy and lengthy motion, has proposed a comprehensive review into the need to introduce a social tariff for internet access, and the subject of digital inclusion has been discussed within a number of Government documents over the previous years. For instance, in 2016, the Cabinet Office launched its Digital Inclusion Strategy, which sought to tackle digital exclusion within five years. It identified that digital inclusion, or reducing digital exclusion, is about making sure that people
3395 have the capability to use the internet and wider technologies to do things that benefit them from day to day. The strategy recognised that there will always be some level of exclusion, because some people will never have an interest in the ability to get online.

3400 It also highlighted that digital exclusion is often more than just a cost issue, as it can be related to skills or access to suitable hardware. The strategy had within it a Digital Inclusion Charter. Whilst the National Telecoms Strategy approved by Tynwald in October 2018 did not contain specific outcomes regarding this issue, it did identify that high-speed communications are a strong enabler for economic growth and social inclusion. Connectivity to these networks and the internet are no

longer considered a luxury item and telecommunications networks are now seen as an important component of our critical national infrastructure.

3405 Within the Hon. Member's motion, it makes reference to an Ofcom report released in February 2022 entitled 'Affordability of Communication Services'. This report is a continuation of a series of reports started in December 2020. The initial report found that one in five people in the UK had at least one issue procuring internet services. The 2020 report also identified:

For customers who struggle to pay, social tariffs or targeted affordable tariffs can ... [prove a] valuable support, and we have seen some providers offering these on a permanent or temporary basis in the broadband and mobile sectors. Our research shows the importance of internet access and that some groups, especially those who are unemployed and looking for ... work, are more likely to experience an affordability issue with their communications service. Therefore, the availability of targeted affordable tariffs for the financially vulnerable is, in our view, very important.

3410 The report strongly encouraged operators to consider introducing targeted tariffs designed to ensure that low-income customers or those deemed financially vulnerable could access broadband and mobile services. It also encouraged operators who provide such tariffs to ensure that they are adequately promoted. Through 2021, Ofcom tracked progress in affordability and via awareness surveys.

3415 The February 2022 report concluded that while social tariffs had become available for financially vulnerable customers, the take-up had been low and that very few were actually benefiting from them. Ofcom found there was limited evidence that operators had been actively promoting their social tariffs and can be seen to reflect on the low take-up. They have suggested a number of new communication channels to promote and support customers find a social tariff, should one be available to them.

3420 It should also be noted that the Isle of Man, through the British-Irish Council, is leading on a piece of work on the digital inclusion work sector. This workstream, headed by the Cabinet Office, includes representation by the Department for Enterprise and last met on 12th July 2022. The DfE focus is primarily on skills and digital literacy, and, of course, the National Broadband Plan.

3425 As previously mentioned, Ofcom found that awareness of such tariffs was poor. As at July 2021, only 1.2% of UK households receiving Universal Credit were taking advantage of one of these social tariffs. The Digital Strategy being brought to Tynwald at this sitting identifies digital inclusion as one of its dedicated elements. The GTS-led report focuses on making services accessible to all through improved and standardised ways of delivering information.

3430 The Hon. Member's motion seeks the input of multiple stakeholders and looks to address a number of perceived issues. It is difficult to see how such a report could be concluded within the prescribed timeframe, especially if it is to seek meaningful input from the public, third sector and existing internet providers on our Island. In some ways, I think there is a risk that the two unrelated issues could become conflated: the need for a social tariff and the general cost of broadband access. Both are important issues, but need to be dealt with separately.

3435 Direct comparisons with monthly cost are extremely difficult to make due to our geography. Costs for providing internet services are largely determined by infrastructure investment and the population density of an area. Thus the cost of fibre broadband in central Manchester will always be cheaper than at the Point of Ayre. Pure cost of service does not always correlate with the quality or reliability of delivery, and I am grateful to the Office of Fair Trading for the work they have done (*Interjection*) in this complex area, which I have previously circulated to Members. Also, the increasing use of mobile data and access to free Wi-Fi continues to offer choice to those of our residents and visitors as well.

3440 My amendment proposes that this particular matter be referred to the Communications and Utilities Regulatory Authority to fully examine these issues as an independent regulator and report back to Tynwald.

The wording of the amendment reads:

To leave out all the words after ‘That Tynwald’ and add the words:

‘That Tynwald:

(a) recognises the importance of digital inclusion;

(b) notes that Tynwald retains its discretion in relation to determining public policy but considers that, given the potential impact of such policies, Tynwald would benefit from clear independent analysis to inform any decisions it may make; and

(c) requests that the Communications and Utilities Regulatory Authority:

(i) examine the issues that may arise in relation to introducing a social tariff for internet access;

(ii) consult with all stakeholders that seem appropriate;

(iii) outline the options that Tynwald could consider when determining public policy; and

(iv) submit a report to Tynwald on this matter by the last day of February 2023.’

I think this is a pragmatic way of getting the best independent information so that the best social policy can then be decided. Mr President, I beg to move the amendment in my name.

Thank you.

3450

The President: I call on the Hon. Member, Mr Smith.

Mr Smith: Thank you, Mr President.

I beg to second and reserve my comments.

3455

The President: I call on the Hon. Member, Mr Ashford.

Mr Ashford: Thank you very much, Mr President.

I do not think it comes as any great surprise to people about my scepticism in relation to social tariffs when it comes to broadband, as I have expressed them publicly many times before.

3460

When we look at correlation around access to broadband, Mr President, the fact is, even if we introduce social tariffs over here, they are never going to be at a parity of price the same as the UK. We have a very different demographic and a very small demographic.

I went out and I had a look, for instance, at some of the customer bases of those offering social tariffs. Sky Broadband, for instance, is operating with a 6.2-million customer base in the UK; Virgin Media, a 5.42-million customer base; BT a six-million customer base. Even one of the smaller operators, which is TalkTalk, is a four-million customer base. When you put that into context of the Isle of Man, where even if every single household on the Island was signed up to the same provider – that is 37,220 houses – it would equal 0.7% of an average supplier in the UK’s customer base. We all know that the more customers you have, the more synergies you get in terms of price. So even if we introduce a social tariff, I would be absolutely amazed if it is anywhere in the region of what is being offered in the UK.

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But also, with no pun intended, Mr President, the phrase ‘broadband’ has become a very broad term these days. There are lots of different types of broadband and provision. So when we generally talk about broadband now, we refer to fibre broadband. I went and had a look at some of the social tariffs available in the UK and most of them are in relation to traditional broadband. So what is often on the social tariff is what you would call the copper-based broadband for most providers.

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I had a quick look at what is provided as part of that, and the average speed on most of them is between roughly around about 35 MB, up to about 90 MB at the top end. To be perfectly frank, Mr President, these days, with the data-intensive websites and demands that we have in our daily lives, you would actually be better off with a wheel and a hamster, I think, than some of these for trying to download things. So it is no surprise they are coming in at the price that they are.

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The Hon. Minister for the Treasury referred to the fact about the low take-up in the UK. That does not actually come as a surprise to me, because I have got friends who do qualify for the social

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tariff broadband, but they do not take it up because it does not meet the demands of their daily lives. It is not a package that will actually give them what they want.

3490 But my other concern around social tariffs has always been the fact that they cannot be targeted, I think, always at the people who most actually need them. Yes, it is very good from the point of view of those who are on benefits. They can access them, because that is the only way any provider has the ability to assess whether the person can access a social tariff or not; is to do it via the benefits system. But as we know, and I do not think anyone in this Hon. Court is holding up the benefits system as the holy grail for deciding who is actually in need and who is not. Even as *Treasury* Minister, I actually said we needed to review the way the benefits system works and
3495 we did with our schemes in relation to cost of living, proposals that stopped cliff edges, because we recognised there were people outside of the benefits system who needed support as well. It is exactly the same with social tariffs. So while you will help certain people in certain sectors who receive other support as well, you will not necessarily reach those who could actually be most in need.

3500 So I have never been a supporter of social tariffs, because I also come from the very cynical point of view – and even I admit it is cynical – that actually, ultimately, it is not a freebie from the suppliers. They still have to recoup the cost somewhere, and all they do is they spread that cost across the remaining customers. They work out how much they are going to be paying out in social tariff and they spread it accordingly, a bit like a rates discount, should we say, over here in the
3505 Island. So actually, it is not that much of a benefit, as far as I am concerned.

So I am afraid I cannot support the motion before us today, although actually I am willing, having said what I have just said, to support the amendment by the Treasury Minister. I do think it is worth looking at and I await with interest to see what comes back if the amendment passes. So I will be giving the amendment the benefit of the doubt, but I cannot support the motion as
3510 drafted. I think the Hon. Member for Arbory, Castletown and Malew is coming from it from the right place, he is doing this for the right reasons, but I do not think it will actually achieve what he thinks it will achieve.

The President: I call on the Hon. Member, Mrs Corlett.
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Mrs Corlett: Thank you, Mr President.

As the political Member for the Communications and Utilities Regulatory Authority, I would ask to express support for Minister Allinson's amendment to the motion on behalf of the Communications and Utilities Regulatory Authority.

3520 Mr Moorhouse has made efforts to highlight this issue and in response to questions asked recently in another place, the Authority has clarified that having a social tariff on Island is ultimately a public policy matter first and foremost and the Authority's role is to implement policy, not to develop it. The Minister has rightly pointed out that this is an important issue, and that it has the potential to impact on many different stakeholders, but most notably consumers.
3525 Therefore, it is not something that should be considered lightly, and it is clear from the Minister's amendment that the ultimate goal is to ensure that any decisions are informed and evidenced.

The Authority would accept and welcome the opportunity to play its part in ensuring Tynwald Members are provided with an unbiased, independent overview of the issue at hand and to help in any debate on the issue. Members should also rest assured that any work carried out should
3530 the amendment be carried would be conducted in a transparent and non-discriminatory way that takes into account best practice and experience from other jurisdictions.

I am pleased to support this amendment and I hope that Hon. Members can give their support to Dr Allinson's amendment.

Thank you, Mr President.
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The President: I call on Miss August-Hanson.

Miss August-Hanson: Thank you, Mr President.

3540 I am just going to stand up quite quickly to say thank you to the Member for Arbory, Castletown and Malew for bringing it forward, simply because we have had this conversation and because we have had the opportunity for Dr Allinson to put forward this amendment, which I will fully support.
Thank you, Mr President.

The President: I call on the mover to respond.

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Mr Moorhouse: Thank you, Mr President.

Despite there not being many contributions, all the contributions had a positive element which was really good.

3550 Thank you, Miss August-Hanson, for seconding; and thank you for Minister Allinson actually looking at the wider issues and not dismissing what could easily be dismissed as something that is going to impact on so few people it is not worth doing. It is a real credit to him that he has actually seen that, despite it being something that may only impact in a small area, it is worth considering, it is worth looking at it, and I really do appreciate that.

3555 In terms of Mr Ashford, it is always good to get the counterbalance and that deep consideration. I recognise this will not be a mass market product. In terms of the impact on other customers, it is going to be limited. But I do feel that we need to have this option considered.

3560 In terms of Mrs Corlett, I appreciate the time she has spent with me talking about this and sharing her thoughts. It is not an easy thing to move forward, but I think by looking at the wider issues and looking at the core areas, the amendment that has come forward is better than what I brought, and I am really pleased that it has been taken on and it has got more attractions than what I brought in the first instance.

I would also like to thank Miss August-Hanson, for looking at the issue, supporting it and recognising the value of such a review.

Thank you very much, Mr President.

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The President: Now, Hon. Members, we come to voting on this Item, Item 22, the motion as set out on the Order Paper. And to that motion, you have before you an amendment in the name of Dr Allinson. I put first the amendment. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it.

3570 Having dealt with the amendment, I now put the motion as amended. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. Item 22, as amended, carries.

**23. Length of time on Register of Business –
Reducing the six-weeks requirement –
Motion carried**

The Hon. Member for Garff (Mrs Caine) to move:

That Tynwald is of the opinion that the requirement for all business to spend six weeks on the Register is excessive, and refers the matter to the Standing Orders Committee for reconsideration.

The President: We move on to Item 23. Noting the length of time on the Register of Business, does the Court give consent to hear this Item? (*Laughter*) (**Members:** Agreed.) Okay.

3575 I call on the mover, Mrs Caine, to move.

Mrs Caine: Thank you, Mr President.

I appreciate the intention of the Standing Orders Committee in bringing forward a change to our previous process. It was to enable Members to have sufficient time to digest the motions and the supporting reports, memos or regulations that come before us.

There was a time, in the previous administration, when our heads would be spinning with the amount of last-minute motions, supplementary order papers, and sometimes quite complex regulations, that caused many to burn the midnight oil. However, in practice, I have found the expectation that *everything* spends six weeks on the Register actually makes us less efficient, less nimble and creates the impression that we are somehow failing to give proper scrutiny for the many Items that have *not* spent six weeks on the Register.

I also note that no fewer than 20 Items on today's Order Paper have not completed their six weeks on the Register of Business and that is more than half of the motions. Perhaps 12 days from publication of the Order Paper to debating in this Hon. Court was too brief to work through all Items thoroughly, but I think six weeks is just too much. I seek to refer this back to the Standing Orders Committee to reconsider whether a shorter time period of perhaps three or four weeks would not be preferable. I am sure Members will have made up their own mind on the matter and I look forward to hearing contributions to this debate.

Mr President, I beg to move the motion standing in my name.

The President: I call on Dr Allinson.

Dr Allinson: Thank you very much, Mr President.

I am quite happy to second this. As we look through the Order Paper and we get on to the Treasury hour, as it is now commonly called, (*Laughter*) there are three motions there that go back about two or three months, that have had to be passed very quickly, but then take so long to get through that they become irrelevant for debate in the end, and I will have to explain that and take you back in time.

It is really important – and the Chief Minister spelt this out yesterday in terms of his Statement on the economic policy and Economic Strategy – that we have the ability to act quite nimbly when we can, but also have decent debate. And I think, whilst the six-week rule was brought in with the best intentions, the experience of using it, right across the course, from people bringing their own motions, to climate change strategies, to a whole range of different legislation, has found that, actually, it is not working all the time and we should now look to reconsider this. I am very happy to support this motion going forward.

Thank you.

The President: I call on the Hon. Loayreyder.

The Speaker: Gura mie eu, Eaghtyrane.

I rise as Chairman of the Standing Orders Committee to advise that the Committee have not discussed this matter with a view to adopting a joint position. The following thoughts are therefore completely my own.

I am pleased to support the general thrust of the motion. I perhaps take exception to it being described as *excessive*, but I am not going to muddy the waters just for the sake of nit picking. It is worth, though, setting out a bit of why this exists in order to inform the review.

The Register of Business was designed as a way of flagging to Members business that was coming down the tracks which Members could then properly prepare for. In the July sitting in 2018, Tynwald was presented with 185 pages of GDPR implementing regulations with just two weeks' notice, along with 31 other Items of business. The plan has always been, to quote from the Committee's 2021 Report:

... that Members would be notified by email of new items of substantive business each day ...

That clearly has not come to pass.

3630 Earlier presentations by Government where Items have been lodged further in advance would also help. Members will appreciate the difficulty in July of having just put Tynwald Day behind us, then being barraged by presentations and briefings on Government business, whilst also trying to find the time to read and research the Items before us.

3635 I appreciate that the environment that existed when these rules were created no longer exists: a culture of Government bouncing Members into deciding something without time to think or undertake any meaningful discussion or research, or indeed discuss with constituents, or even do any personal research. The goal was to ensure that urgent matters could be dealt with urgently, but routine matters should be put on the Register and debated after due consideration. Again, back to the Report:

It should be the exception, rather than the rule, for Members to be expected to make decisions about important matters that have only been published for the two-week minimum period which precedes a ... sitting.

3640 But it seems that 18 out of the 45 motions before us have not been through the six weeks on the Register. Some for perfectly good reason, some I would say less so. In my opinion, perhaps the DESC supplementary vote would have waited till October, as might indeed this motion, which is hardly urgent and pressing.

3645 Others *are* undoubtedly more urgent. The appointment of a new Chair to the Post Office and filling casual vacancies politically and on boards are simple and straightforward, and certainly should not be held up. Updating and aligning our customs rules – as Dr Allinson mentioned around Treasury hour – to harmonise with the UK should also be expedited. So there is scope here for nuancing the way that we do things.

3650 I appreciate also that some Items have been trailed on the Register but have come here in a different form, but showing where the changes have been made, Items such as the complaint regulations and the DHA Plan. This was not envisioned when adjusting the rules, but it is a welcome attempt at complying in spirit and making life easier for Members when dealing with long or complex matters.

3655 It should be noted that Government get two months currently to respond to parliamentary reports, and it may be that this timescale should also be shortened as part of that *quid pro quo*. Six weeks was also designed to allow Scrutiny Committees enough time to look at matters if they needed to at their regular monthly meetings. Again, I do not think that has been tested, as to whether that opportunity has really been picked up.

3660 Now may also be an opportunity to remind Members of the ability to refer complex or controversial matters to the Branches or to flag Items as controversial and therefore move them up the Order Paper, things that hitherto have not really seen a big uptick in Members' use of them, possibly because they are not aware of them, and possibly also because of the lack of regular updates about what is going onto the Register that push information.

3665 Hon. Members, the first year of an administration is a good opportunity to set expectations and agree the ground rules. Such matters are always best determined in peacetime rather than when relations are strained or time is running short. I hope that all Members will reflect on which matters on the Order Paper were truly urgent, so that if a shorter period is agreed, there will be greater compliance with the spirit of the regulations in balancing Government's desire to get on with Tynwald's duty to properly scrutinise legislation, especially that which is complicated and lengthy.

3670 So I look forward to playing my part in the review that I hope will follow this motion to balance the needs of Government and back benchers alike.

Thank you.

The President: I call on the Hon. Member, Ms Faragher.

3675 **Ms Faragher:** Gura mie eu, Eaghtyrane.

I rise to support the Hon. Member for Garff's motion and to propose an amendment to it. The amendment reads:

To leave out all the words after 'That' and add the words:

'in Standing Order 10.12A(4) the word 'six' be omitted and the word 'three' be added in its place.'

3680 I bring this amendment having spent limited time in this Hon. Court, and knowing that I do not have the comparative perspective of other Members. The requirement for length of notice for the Order Paper jumped from 12 days to six weeks over the last administration, and I was not here for the debate on why this big jump was brought forward. But I can see that the six-week requirement seems to create tighter deadlines than is helpful.

3685 I have heard Members state that reports or plans are rushed because of the six-week requirement, which is actually harmful to our processes, rather than helpful. Indeed, we have heard comments from Ministers yesterday and today that have alluded to this in their introductory comments around why Items have not spent the required six weeks on the Register of Business.

3690 I understand the desire to provide time for scrutiny and I fully agree with the principle. But I believe that we need to strike more of a balance between allowing that time and having requirements that are putting unhelpful time restraints on Government activity. I believe this amendment achieves that, being a compromise of the two time requirements. It gives sufficient time for digestion of what is on the Register of Business, but hopefully does not impose unwieldy time constraints. I do hope that Members can support this and welcome your comments.

Gura mie eu. I beg to move.

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The President: I call on the Hon. Member, Mr Glover.

Mr Glover: Thank you.

3700 Having joined Mr Hooper on the naughty step within Council of Ministers, and Ms Faragher on the naughty step on the radio earlier, obviously I was on the naughty step very early as a young, new person in here.

3705 All I am going to say is: look, whatever we do, there are always going to be exceptions, there seem to be 18 or 20 exceptions today, so it is getting a bit ludicrous. Whatever we do, let's just stick to some rules; stick to them and make them work. There will always be the exception, but clearly this is not working.

The President: I call on the Hon. Member, Mr Mercer. Sorry, did you want to give way to ...? Loayreyder?

3710 **The Speaker:** No, sorry, Eaghtyrane.

The President: I call on the Hon. Member, Mr Mercer.

Mr Mercer: Thank you, Mr President.

3715 Just really I wanted to make the point that the Register of Business is a matter of public record, is an important part of our democratic process and members of the public also use that Register of Business to understand what it is that we are discussing in here. So if the original motion is successful, I would just ask that the Committee takes that into account as part of their consideration.

3720 With regard to the amendment, I think it is a little bit too soon to try and decide how long that should be, and I think the Committee should be part of that decision-making process.
Thank you, Mr President.

The President: I call on the Hon. Member, Ms Lord-Brennan.

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Ms Lord-Brennan: Thank you, Mr President.

I am happy to support the motion from Mrs Caine. Part of what I like about it is, as Mrs Caine so often is, she is very plain speaking and I think, actually, we need to reflect on how this has gone.

3730 I think that there were certain periods of time I was very concerned about Brexit regulations being brought through last minute as well as the GDPR ones. It was an absolute nightmare situation, and I do not know what position that previous Council was in where they perhaps also were making these decisions last minute, but it was certainly difficult for this Court, looking at hundreds of pages of regulations. And, really, I think that is where this had come from.

3735 However, I think there does need to be a balance in that, actually, do we want a position where Departments and Government, in order to try and achieve that six-week deadline itself, are rushing through decisions and that creates a pressure?

3740 I think the appropriate thing then is just to let the Standing Orders Committee reflect on this and look at this and see how it is affecting business, recognising that there is a willingness to have things more open, sooner and that there was also a bit of a change in how this Government is approaching that and the expectation that it has from Members.

3745 I also think that there should not necessarily be the inference or the implication that if something is on the Order Paper having not made that six-week deadline, that it is somehow something majorly awry or wrong. I do not think that is the case. It is just that, actually, decisions, business, takes a while to get through. Very happy to support Mrs Caine and I actually thank her for bringing that.

Thank you, Mr President.

The President: I call on the Hon. Member, Mrs Poole-Wilson.

3750 **Mrs Poole-Wilson:** Thank you, Mr President.

3755 I, too, am very happy to support the motion as brought by Mrs Caine. I was on the Standing Orders Committee – I was a late joiner – that brought forward the recommendations that gave rise to a series of amendments to Standing Orders. We are talking about the time on the Register of Business, but there were a number of other amendments as well, which actually do seem to be working.

3760 But I recall that the Standing Orders Committee also committed itself to reviewing this after 12 months. Because it was recognised at the time that there was good intent to try something different, but of course, inevitably, it is only when you start doing something you really work out whether it is working in the way intended or whether there are any problems. So I would fully expect the Standing Orders Committee to be having a look at this, and I do think there is an opportunity today for people to flag their experience so far.

3765 When I spoke in the debate in April 2021 on these changes, I was most concerned about the law, the secondary legislation that is brought before this Hon. Court, because unlike our policies, which are also important, they do not immediately translate into legal obligation or impact that affects people's lives. The winner in the last administration was, I do not want to exaggerate, but I think it was about 500-pages' worth of some Brexit-related regulations that we were presented with *the night before* (**Mrs Christian:** Yes!) we were going to vote on them. And of course, the message from the Court was: take it away. The other issue you have is of course then you have at least a month before you can bring them back.

3770 So I think it was recognising that, actually, if you want the Court to engage properly, if we want to make sure we pass good law, certainly from my perspective, there is a time period that should

3775 be allowed to allow Hon. Members that time for scrutiny and, indeed, to come back to Departments and say, 'There's a problem, here', because then it can be amended. I think Mr Mercer's point about the public, or indeed interested parties or people with expertise in a particular area, is also relevant because it allows them the opportunity to say, 'Just to have a look at that, there might be a problem.'

3780 However, I think the reason there are so many Items today that have not made the six weeks is because they do not *need* six weeks. Appointments? We do not need six weeks (**The Speaker and another Member:** Hear, hear.) for people to look at who the appointments are. Indeed, the two-week Order Paper is sufficient, if anybody did want to (**A Member:** Yes.) raise a question.

3785 I think I have tried to trail, and the DHA Delivery Plan is an example, but it has been published since March, it has been out there available, I have made that clear to Hon. Members. The practicality is I wanted to be able to update it so it was meaningful for you to see the work that is going on. I have to apologise that tomorrow, in a briefing on licensing regulations, I will be apologising that in order to allow a six-week consultation period over the summer on the detail of those regulations, I *will not* be able to have a six-week period on the Register of Business after that in order to get them on the Tynwald Order Paper. It just will not work. But I have a hard stop date to try and get this through because of our triannual process – do not worry, I will bore you with the details on that tomorrow. But there are practicalities that we also have to take account of. I would say you can compensate that, though, because there will be a six-week public consultation period.

3790 So I think what I would urge the Standing Orders Committee to do is look at this and look at the range of business that comes before Tynwald Court, and consider what is appropriate and what is pragmatic. I still think there will be urgent Items or there will be Items that for good reason will not make whatever is ultimately concluded as a workable solution, but I hope that all Hon. Members, as they experience more time in this Court and the practicalities of getting business ready to bring to the Court, will see that there are good reasons sometimes why that happens and that also can be acknowledged by Hon. Members. Critically, we are about delivery, but delivery has to be right. I think we have to find the right balance between scrutiny to get it right and being able to deliver.

3800 Thank you, Mr President.

The Speaker and another Member: Hear, hear.

3805 **The President:** I call on the Chief Minister.

The Chief Minister: Thank you, Mr President.

3810 I am quite interested in exploring the naughty step, actually. (*Laughter*) I will forgive Hon. Members if they send me there after this debate, but I am going to offer my support and second the amendment from my good friend for Douglas East, Ms Faragher, (*Interjection and laughter*) because I think it offers a very pragmatic solution, probably puts the Standing Orders Committee out of its *agony* of having to try and work this out, because I suspect the undertone that I am already feeling here today in this Hon. Court is the six-week rule seems to be something that is just not pragmatic or really that workable.

3815 I do not want to hark back, having given the Economic Strategy that told everyone to look forward, but life did seem a lot simpler under the previous rules, when the Order Paper was the Order Paper and if you missed the deadline then you had to go to a Supplementary, and basically Tynwald then decided whether or not to accept the Supplementary. Rather than have an Order Paper that is littered with statements and motions and orders that are requiring people to arbitrarily decide whether or not they should read the six-week rule. On one hand, Tynwald rejected the Island Plan because of the six-week rule and on the other hand it is accepting other motions which arguably ... you argue about the consistency.

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3825 So I think there is a real consistency issue around this six-week rule, and there is also a real issue about effective progression and bringing forward of Government business and, indeed, Hon. Members' business without this sort of lengthy delay. If you are a day late on the six weeks, effectively you are 10 or 11 weeks before you will next see that order or have that opportunity to be in compliance with the theory behind this and give everybody that time.

3830 So you can see some of the agony and some of the pressure that has been placed actually on the Government, and because we are often working to deadlines, business of the day sometimes is very pressurised and we need to bring about change and we need to bring about legislation, and we need to bring about motions that require a speedier resolution, rather than waiting for the full process to take place.

3835 Even listening to my very good friend – or at least I hope she is (*Laughter*) – the Minister for Home Affairs talk about the legislation and the GDPR and, indeed, the Speaker has referred to the moment in time when I think Tynwald probably had enough of Government's actions. That was understandable and there was a lot of emotion attached as well as a pragmatic approach to the six-week rule. And I absolutely get it. But in whatever the circumstances, I suspect there is always going to be some occasion when some piece of legislation or some action of Government requires Tynwald to act immediately. I take a number of events that have happened over the past few years, COVID clearly, but even the time four years ago I think when we purchased the Steam Packet. Hon. Members were given I think some 48 hours, really, if my memory serves me correctly, to make their minds up, because there just was not the ability to conduct negotiations in a public forum and there was a huge amount of information. So these things will occur. Obviously one has to determine whether or not the Government is reasonable in that approach.

3845 Nevertheless, I have gone on for long enough, (**The Speaker and two other Members:** Hear, hear.) given the hour. (*Interjections and laughter*) I think that Ms Faragher has brought forward a sensible halfway house here, which will bring some certainty and allow us to get on, without the Standing Orders Committee having to take reams of evidence. So I give her my support with her amendment and second.

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The President: I call on the Hon. Loayreyder.

The Speaker: Gura mie eu, Eaghtyrane. (*Interjection*) Speaking to the amendment in the name of Ms Faragher –

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The President: He is yes. Yes, he is.

3860 **The Speaker:** – less the Clerk get overexcited, the Chief Minister twice referred to I think *agony*. I think the Chief Minister *wholly* underestimates the enthusiasm the Standing Orders Committee has for its work! (*Laughter*)

Mr Hooper: Oh, no, he doesn't! (*Laughter*)

3865 **The Speaker:** I think the old rules were great for Government, but the examples that Ms Lord-Brennan and Mrs Poole-Wilson have talked about really show why that system was a gift to Government and did not land always fairly on the backbenches.

3870 I would encourage Hon. Members to go with the original motion, as per Mrs Caine's. I would suggest that a broader review, as envisioned by that motion, is going to be far more useful. My gutfeel, without pre-empting that review, is that one size will not necessarily fit all, because, as I think Mrs Poole-Wilson mentioned, things such as complex legislation do need more time, but then again, things such as appointments can be done with less time. I think a more nuanced approach is something that is going to be more useful than going from a big one-size-fits-all to a shorter one-size-fits-all. I think that would be a *far* better approach.

3875 The other thing that I would like to explore further is this notion that has been adopted of
putting things on the Register in a draft format and letting that run, knowing that it is going to
change, but then saying, 'We'll take you from the draft, we'll track the changes into the final
version so that you can follow the journey.' So you are not actually having to do the whole thing
in the two weeks, you may have it four, six weeks out, if that is when the document is ready, but
then you are able to say, 'Well, I only need to see what's changed in that couple of weeks.' I think
3880 that is something that we can look at a bit further and perhaps explore how we can maybe
institutionalise that to make it easier for Government to adopt that approach.

So again, instead of adopting a one-size-fits-all, I think the Standing Orders Committee should
be looking at something a bit more nuanced, different rules for different types of motion that
come before us, and there is still plenty of real potential here in Mrs Caine's original motion.

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The President: I call on the Hon. Member, Mrs Barber.

Mrs Barber: Thank you, Mr President.

I just want to make a short contribution, but I think, just to make my point clear, I will be voting
3890 against the amendment and also the original motion. The reason for that is while I think that there
are challenges within the current structure, and it certainly causes some frustration, to say it is
excessive, we need to have some more evidence around how it impacts not just all of us here, but
those other people who need to access those documents. Because the whole point of the business
of this Court is that it should be accessible.

I think, to give an example, if I take a Milk Price Order, at the minute we have to take it through
3895 divisional committee, departmental committee, Treasury, Council of Ministers, it also has to go to
the Marketing Committee, it then has to go to the Agricultural Marketing Committee and then it
goes on the Register for six weeks and then it comes here. When we have got the volatility we are
seeing with input prices and the impact that is having on our dairy sector at the minute as an
3900 example, I think that shows some of the challenges that we have within some of these things that
actually is only a 'lay before'. So there is this huge amount of process that goes into something
that actually is not coming for a vote.

But I also think what is really fundamental and all of us can take this away is actually not just
slipping things onto the Register, but we need to find a really good communications strategy for
3905 making sure that the public know when this stuff is on the Register, so that they know what to
look at, they are signposted and they can spend time on the stuff that is interesting and important
and relevant to them. **(Mr Mercer and another Member:** Hear, hear.)

So I am very comfortable with the Standing Orders Committee and the review they have
committed to one year after it was implemented. I think that is the right way to go about this.
3910 That allows all those nuances that Mr Speaker has talked about to be addressed, to be considered
and to be considered by a wider group than just us sitting here. Because this does not just impact
us. We are not here for us. We are here for the whole Island and I think we would be remiss to
forget that. **(The Speaker and another Members:** Hear, hear.)

My only other comment, and I am being a little bit cheeky, is perhaps the reason actually we
3915 have got lots of things that did not make the six weeks in this last sitting prior to the summer
recess is because there is a big break now. **(The Speaker:** Hear, hear.) And actually, if things do
not get on the Register for today, they would be left till October. That is a long time to wait. So
maybe, just maybe, we could reconsider a shorter summer recess and look again at recesses for
half-term breaks. Also, I would like to declare an interest on that, but I do believe that that would
3920 make for a more inclusive Tynwald.

The Speaker: Would the Hon. Member give way?

A consultation document has been issued on that and responses are required by
September 12th.

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Mrs Barber: And I have responded, Mr Speaker, (*Interjection by the Speaker*) thank you very much!

The President: I call on the Hon. Member, Mr Hooper.

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Mr Hooper: Thank you very much, Mr President.

I was going to make a lot of the same points the Hon. Member for Douglas East has just made. I think some of the reasoning why we are seeing a lot of Items on here for less than six weeks is partly because all the Items from Health, for example, have been in draft, as was envisaged by the original Committee Report last year, but also in part because we have a recess – a long recess. And if we do not get stuff done now, it is not going to get done until October at the earliest. So these things definitely need looking at.

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I am actually quite minded to support the amendment from Ms Faragher, not because I want to stop the Standing Orders Committee doing the work and going through all of that wonderful process, but actually because I think it answers one of the questions which is, to my mind, the least important question that needs to be answered. The length of time something sits on the Register before it comes here is ultimately a decision for this Hon. Court. So changing six to three is not going to make much difference, other than changing the entry point.

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The biggest area of delay and process actually, as we have just heard, sits inside Government sometimes. It is not just a parliamentary process. But equally, the biggest challenge that I find with the Register of Business itself is the way it operates. Is it accessible? How do you find out what is on it, what is coming up, what has just been published, what is changing, what amendments are there? And the answer is there is no process around that. (**The Speaker:** No.) It is a clunky system and I think that is part of the reason that you see frustration with it: because it is very simple. And rather than it being I think all it can be, we are starting on a process that I was hoping actually after a year of operation we would see much improvement to. But the reality is the process we have now is almost identical to the one we started with nearly a year ago.

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So to my mind, the whole thing does need looking at by the Standing Orders Committee and all those issues are much more important than how long something sits on the Register. So I would be happy to support this idea of moving to three weeks and let the Standing Orders Committee focus on all those other issues of process, and maybe looking at the issue of nuancing around perhaps other areas then that may or may not need that standard three-week extra amount of time.

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So really, Hon. Members, please, let the Standing Orders Committee do its work by all means, by all accounts, but if you want to take that one question of how long should something sit on the Register off the table, then just support the amendment and let's be done with it.

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The President: I call on the Hon. Member, Ms Edge.

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Ms Edge: Thank you, Mr President.

I am going to support the amendment in the ambitious Ms Faragher's amendment with the three weeks. I know she has talked about being ambitious a lot today. I think what she has stated is appropriate.

I have had concerns from the public with regard to the Register. They do not find it accessible at all. Obviously Written Questions, there are a few issues around that as well. So I think, obviously to follow on from Mr Hooper and what he has just said about the actual clunky system, it is the clunky system that is not helping.

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But I think one of the things which I have noticed, and certainly it is the behind-the-scenes work that has to take place leading up to that six weeks, which was very well put by the Hon. Member for Douglas East, Mrs Barber. I thought, when we did the Island Plan, we are a very progressive Tynwald and if we are going to be progressive, we need to be able to be moving fast, swift and making the changes required for the people of the Isle of Man and I do think the six

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3980 weeks is delaying some of that progress. I feel that the three weeks is fair in-between. Two weeks probably was too short in the previous administration, there was lots dropped last minute. This administration has said we will not be like that, so I think three weeks is adequate and it will help progress an awful lot more through this Hon. Court, if we move to a three-week, rather than the six weeks.

3985 I obviously have had a couple with this week on this Order Paper that we have had to bring at short notice. The process behind all that is if, for instance, everybody knows, obviously these papers and policy go to the Council of Ministers, if there are queries, they have to go back, so you can be missing a deadline. I do not want to be moving on education policy or any policy in here that gets delayed by six weeks for anybody on the Island. We need to be moving fast, swift and getting change done.

3990 Thank you, Mr President.

The President: I call on the mover to respond.

Mrs Caine: Thank you, Mr President, and thank you, everybody who has contributed to this brief debate.

3995 If I can just start, thank you to the Treasury Minister for seconding the motion and for Mr Speaker's contribution, obviously with that wealth of experience and the background of the Standing Orders Committee. I also welcomed his thoughts about more nuancing and that the Standing Orders Committee can look at so much more than just the time on the Register, as has been said.

4000 I actually really welcome Ms Faragher's amendment, because I think there is a clear choice, there. With the experience of this first parliamentary year, everybody will be aware of what they feel works for them, and I could certainly say that three weeks would work for me with the other matters to go back to the Standing Orders Committee, which of course they are able to take back and were intending to review anyway, after that first year period is up.

4005 So I would say, yes, we have all had our experiences and we must of course keep in mind the requirement for public engagement and public time to scrutinise along with us and helpfully send in suggestions. But I think that Mr Hooper's point was key here, that really I am not sure how the Register is working and making us more efficient or supported or encouraging that flow of information and accessibility. So I do welcome the thought that the Standing Orders Committee would also look at that and comment on it, and I completely endorse the fact that, yes, for appointments we do not need that length of time.

4010 I thank Mr Mercer for those points about the public and also to Mr Glover.

4015 Ms Lord-Brennan, I completely agree that Brexit and GDPR was a nightmare. (**The Speaker:** Hear, hear.) I think most of us would! And I accept, yes, there does need to be a balance. We do not want to be rushing things that are more weighty. But I think that what Ms Faragher's amendment would do would be to enable that six-week period to become three weeks as the standard, while the Committee goes away and looks at all the other matters.

4020 I welcome the input from the Home Affairs Minister, Mrs Poole-Wilson. I do not think this is working the way it was intended and possibly it was a reaction to those 500-page Brexit regulations and everything else that was dropped on us. But we have a range of business, a range of length of things, and a range of opinions and duties and other pressures on individuals. So that all has to go into the mix. I think it is very much a matter for individuals to decide what works best for them.

4025 I welcome the Chief Minister going on the naughty step (*Laughter*) – that is always a positive – and I have got here, 'COVID, Steam Packet and agony', (*Laughter*) but I think that was ... a sensible 'halfway house' – and yes, I think the amendment is.

Welcoming the input from Mrs Barber in her points, and I completely endorse both Mr Hooper and Mrs Barber. Yes, probably the fact that half the motions today did not spend the required time on the Register *is* because we have this long recess, and I think it is overdue that we had time

4030 to look at that and modernise. In the meantime, as Ms Edge and others have said, the time on the Register is the end of the ... there is a huge amount that goes on behind the scenes before it goes on there. But for me, for Ms Edge and others who have spoken, three weeks is fair and adequate. If that is your belief, which I would strongly support, then please support the amendment, and if you feel that, yes, there is this and other matters to go, the original amendment.

4035 But I am confident that all the comments made today will have been heard by Mr Speaker and the Standing Orders Committee and I hope we can be moving forward and becoming more efficient, whatever we decide.

Thank you, Mr President.

4040 **The President:** Now, Hon. Members, we come to voting on this Item, Item 23, motion is as set out on the Order Paper. To that motion you have before you an amendment in the name of Ms Faragher.

I put first the amendment. All those in favour, please say aye; those against, please say no.

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

In the Keys – Ayes 16, Noes 7

FOR

Dr Allinson
Mr Ashford
Mrs Caine
Mr Callister
Mr Cannan
Mrs Corlett
Mr Crookall
Ms Edge
Ms Faragher
Dr Haywood
Mr Hooper
Mr Johnston
Mrs Maltby
Mr Moorhouse
Mr Peters
Mr Smith

AGAINST

Mrs Barber
Mrs Christian
Mr Glover
Ms Lord-Brennan
Mrs Poole-Wilson
The Speaker
Mr Wannenburg

The Speaker: Eaghtyrane, in the Keys, 16 for, 7 against.

In the Council – Ayes 4, Noes 5

FOR

Mr Craine
Mr Greenhill
Mrs Kelsey
Mrs Maska

AGAINST

Miss August-Hanson
Mr Henderson
The Lord Bishop
Mr Mercer
Mrs Sharpe

4045 **The President:** In Council, 4 for; 5 against. The Houses do not agree. Therefore, the amendment fails.

Having dealt with the amendment, I now put the motion as it appears on the Order Paper. All those in favour, please say aye; those against, please say no.

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

In the Keys – Ayes 18, Noes 5

FOR

Dr Allinson
Mr Ashford
Mrs Caine
Mr Callister
Mr Cannan
Mrs Corlett
Mr Crookall
Ms Faragher
Mr Glover
Dr Haywood
Mr Johnston
Ms Lord-Brennan
Mrs Maltby
Mr Moorhouse
Mr Peters
Mrs Poole-Wilson
Mr Smith
The Speaker

AGAINST

Mrs Barber
Mrs Christian
Ms Edge
Mr Hooper
Mr Wannenburgh

4050 **The Speaker:** Eaghtyrane, in the Keys, 18 for, 5 against.

In the Council – Ayes 9, Noes 0

FOR

Miss August-Hanson
Mr Craine
Mr Greenhill
Mr Henderson
Mrs Kelsey
The Lord Bishop
Mrs Maska
Mr Mercer
Mrs Sharpe

AGAINST

None

The President: Legislative Council, 9 for, none against. Therefore, motion carried.
Hon. Members, I think this is an opportune time to take a tea break, (**The Speaker:** Hear, hear.)
so we will resume at 20 past six.

*The Court adjourned at 5.50 p.m. and
resumed its sitting at 6.19 p.m.*

**24. Local Authority Reform –
General Debate**

*Local Authority reform put down for General Debate as proposed by Mr Ashford and seconded
by Mrs Corlett.*

4055 **The President:** We move on to Item 24, which is a General Debate, which does not need to be
moved and voted upon, and it has been proposed by Mr Ashford and seconded by Mrs Corlett. So
I call upon Hon. Member, Mr Ashford, to start the debate.

Mr Ashford: Thank you, Mr President; and of course now, for the main event, that I am sure everyone has been absolutely waiting for! (*Laughter and interjections*)

4060 It has been said in the past, Mr President, that you had not really become a Member of this Hon. Court until you have debated rates reform, Manx Radio, the Steam Packet and local government reform. So for those new Members who were elected in September last year, I am delighted to be able to tick the last one of those off their list. (**Mr Glover:** Thank you!)

4065 My views on local government reform have been on the record for over a decade now, and so I am not going to labour the point about what I personally think, as the whole purpose of this General Debate is to allow others to air their views. But for the record, I have always been of the view that we still operate a local government system that was fit for its time – the late 19th century – but has not moved on with the times now.

4070 We have small local authorities, many of whom have very few services to provide, while the larger authorities and population centres bear not just the provision of those services in their regions, but also the full cost of those provisions. But that is not to malign or write off those who serve on those small authorities. We have many hard-working, dedicated local representatives across *all* authorities who want to do their best for their community (**A Member:** Hear, hear.) and their Island. But the system needs to change.

4075 We constantly talk about Government decentralising or Government trying to do too much, but until we have a local authority system that is fit for purpose and of a size and scale that can take on many of those services, we will never be meaningfully able to decrease the size and scope of central Government.

4080 Personally, I have always firmly believed in the five-authority model – north, south, east, west and Douglas. That does not mean under that structure Douglas would not need to change. (*Interjection*) In fact, the provision of services, which also, from my point of view, should be put on a statutory footing, could be very different, so Douglas may have to adapt as well. Things such as first-stage planning could go to local authorities and all local authorities could take on building control functions, which only a few currently do, leaving the rest to be done by the centre.

4085 We also – and I have said this many times before, so I apologise to those who have heard me say this before, but – must be one of the few central Governments in the world who play around with car parks. I know there are many who disagree with me on the number of authorities, particularly in this Hon. Court, with some favouring a nine-authority model or, indeed, possibly no change at all. But that is the purpose of this debate: to draw that out here today.

4090 I know Mr Speaker has many times laboured the point that first of all we should decide on the structure of local authorities, before deciding on the numbers necessarily (**The Speaker:** Functions.) and the powers (**The Speaker:** Powers first.) that the local authorities actually have, before we actually decide what sort of numbers we actually want. I do not actually disagree with him on that point. I think we do actually need to work out what local authorities should be doing (**The Speaker:** Hear, hear.) and then work back maybe from that. (**Mr Hooper:** Hear, hear.)

4095 When it comes to debating local authority reform, there is also the usual mix of battle-worn phrases that come out. So it will be interesting, from a phrase bingo point of view, to see how many surface today. One of my personal favourites whenever local authority reform comes as a motion, has always been ‘now is not the time.’ It was not the time in 1934, it was not the time in 1949, it was not the time in 1963, 1985, 1993 or 2005. (**A Member:** House!) So I look forward to anyone who is planning on saying that today explaining when it will be the time – maybe another 4100 20 years, 30 years, or maybe just let’s round it off to the century.

The Speaker: Rome wasn’t built in a day.

4105 **Mr Ashford:** Another is that there are more important things to focus on, and that will always be the case. We will always have challenges to focus on. But perhaps we should look at this from the point of view that local authority reform may actually help us address some of those other challenges.

4110 We also want, or I certainly do anyway, more younger people from different backgrounds
involved in local authorities and if we are going to encourage people to stand for election, then
we need to ensure people feel it is meaningful for them (**The Speaker:** Hear, hear.) to stand for
election; that they are actually running services and making a difference. I have a friend who lives
in the north of the Island who was considering standing at the last local elections, but once he
4115 looked at what services the authority actually delivered and this particular small authority, what
they did, he actually decided not to stand.

During the earlier debate we had around an Electoral Commission, and I know this has come
up time and time again – it came up when the Keys boundaries were considered – the idea of
equal representation keeps coming up, with the point being that it is an important principle. Well,
local authorities provide, currently, far from equal representation. For instance, Ballaugh has five
4120 commissioners, effectively one commissioner for every 208 people. Malew: five commissioners,
which is one for every 473 people. That compares to Onchan with seven commissioners, which is
one for every 1,291 people, and – dare I raise it – Douglas, now with 12 councillors, or one for
every 2,223 residents.

We also at election time cannot actually fill the seats we have. Ballaugh has not had a main
4125 local election contested in 20 years and in fact only had two candidates for five seats in the local
elections last year. Bride being in the same position, without a main local election being contested
in 20 years, with only four candidates for five seats this time. In total, at the last local elections
last year, 13 authorities had no elections at all and four local authorities did not even have enough
candidates to fill the seats. If that does not convince people that the current system is broken and
4130 not working, and not engaging people, I do not know what ever will. (**Two Members:** Hear, hear.)

Some may say, Mr President, ‘If you really want change, why are you doing this as a general
debate today? Why not a motion? A general debate can’t bring about meaningful change.’ The
answer is quite simple, Mr President: the same model has been repeated over and over again in
this Hon. Court – and I have been part of that. A Member brings forward a motion on local
4135 authority reform, it either gets voted down or amended to make it meaningless and then about
five years later the same process continues. So I thought this time we would try something
different. A General Debate allows Members to air their views on the topic in whichever way they
wish, and this debate will inform what I decide to do going forward and what I may bring as a
substantive motion later in the year, which at the moment I am intending to do, based on what is
4140 said in today’s general debate.

I last brought a motion at the end of 2017, just before I was appointed to the Council of
Ministers. At that point in time we did not have the ability to hold General Debates and everything
was substantive motions. That motion went the same way as other motions. But things have
changed since then. One of the things most notably that has changed is the make-up of this
4145 Hon. Court. Of the 33 voting Members sat in the Hon. Court today, 19 were not in this Hon. Court
five years ago, when I last moved for change. So the purpose of this debate is to allow Members
to air their views on what they believe should change or indeed *not* change with the current
system that we have, and that will inform how I decide to proceed, potentially later in the year.

So with that, Mr President, I hand the floor over to Hon. Members and look forward to hearing
4150 their views.

The President: I call on the Hon. Member, Mr Johnston.

4155 **Mr Johnston:** Thank you, Mr President, and may I thank the Hon. Member for bringing forward
this debate.

On seeing this debate on the Register – six weeks ago – (*Laughter*) I decided my first action
would be to have a conversation with a group of dedicated, selfless, hard-working people with a
desire to provide quality, efficient services, who have a real sense of community. So I left Douglas
very quickly, (*Laughter*) and headed north –
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Mr Ashford: And went to Ireland!

4165 **Mr Johnston:** – to seek counsel from the six northern local authorities that truly extol these virtues, Mr President. Perhaps this will give you an early understanding of my views, but it would be wrong and very unfair to these authorities if people concluded that change must be resisted at all cost. It is a fact that these authorities have worked together on important issues, always with an aim to improve collaboration and efficiency for northern parishes; parishes' refuge collection, for example. (**A Member:** Refuge?) Refuse!

4170 **The Speaker:** Yes, I'll make a note of that one.

Mr Johnston: Get that written down, thank you.

4175 Understanding and being part of your local community are key attributes to the success of local rural authorities, and I am sure those in town authorities would say the same, and the ability for representatives from northern authorities – (**A Member:** City!) sorry (*Laughter*) – to meet and discuss cross-working and collaboration should be very much kept in the hands of those on the ground, in the community, who know, who understand.

4180 We are all aware that this is a debate that has arisen many times over the decades, and it has been interesting looking back to, for example, the 2001 report of the select committee on local authority reform. Looking through the appendices, I discovered correspondence from the Clerk of Ballaugh Parish Commissioners dated March 2000. In it he explained that he was replying on behalf of at least four other northern authorities, who all expressed the same view that whilst a move to further collaboration or even integration of several northern rural area authorities was open for discussion, any amalgamation with a town authority – in other words, Ramsey – would be detrimental to rural authorities.

4185 The views and concerns have not changed, and the feedback I have received indicates the same desire for rural authorities to serve the people and communities they know and understand, without interference from Douglas or Ramsey or Peel. There is real concern that town and rural amalgamation will lead to higher rates, poorer service and lack of local community representation. Costs are kept low by supporting local businesses with local knowledge and by a real voluntary spirit.

4190 That is not to say that commissioners are not willing to find improvement. A desire for better communication and support from the Local Government Unit, perhaps in some form of CPD or training in collaboration would be welcomed by some, along with a clearer understanding of responsibilities. I hope, for example, that the famous Highway Charter, with its desire to act as a focus for discussion with local authorities will be a good example of this.

4195 So, Mr President, I thank the Hon. Member for bringing this debate. I am sure he would be very welcome, if he wished to meet with the northern rural authorities. It is a long way from Douglas, but I can give him directions. And if I may make reference to one respondent, who I think may have a point when they say ...

The Speaker: Please turn over.

Mr Johnston: PT over – please turn over. (*Laughter*)

I confidently predict that if they get rid of the current LGAs that in five or 10 years the need for local representation will become apparent, hundreds of thousands of pounds will be spent on outside consultants who will rediscover the historic parish system and further moneys will be spent on research, focus groups and studies to decide how best to choose local representatives. The result will be, they will reinvent the wheel.

4205 Thank you, Mr President.

The President: Just to let Members know that Mrs Barber is joining us remotely on Teams.

So I now call upon the Hon. Member, Mrs Corlett.

4210 **Mrs Corlett:** Thank you, Mr President.

Firstly, I would like to say that I do support local government. Ratepayers must have local representation. Accountability and responsibility are essential when somebody else is spending your money. We are paying for services locally through rates and therefore we need people to represent us at a local level in order to be able to hold them to account, even if sometimes it is only at the ballot box.

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I served on Douglas Council for several years and in my experience local authority members are committed to the communities they serve because they want to make a difference. During my time in local government, I heard a call from many members of Douglas and other local authorities call for authority for authorities, that there are more services that could be devolved to a local level and may actually be better delivered locally. But authorities need to be large enough to be able to take those on and many of the smaller authorities simply are not. Some local authorities have come together to address what are essentially economies of scale, but it is not enough.

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The most important point is service provision and delivery. Are services being delivered in the best and most cost-effective way? Do we get value for money? Could that be improved? Would local authority reform better serve residents? What reform would be required to do that? Strong local government benefits residents and central Government. Do we have strong local government? Would local government be stronger if it were reformed? I have more questions than answers. One of the last reports on local government was called 'Time for Change'. Well, time has changed, (**The Speaker:** Tony Brown.) except in the realm of local government reform.

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I did not support Mr Ashford when he brought his amendment in 2017. I gave the then Minister for the Department of Infrastructure the benefit of the doubt when he assured us that progress was being made and things would progress further naturally. I was wrong. I would not make that same decision today. I am hoping this debate will encourage Mr Ashford to bring a further motion, a motion that will allow for opinions to be heard, questions to be answered and evidence-based decisions to be made – a motion that allows us to move forward on local authority reform.

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Thank you, Mr President.

The President: I call on the Hon. Member, Mr Glover.

4240 **Mr Glover:** Gura mie eu, Eaghtyrane.

First of all, obviously just to declare an interest, because my wife is a commissioner, so it would be wrong not to.

Obviously I think clearly, just in reply to Mr Johnston there, on the comments from some of the northern commissioners, things seem to be a bit friendlier on the east coast and in the south of the Island, because we have seen Garff merge and become one authority, and we have also seen that in Arbory and Rushen as well. They are rural authorities, in essence, as well. So things definitely are progressing.

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But the mover is quite right: we have seen this so many times before within this Court. Looking through things, I did find an article from 2012, when the then Chief Minister Allan Bell mentioned that local authority reform was needed, 'resisting change will prevent vital progress'. He pointed to:

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... voter apathy in some areas reflects the limited powers of local authorities to make a real difference in their communities ... they ... [should] become larger and stronger before they ... take on more responsibility for public services.

Well, that wore well, didn't it? (*Laughter*)

Then in 2020, a call from the then council leader David Christian about local authority reform, very much along the same sorts of lines, but also that the byelaws and, in fact, the way that the local authorities operate, should really be spelt out, mandated and I think that is a crucial thing

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before we move forward. I concur with Mr Speaker's views in the past about ... we need to decide on the powers that local authorities have. What does central Government do – that should be mandated as well. It is obviously within one of my Departments, in Infrastructure, but that should really be mandated out and the same for local authorities.

4260 How many times have we come across, as an MHK, a representative for our area, where a constituent has come along and said, 'Well, I went to try and get this sorted out by the local authority, they said, "No, no, it's not our area of concern, you need to go and talk to"' whatever body it was within central Government or utilities, and then you go to them and they have said, 'No, no, that's purely a local authority matter.' So that really needs to be ironed out: what powers
4265 do local authorities have and where is central Government responsible?

I think only seven of the 21 authorities held contested elections last year with the others just either having to, as Mr Johnston referred to, find people to actually stand or they had the right number and there was no need for a contested election.

4270 I think we need to look at maybe bigger authorities within the north, south, east and west and Douglas, so I am throwing that into the equation. At least start with that and then look at maybe slightly smaller within areas, but let's have that as a starting point for a discussion. But I also think, if we are going to look at local authority reform, it is inevitably going to bring in rates reform, it is inevitably going to bring in, I would say, the subject of an all-Island leisure rate. We await obviously the results of the review, for example, on the swimming pools before we can move that forward.

4275 There are many authorities now – and I can quote from the south – that are sharing services more and more. So there is almost a natural progression towards reform within themselves. Castletown no longer have their own bin lorry. They share that now with others. It is happening organically in any case. So why do we not just get on with it and (**A Member:** Hear, hear.) have a full debate on a motion on this and see where we go.

4280 So I fully support and I thank Mr Ashford for bringing this General Debate to Tynwald Court today and, yes, that is one ticked off the box now, of the list that he started with, thank you very much.

Thank you, Mr President.

4285 **The President:** I call on the Hon. Member, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

4290 I rise to support the sentiment from the Hon. Member for North Douglas, Mr Ashford, 100% and I, too, have always been an avid supporter of the four-plus-one model, or at least using it as a starter to progress talks and options and option discussions and whatever else that we may be able to progress from this debate. I think I heard the Hon. Member say, depending on how this goes, he may well bring a full motion to Tynwald with options and ideas for us to consider, which is the way forward.

4295 Since my election to this place, Eaghtyrane, it has often struck me as amazing, really, for a 36-, 37-mile-long Island with 85,000 people, or thereabouts, just how many local authorities we have. Certainly in those days it was more than 21, plus combination authorities, plus combination housing authorities and even now we have got 21 local authorities, we have got swimming pool boards and maybe some other ... burial ground authorities, and there is a whole remit still out there in the ether.

4300 I absolutely concur with Mr Ashford, Eaghtyrane: 50, 100 years ago, yes, the system was fit for purpose, but in those days there was not much by way of motorised transport, there was no internet, not many people had phones. So you needed to have your little core areas round the Island to run the administration. Now the Island is completely joined-up and it is a completely different scenario. It is well connected, well serviced by our transport routes etc. and it is well
4305 overtime that the situation was reviewed. We need to be looking at efficiencies, and value for money ... [*Inaudible*] all the rest of it.

4310 Prime example: when I was living in Baldwin a few years ago, on the same day you would have Braddan Commissioners' bin wagon come up the street, and within a few minutes, you would have Onchan Commissioners following up behind, doing the same rounds. There are all sorts of anomalies, that is just one light-hearted but true anomaly that needs to be looked at.

4315 One of my regrets was in probably the 2005 point that the Hon. Member was talking about when Mr Rimington was the Minister for DoLGE, as was in those days. He was bringing local authority reform to this place, but because no real agreement could be reached, there was a handful of local authorities wanting to try mergers, Mr Rimington decided not to go ahead with it. I was deeply disappointed with that because I think, really, you had half the solution there and it should have been allowed to organically propagate across the Island, allow the local authorities that wanted to amalgamate and sort themselves out into a larger authority; would have been the way forward. And certainly, as a demonstration to others, it may well have caused the snowball effect over time and we might well not have found ourselves here in 2022, having a very similar debate.

4320 So, Eaghtyrane, I am fully supportive of what Mr Ashford's aspirations are here and indeed some of the comments we have already heard from other Hon. Members.

4325 **The President:** I call on the Hon. Member, Mrs Christian.

Mrs Christian: Thank you, Mr President.

4330 I would like to thank the Hon. Member for Douglas North, Mr Ashford, for bringing forward this debate on local authority reform. As a Douglas South MHK, you will not be astonished to find out that I have the same view that we should reduce our local authorities to five local authorities. But let's look at the opportunities. We currently have 17 local authorities, which means 17 refuse authorities, 17 housing authorities. Reducing these to five strong local authorities would inevitably mean stronger buying power. So instead of ordering perhaps 200 bins, they might be ordering possibly 6,000 bins, driving down the price, which is ultimately better for the taxpayers.

4335 In the last local election, two local authorities had not had an election for over 30 years, I understand, Santon being one of them. This of course reminds me of the similar situation I saw in Jersey a couple of weeks ago, who experience the same situation voting for their local government representatives, the connétables. Hence why they introduced a 'none of the above' voting option.

4340 In my own constituency, in the last local authority election, it was uncontested. As a result, I speak to many constituents who do not know who their councillors are. I think Mrs Maltby will agree with me on that.

Mrs Maltby: I do agree with you on that.

4345 **Mrs Christian:** Thank you – as they never saw them during the election campaign and as a result, I do feel Mrs Maltby and I probably get far more local authority queries, as the public believe we hold the role of councillors too, especially after a by-election *and* a general election in our area in the space of two years.

4350 But let me come back to the housing stock. There is currently a pilot within the DoI whereby Braddan and Peel are running the DoI housing. I had hoped the DoI Minister would have been here so he could contribute to that and to give us an update on how this is working, but perhaps the prior DoI Minister might be able to contribute to that, if he might be so good to do so. But of course, having five strong local governments will have consequences. This will mean they will have far more responsibility. They might have staffing issues, office issues, location issues. How do candidates knock on far more doors when it comes to elections?

4355 I also would like to point out that the commissioners and councillors are only paid for their meetings. Would this mean we should be looking at a remuneration package? This might mean that we might attract different people, making it more equitable for different types of people from

different types of backgrounds to come forward, as my hon. colleague, Mr Ashford, mentioned in his speech.

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This subject has been discussed, as we know, and debated for well over 60 years, and it is not surprising the public is switched off. I would also be very keen to see the local authority elections to be looked at too. I know they may receive a knock-on effect from the findings from the Electoral Commission, but local authority elections are every four years. Why could they not be every five years and on the same day as the MHK general elections? This could possibly increase turnout and assist with the public's understanding of the difference between MHKs and councillors or commissioners.

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Finally, having a strong local government means we have a strong central Government and I look forward to this administration *finally* being the administration who succeed in change. But I do fear this may not be achievable, as seven of the Douglas MHKs are not in the Council of Ministers and having Government support, will and determination will be the key to drive this through.

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Thank you, Mr President.

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The President: I call on the Hon. Member, Mr Hooper.

Mr Hooper: Thank you very much, Mr President.

I am going to challenge Mr Ashford on his numbers, actually. The number of Members who were present in this Hon. Court is not the same as the number of Members who contributed to the debate. I myself was not here in November 2017, so this is my first opportunity to discuss local authority reform in this Hon. Court. *(Laughter)*

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Costs, I think, are not kept low necessarily by efficient use of taxpayers' and ratepayers' money. Quite often we know costs are kept low, by local authorities, by simply *not* doing things. There is a massive difference in service delivery depending on where you live on the Island and in fact some local authorities pay for services others choose not, library provision being the most blatantly obvious one staring us in the face: that the towns and our city *pay* for library provision, but our parishes choose not to. And yet everyone on the Island can access public libraries that are funded by the towns. So I think we need to rebase this debate a little bit.

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I think the point that I am really making here is that services and functions need to come first, not form or structure. I am probably unusual in this Hon. Court: I do not care how many local authorities we have. I care that they function effectively and efficiently and provide good quality local services that are consistent across the Island.

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So when we talk about four plus one or six or seven or 27, it is totally irrelevant, and that is the rabbit hole that local authority reform goes down to die, **(The Speaker:** Hear, hear.) every five years. We have the *same* debate and the *same* discussions and nobody can agree on how many there should be. So let's just ignore that question completely. **(The Speaker and another Member:** Hear, hear.)

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The point I would like to make about four plus one specifically is unless Mr Ashford is going to stand up and honestly say that Douglas is the most efficient and effective local authority on the Island, *(Laughter)* then bigger is not necessarily better. **(Two Members:** Hear, hear.)

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So whilst I am very much in favour of local authority reform, like my hon. colleague from Ayre and Michael, I do not think this is about merging authorities. I think there is plenty of co-operation going on already around the Island. Sometimes it is worth bearing in mind it is not local authorities that are the stumbling block. Mrs Maska will know Ramsey a number of years ago offered to take on Dol housing stock in the north of the Island. It was an initiative that came from Mrs Maska, if I am perfectly honest, but it came through the Commission. It was not centrally driven. It was not local authorities holding that up.

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So my point, Mr President, is this debate should be about determining what local authorities do. That is what we should be worried about, then setting out how central Government make sure they do those things they are supposed to do and then putting that down in law. There probably

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also needs to be some oversight or financial control over local authorities to make sure they are delivering effectively for their ratepayers.

4415 I think the reason it is important that we have some kind of central Government oversight is I have lost count of the number of times people have come into my political surgeries and asked me what I am going to do about the Commissioners not doing X, Y, Z, (**The Speaker:** Hear, hear.) or not doing it to the standard that they expect. So whilst we should not have direct control over the commissioners, there should be an element of service standards somewhere that central Government has some oversight over.

4420 We have already heard mention of a leisure rate come from one Hon. Member. Please can we not mix this up with rates reform. That is *another* rabbit hole (**A Member:** Hear, hear.) this will go down to die. Let's worry about services, let's worry about functions of local authorities. If we start trying to tack this on to numbers or rates or *anything* else under the sun, this will never happen.

So in short, Mr President, we should strengthen local government by requiring more from local government, being clearer with what is required of them and then ensuring they deliver.

4425 Thank you.

The Speaker and another Member: Hear, hear.

The President: I call on the Hon. Member, Dr Haywood.

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Dr Haywood: Thank you, Mr President.

Local authorities represent the history of the development of our society from a time when they were about collective ownership of sewage and lighting infrastructure. (*Interjection*) The joint boards extended that to collective ownership beyond local boundaries. So things like amenity sites, swimming pools and sheltered housing.

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Some aspects of local authorities work very well. The guidance provided by the DoI for the allocation and the administration of local housing by housing officers has removed the nepotistic aspect of accessing social housing. Other elements do not work so well, especially when commissioners with no experience of running a small not-for-profit business are effectively left in charge of community assets. Or when commissioners with no experience of setting and delivering budgets are left in charge of trying to work out what the rates income should be.

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Some boards have reduced their number of members, partly driven by the increasing use of policy and guidelines that allows officers to be delegated to make decisions without reference to the board, but some boards are struggling to fill the spaces they have available. And many local authorities already collaborate, share services and work together to achieve efficiencies. However, the entire population of the Island is a little over 83,000 people and I do have to question whether two clear tiers of government is an efficient process. We need to look at functions.

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Take street lighting, for example. Although the larger authorities maintain their own street light network, for most of the others there is one supplier, one maintenance company, one company carrying out safety checks, and a set of best practice guidelines for the positioning of street lights. Do local commissioners know about all these things? No. Would it be more efficient to cut out the middle man and just mandate the monopoly state-owned supplier with maintaining adequate safe lighting to our towns and villages? Yes; quite probably.

4450

I am in favour of easy local access to services, whether they come from central Government or the local authority, and I would always seek to encourage local representation in matters affecting our communities. But I cannot help thinking there must be a better way. Look at the rates bill with things such as sewage and water charges, again from a monopoly supplier through the local authority as a middleman. Does the involvement of the local authority add anything to that situation? No, it does not. It is a political appendix: a leftover that no longer serves a proper function.

4460

I think it is long overdue to explore a modern structure for local democracy, one that is easy to engage with, one that provides clear representation for its community on the areas that really

4465 matter – things like planning and infrastructure maintenance. One that serves as a service for local people to signpost them to Government services, one that provides an element of community glue and social cohesion.

I firmly believe that just as nationally set standards for social housing are important in ensuring a fair and equitable system, we should set national standards for waste collection, street lighting and management of community assets. But I would like to see local representation that was actually closer to Government. It needs to be accessible, inclusive and effective in supporting our communities, but I would like to think that local authorities would have a weekly meeting with, say, Government Departments that were covering the areas that they most get complaints about. So the things like the potholes, those things that actually do matter. Anyone who has served in local authority knows that you spend most of your time talking about dog shit, seagulls and potholes. *(Interjections)*

4475 **The President:** Unparliamentary language! It is said. *(Interjection by Mr Callister)*

4480 **Dr Haywood:** Dog faecal indicator organisms! But that is what every conversation is that happens between local communities and their commissioners and some of those things are not within the gift of local authorities to do anything about and it does not matter how many times you summon the Minister from the DoI to come and talk to you about the state of roads, you will not be getting anywhere because that is not figuring massively into the Department plans.

4485 So I actually think local authorities should have more connection to Government Departments that deliver services. The current system is not working and I welcome initiatives for change. We know what local Government looked like in 1852, the question is what does it look like in this century? I think we should agree that the functions must be sorted first and then follow with the form.

4490 **The President:** I call on the Hon. Member, Mr Craine.

Mr Craine: Gura mie eu, Eaghtyrane.

I welcome very much the debate on local authorities. I spent nine years on Marown Commissioners and that perhaps gives a slightly different perspective from some of the other views that are being put forward here.

4495 I would like to just share some things. It has been mentioned we have got 21 local authorities and they are too small to make decisions, but actually it does not function like that. As a member of Marown Commissioners, I attended one monthly Commissioners' meeting, but for a time I was on the Peel and Western District housing association, I was on the Western Civic Amenity Site, and when I was attending those meetings representing Marown, there were five authorities meeting together. So we were not 21 separate authorities, we were sometimes a group of five authorities with 12,000 people working between them, and we function that way. We had an office that we shared with Patrick, so there were two authorities joined for the purpose of administration. We just had one part-time clerk between the two authorities.

4500 So here perhaps is a different picture of authorities sometimes working in groups and nestling within a different sort of pattern. So for some functions, it may be 21 local authorities. The things we did on our own in Marown were things like looking at planning, although we did not have a great deal of power, but waste collection was very much our own responsibility and what we were doing with that, how we work that.

4505 So it is not a simple '21 authorities all separate.' Sometimes the likes of the civic amenity site in the north and the west and the south, there are groups of authorities that work together and in that sense, for that purpose, it is just four authorities working, rather than 21. That perhaps is just a different perspective to this: that the groupings sometimes made it different to 21 authorities working separately.

4510 Thank you, Mr President.

4515 **The President:** Thank you. Hon. Member, Mrs Maska.

Mrs Maska: Gura mie eu, Eaghtyrane.

I have worked within a local authority, and as was alluded to by Mr Hooper, we actually served on the housing service – or Mr Hooper was the political member, I was the officer. And the idea that I suggested we should take over all the northern housing, that actually came out of initiatives by Minister Thomas, who is not with us this afternoon, and he brought forward an idea that there might be regional management of housing. That was actually being really well considered across the Island. We went to visit every local authority and there was a really growing momentum. But unfortunately, the 2016 elections ... it stopped just before that, so that momentum was lost.

4525 But I think the idea was that it would be a good way of trying to get authorities to work together, to save duplication of costs, administration, accounts auditing – every authority has to provide those administrative services. Whereas when you have what are called joint boards, there is then the potential that you can actually share the costs of providing those services. Some local authorities have a greater ability to engage with their electorate than others. I remember saying to one clerk have you got a website or are you on email and they said, ‘I’ve got an email address, but I’ve got no computer.’ I do not mean that in a derogatory sense, but I am trying to demonstrate the variety of the level of service.

I do think there is great potential in joined-up services, as the refuse boards and the sheltered housing boards. It is great to see that there has been a merger in the south. We have now a Southern Sheltered Board, which took Marashen Crescent and Port St Mary, and Port Erin, or Rushen. They do work well. I think there is a great opportunity to examine this.

4535 I do feel sadness that, as Mr Ashford had said, there are 13 local authorities who have very dedicated membership, but some of those authorities have got long-standing members that go in repeatedly without a public mandate. That is really concerning and yet I know those people are very dedicated and give of their time, and many do not take any attendance allowances of any kind.

I do think that a four plus one is somewhere that could be a starting point. People that I know will probably be surprised at me saying that, but I think 21 local authorities maybe is far too many. There is a way of keeping in touch with the rural areas, having some joint initiatives, and it might be that joint boards bring membership from those rural areas, but into a regional board.

4545 So I do welcome this debate today. And just for clarity, Mrs Christian was asking what might sit behind Braddan, Peel, and actually Ramsey, managing some of the Department of Infrastructure housing. That started with a pilot test in Peel. It worked up to an extent, but not fully. Braddan did then also sign up to that. That seemed to work somewhat better and Ramsey are now managing some of the Department’s housing up at Bride. From what I know it is working well, but the Member for Housing for Infrastructure may have more information that is up to date than I know. But that was also going forward on the initiative of joined-up management, but policy separated from management. But I hope that is helpful to you. (**A Member:** Thank you.)

Gura mie eu, Eaghtyrane.

4555 **The President:** I give the mover a right of reply, Mr Ashford.

Mr Ashford: Thank you very much, Mr President.

I hope Members will forgive me that I am not going to go through point by point, through every single ...

The President: I do apologise. Mr Wannenburgh, did you wish to contribute –?

Mr Wannenburgh: I did, but (**The President:** Yes.) I will be brief, you will not be surprised. (**The President:** Thank you.) Thank you, Mr President.

I rise to associate myself with all the remarks that my colleague in Douglas North has made. So many wise voices come from that area which should not be missed.

I believe that we are over-governed and I would absolutely support a four-plus-one local authority model. And we should investigate devolving certain responsibilities to those authorities, such as first-stage planning applications and road maintenance, and parking.

Just because something has always been the way it was does not mean it should always be the way going forward. I am sure that the people in the north of the Island would embrace change as much as those in the south. (**A Member:** Hear, hear.)

Thank you very much.

The President: Thank you.
Mr Ashford, the floor.

Mr Ashford: Thank you very much, Mr President; apologies.

As I was just about to say, I hope Members will forgive me; I am not going to go through every single person point by point, because that will probably take up the rest of the evening. I think it has been a very helpful debate. Thanks to those Members who have taken part in it. A couple of points I do want to pick up on, though.

In terms of Mr Johnston, there are examples of local authorities working together very closely and the north is that. I know sometimes it may come across, particularly with some of my comments over the last 10 years, that I sometimes pick on the north, because I normally use Bride as the example or Ballaugh. But then they are the examples that are easy to use because of their geographic make-up, should we say, and the size of population within those authorities.

I see what he says about the concern about the rural and town, but I seem to remember, going back a long way, those were the same concerns that were expressed when Onchan Village and Onchan Rural merged. It was the same when Michael used to be two local authorities in fact, when they equally merged, where they said, 'It'll be taking away from the rural by joining it up with the town.' And even with Garff, when there was the Garff merger, there was concern because of Laxey, then Maughold and Lonan all coming together. Similar concerns were expressed. And I think Garff is actually a prime example of where pulling together and actually working together has shown that it can do efficiencies. It is a very efficient authority, from what I can gather, (**Mrs Caine:** Hear, hear.) and I think it shows that change is not necessarily something to fear.

I would be *more* than happy to meet with the northern authorities. I will not need directions, I will just head upwards until I get wet! (*Laughter*) I am more than happy to get my passport stamped on crossing the border! (*Interjection*) So if the rural authorities did want to meet with me, I would be more than happy to do so. I know quite a few of those who serve on the northern authorities.

In relation to Mrs Corlett, local government *is* a valuable function, and we are lucky that we do have so many local government representatives that are committed members of their community. Service provision and delivery is the key. That is a theme that came out through most people who spoke, and I fully agree that in terms of powers, it needs to be statutory powers for local authorities. It needs to be clearly defined, because I think one of the things that causes confusion time and time again is this disparity between some authorities doing certain things – for instance, Douglas does building control; others do not do it and it is done centrally. So depending on where you live, it might be a local authority problem, or it might be a Government problem, and I think that causes confusion with people, because it is not a clearly set of defined circumstances.

Mr Glover declared an interest in relation to obviously his wife serving on an authority, but again, it is a merger I welcomed, which was Arbory and Rushen. I think it is a very good merger and again it seems to be, in the main, working. There are really good examples of collaborative working and that is another one. And we do need that clear division of powers.

In terms of Mr Henderson, I know he has been a very avid supporter of local government reform and I would like to thank him for his support he gave to my motion five years ago now,

when I brought it before this Hon. Court. I am not going to get into his comment about burial authorities, because we will be here all night if I start getting into that debate around my views on burial authorities and, again, he makes comment, quite rightly, that what I think we are *all* after and what we *all* can agree on, regardless of our views, is that we want an efficient system that is value for money. (**Mrs Christian and Mrs Maltby:** Hear, hear.) That is what we all want in terms of local authorities – it is what we all want from *Government* as well, so we certainly want it from local authorities.

Mrs Maltby: One step at a time!

Mr Ashford: In terms of Mrs Christian, the Hon. Member for Douglas South, I think there is confusion sometimes with the public, and obviously it is much better to have contested elections because you know the people who are there are there by virtue of the fact that people in their local area have been out and actually physically voted for them. I think that does cause confusion, even in Douglas, as to what is local authority, what is an MHK function, because again, we do not have that delineation of services in terms of statutory.

Mrs Christian did raise one point I do want to address though, about should we be talking about salaries. As someone who served on a local authority for eight and a half years, I quite like the system and the fact it has an allowance. You are there as a local representative, you are paid for attendance at meetings a notional sum, and I actually quite like that.

I was around in the UK when they switched the system in the late 1990s, being salaries for councillors, and to be perfectly honest, my personal view is I think it destroyed the local authority system over there. I think it fundamentally changed the type of people you had coming forward and also the relationship between councillors and their community. So I actually would not favour a system where we went down paying proper salaries for local representatives. I think the system of allowances and people doing it for the value of their community is quite important, from my point of view.

I have also never supported the idea of local authorities moving to five years and being aligned with Keys. I think that would actually cause more confusion than it would solve. I have always been of the view that in relation to local authorities – and it was the same when I was a local authority member – the four years works because the point of being a local authority member is you are supposed to be very close to your community. Therefore I have always believed your mandate should be shorter and you should be going back to the people more often than necessarily you would with national Government.

Again, with Mr Hooper, I think we actually agree on an awful lot of things. I think it should be statutory functions and also statutory services, and we all want effective and efficient services. And I fully agree with him that bigger is not necessarily better. When it comes to the operation of local authorities, that is not necessarily the case.

Rates reform: most definitely, we should not be mixing it up with that. He is quite right, this is the rabbit hole, as I was alluding to at the start in my opening remarks, where it goes down. Suddenly rate reform gets thrown in, the structure of local authorities gets mixed up in all this and suddenly, before you know it, we end up with a horrendous row, nobody agrees on anything and nothing moves forward. So we do need to focus, to begin with, on the powers of local authorities.

In relation to Dr Haywood, again, I think we all want a modern structure that is accessible and inclusive, and there does need to be more joined-up working and more accessibility for local authorities to do more joined-up working with Government. I think again it comes down to the delineation of services, but I am sure all of us, as MHKs, have been, should we say, contacted by constituents wanting to discuss dog leftovers and it is about changing the system so that equally, in the public mind, it is clear where they need to go for certain things.

Mr Craine, the Hon. Member of Council: he is right. Local authorities do work together on a lot of issues. The amenity site boards and housing boards are prime examples of that, but playing

4670 devil's advocate for a minute, wouldn't it be great if they could operate like that for *all* services and *all* decisions? Wouldn't that make things a lot more efficient, if they operated in that way?

In relation to Mrs Maska, I am grateful for Mrs Maska's contribution. She brings with her a wide range of knowledge in relation to local authorities and how they operate on the Island, and there have been a number of good ideas that I have seen over my time, both in local government and also in national Government, which have originated from local authority level. Actually, we should be encouraging and facilitating authorities that want to work together, that want to take on services, to be able to do that. Housing was a prime example. It was not just in the north of the Island. I remember many years ago the whole idea *across* the Island. The southern authorities were due to take on some of the housing as well, if I remember rightly, and it was the same in some of the western and also certain areas of the east as well, I believe.

4680 In relation to my good friend and colleague for Douglas North, Mr Wannenburg, I could not agree more. I think we are over-governed in terms of a local authority level and we do need devolution of services. In fact, we have got fragmented services at the moment, as things currently stand, and we need to join that up.

4685 So in closing, Mr President, I would like to say thank you to everyone who took part in the debate. I hope it has been helpful – I have certainly found it very helpful – and with that, Mr President, I would like to say thank you and hand over to Treasury hour, or Treasury 50 minutes, as it is from the current clock.

**26. Social Security Contributions and Benefits Act 1992 –
Exceptional Needs Grants and Budgeting Loans (Amendment) Regulations 2022 approved**

The Minister for the Treasury to move:

That the Exceptional Needs Grants and Budgeting Loans (Amendment) Regulations 2022 [SD 2022/0162] [MEMO] be approved.

The President: Hon. Members, we move on to our Order Paper. Item 25 has been dealt with earlier, so we move on to Item 26 and I call on the Treasury Minister to move.

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The Minister for the Treasury (Dr Allinson): Thank you very much, Mr President.

We have got a series of motions and can I start by thanking the people who will be seconding these motions, just to wake them up a little bit. (*Laughter*)

4695 If I can start with Item 26, these Regulations amend the Income Support and Jobseeker's Allowance Exceptional Needs Grants and Budgeting Loans (Amendment) Regulations 2003 in two respects. Firstly, they disapply one of the conditions of entitlement for a budgeting loan in the case of a claim for a loan to meet the cost of a deposit for rent or for the supply of gas or electricity on taking up the tenancy of a new home. The condition disapplied is that a person claiming a budgeting loan or their partner must not have been awarded a budgeting loan in the preceding
4700 104 weeks, but this condition may only be disapplied if either the claimant or their partner may become homeless if the budgeting loan was not paid to them.

4705 Secondly, these Regulations are amended to abolish the so-called 'double debt' rule. This rule had applied in the case of a person claiming a budgeting loan who, or whose partner, either had previously been awarded a budgeting loan which had been paid to them but have not fully repaid that loan to the Treasury, or who have been awarded a budgeting loan which they had not yet been paid in total, or had been overpaid a Social Security benefit to which they were not entitled which had not been fully recovered. Under that rule, the maximum amount of a budgeting loan which would have otherwise been awarded to them was reduced by twice the amount of any budgeting loan which had not been paid, plus twice the amount of any benefit overpayment which

4710 had not been recovered. The Regulations as amended now provide that the maximum loan which would otherwise be awarded to a qualifying person is to be reduced by only the actual amount of the budgeting loan which has not been repaid, or the actual amount of any benefit overpayment which has not been recovered, whichever the case may be.

4715 Mr President, further information is provided in the memorandum which has been circulated to Hon. Members. It is anticipated that the first of these measures will help only a small number of individuals. However, it will nevertheless be a lifeline to those who it does benefit. The abolition of the double debt rule will be of help to a large number of benefit recipients, as it will apply to applications for budget loans generally, not just for deposits for rent or for the supply of gas or electricity on taking up a tenancy of a new house.

4720 Can I also just point out that, depending on the circumstances, a person may be entitled to a non-recoverable Social Security Exceptional Needs Grant instead of, or in addition to, a budgeting loan.

Mr President, I beg to move the motion in my name.

4725 **The President:** Mrs Maltby.

Mrs Maltby: Gura mie eu, Eaghtyrane.

4730 I would like to second this motion and reserve my remarks. I hope that was fully understood, what Dr Allinson just said there. It is a positive thing – even though I have just said I am going to reserve my remarks, I have just said that! But only because I just really wanted to make the point to say this is something that has been ongoing for a little while now and I really hope that Members can approve it!

Thank you.

4735 **The President:** Mrs Maltby, you asked to reserve your remarks but then made a remark.

Mrs Maltby: Sorry, the heat is getting to me, Eaghtyrane.

The President: Loayreyder.

4740 **The Speaker:** Thank you.

4745 Perhaps I could pick up from where Mrs Maltby left off. Can I congratulate her for taking this, which started off as a conversation around the table in the Poverty Select Committee about where people were struggling and having issues with certain aspects of the benefit system. Mrs Maltby has taken that into Treasury, worked with officers and it has come back so quickly, rather than waiting for a report, and that is really commendable. (**Several Members:** Hear, hear.) I think there is one lesson to be learnt: that we all do not mind the smell of wet paint in Committees if it is going to make action better for the people of this Island. So I hope that that is what she was trying to say (*Laughter*) in terms of this will make people's lives better. It will and thank you.

4750 **Three Members:** Hear, hear.

The President: Mrs Maska.

4755 **Mrs Maska:** Gura mie eu, Eaghtyrane.

4760 Just to support the measures that are being tabled today and to say that the Housing and Communities Board also had liaised and identified that the existing measures do not help or are a barrier to helping quite a number of people as we perceived. And the proposals that we see before us, I do thank Mrs Maltby for also the hard work that she has put into it. So I rise to support this.

Gura mie eu, Eaghtyrane.

The President: I call on the Minister to respond.

The Minister: Thank you very much, Mr President.

4765 I would just like to thank the two previous speakers. The Treasury system is complex, people's
lives are complex, and the two often do not match up. I am very grateful to those Members who
have pointed out where some of these complexities are actually conflicting, because in that way
we can make the system better, hopefully for everyone. But again, if you do have constituents
4770 who are falling through some of the cracks in some of the detailed regulations that we have,
please point these out to us and Treasury would be more than happy to see, where possible, we
can amend them and make them better.

Thank you.

A Member: Hear, hear.

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The President: Okay, Hon. Members, we come to voting on this Item, Item 26, as laid out on
the Order Paper. All those in favour, please say aye; those against, please say no. The ayes have
it. The ayes have it. Item 26 carries.

27. Beneficial Ownership Act 2017 – Beneficial Ownership (Civil Penalties) Regulations 2022 approved

The Minister for the Treasury to move:

That the Beneficial Ownership (Civil Penalties) Regulations 2022 [[SD 2022/0163](#)] [[MEMO](#)] be approved.

The President: We now move on to Item 27. I call on the Treasury Minister.

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The Minister for the Treasury (Dr Allinson): Thank you, Mr President.

The Isle of Man Financial Services Authority is empowered by paragraph 8(6) of Schedule 1 to
the Beneficial Ownership Act 2017 to make regulations for the imposition of civil penalties in
relation to certain contraventions of that Act. The Authority believes that its ability to encourage
4785 compliance and enforce adherence to the Acts required would be improved if civil penalties were
available as an alternative sanction to taking criminal proceedings in certain circumstances.

The Beneficial Ownership (Civil Penalties) Regulations 2022 impose civil penalties on relevant
persons of £1,000 for less serious contraventions of the Act and £5,000 for more serious
contraventions. Examples of less serious contraventions include the failure to keep a record of the
4790 nominated officer or preserve required details, but the Act currently only provides for these
contraventions to be treated as criminal offences, which is not proportionate nor an effective use
of resource.

The Regulations also provide that the Authority may mitigate a civil penalty or provide that no
civil penalty is payable if it considers that the circumstances are so exceptional that it would be
4795 unfair to require the relevant person to pay the full penalty. If a contravention is considered to be
so serious that a civil penalty would not be appropriate, a prosecution could still be sought.

The Authority carried out a four-week consultation on the draft regulations in February 2022.
Twelve responses to the consultation were received. Respondents were generally supportive of
civil penalties as an alternative to criminal sanctions. In order to enforce provisions of the Act,
4800 some respondents sought clarification on certain matters and the Authority addressed these
queries in its consultation responses published in April 2022. The Regulations are due to come
into effect on 31st July this year.

Mr President, I beg to move that the Beneficial Ownership (Civil Penalties) Regulations 2022 be approved.

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The President: Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.
I beg to second, sir, and reserve my remarks.

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The President: Mr Glover.

Mr Glover: Gura mie eu, Eaghtyrane.

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Just for the public, really, could we just have a bit more detail on what those civil penalties will be? I think they are in the way of fines, if I recall correctly, but it would be good, just for the public record, to have that spelt out.

Thank you.

The President: Minister to reply.

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The Minister: Okay. Thank you very much, Mr President.

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The civil penalties are in the Schedule to the Act. They range from £1,000 up to £5,000. One of the parts of the consultation was that people were concerned that just by putting the wrong date or not signing a form, that might be seen as a contravention. That is not the case and the FSA will continue to work with people to make sure that the legislation we have in terms of beneficial ownership is proportionate, but also to point out that those people who disregard it in any way are actually brought to task, are given a civil penalty or, as present, are actually taken to court for this.

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What we will do in terms of Treasury is obviously work with the FSA to monitor the impact of these changes and hopefully, in their annual report, they will be able to say how they have been implementing these and what the result has been.

Thank you.

4835

The President: Hon. Members, we come to voting on this Item, Item 27, Item laid out on the Order Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. Item 27 carried.

**28. European Union and Trade Act 2019 –
Russia Sanctions (Application) (No. 7) Regulations 2022 approved**

The Minister for the Treasury to move:

That the Russia Sanctions (Application) (No. 7) Regulations 2022 [[SD 2022/0168](#)] [[MEMO](#)] be approved.

The President: We now move on to Item 28. I call on the Treasury Minister.

4840

The Minister for the Treasury (Dr Allinson): Thank you, Mr President.

These Regulations, made using powers contained in section 19 of the European Union and Trade Act 2019, apply one United Kingdom statutory instrument to the Island concerning trade sanctions against Russia. The Isle of Man Government policy in relation to international sanctions is to maintain the Island's sanctions measures in line with those of the United Kingdom. In

4845 legislative terms, this means that the Island gives effect to United Kingdom sanctions law by applying the relevant UK legislation with appropriate modifications.

These Regulations insert a new provision which requires providers of social media services, internet access services and application stores to take reasonable steps to prevent their users in the Island from encountering or accessing online content generated by sanctioned persons. Also many of the larger providers of social media are not located on the Island, there will be some providers who may need to be vigilant about who is uploading content to their platforms and take reasonable steps to prevent sanctioned persons from generating content that could be viewed by people in the Island.

4855 Internet access services, including fixed and wireless broadband providers, must take reasonable steps to prevent users of the service in the Isle of Man from accessing websites provided by a designated person. This will likely take the form of URL blocking. Application stores, including those on smartphones, must take reasonable steps to prevent users from the application store in the Isle of Man from downloading or otherwise accessing an application provided by a designated person.

4860 The Treasury recognises that the impositions of these new sanction measures against Russia can be complex. The Customs and Excise Division provides general guidance in relation to financial and trade sanctions and also guidance for each regime, including Russia, on its website accessed via gov.im. The Division also publishes updates where persons or entities are added or removed from the sanctions list and provides a consolidated version of the Russian sanctions regulations on its website.

4865 Mr President, I beg to move that the Russia Sanctions (Application) (No. 7) Regulations 2022 be approved.

Thank you.

The President: Mr Henderson.

4870

Mr Henderson: Gura mie eu, Eaghtyrane.

I beg to second, sir, and reserve my remarks.

4875 **The President:** Members, we come to voting on Item 28, as laid out on the Order Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. Item 28 carried.

29. Bank (Recovery and Resolution) Act 2020 – Bank (Recovery and Resolution) Administrative Levy Order 2022 approved

The Minister for the Treasury to move:

That the Bank (Recovery and Resolution) Administrative Levy Order 2022 [[SD 2022/0178](#)] [[MEMO](#)] be approved.

The President: We move on to Item 29. I call on the Treasury Minister.

The Minister for the Treasury (Dr Allinson): Thank you, Mr President.

4880 The Bank (Recovery and Resolution) Act 2020 empowers the Isle of Man's Financial Services Authority to make orders to impose administrative levies on banks when acting in its capacity as the resolution authority for the Isle of Man.

Section 12 of the Bank (Recovery and Resolution) Act 2020 requires the resolution authority to prescribe in an order the amount and terms of any administrative levy that it imposes. These

4885 administrative expenses comprise salaries and external training for the staff engaged in the activities of the resolution authority and are different to the charges that would be incurred if the bank needed to be resolved. Such resolution costs would be addressed via other powers in the Act and are not subject to this Order.

4890 The Administrative Levy Order applies to all banks operating in the Island, those being that held licences for Class 1 or Class 1(2) regulated activities as of 31st March 2022. The levy to be imposed comprises the operational cost of the resolution authority during the previous year, namely £119,720.90 split equally between the 11 banks. This results in the charge of £10,883.72 per bank for the year 2021 to 2022.

4895 A flat rate levy was applied because a similar level of work is required for each bank, regardless of its size or business model, and the financial impact of the levy is not considered to be significant. A cost per bank of less than £11,000 is also the reason that none of the other funding sources as permitted by section 12 of the Act were utilised. The charge for the next year is expected to be higher due to a vacancy in the term last year which has now been filled.

4900 A public consultation in early 2021 on the outline proposals was followed by a consultation on the draft order from 21st March to 18th April 2022, which led to six responses. Most responses commented on the allocation of costs, but views from banks of different sizes were not consistent and no changes were made to the draft Order.

Mr President, I beg to move that the Bank (Recovery and Resolution) Administrative Order 2022 be approved.

4905 Thank you.

The President: Mr Smith.

Mr Smith: Thank you, Mr President.

4910 I beg to second.

A Member: 'And reserve my remarks.'

4915 **The President:** Hon. Members, we have before us Item 29, as laid out on the Order Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. Item 29 carried.

**30. Social Security Act 2000 –
Social Security Legislation (Benefits) (Application)
(Amendment) (No. 5) Order 2022 approved**

The Minister for the Treasury to move:

That the Social Security Legislation (Benefits) (Application) (Amendment) (No. 5) Order 2022 [SD 2022/0183] [MEMO] be approved.

The President: We move on to Item 30. I call on the Treasury Minister again.

The Minister for the Treasury (Dr Allinson): Thank you, Mr President.

4920 This is one of the Orders that is actually going back a little bit. This Order, which was made by the former Treasury Minister, Mr Ashford, on 12th May this year provided for a new lump sum Social Security benefit called the Family Support Payment, which was payable to people who were entitled to Child Benefit for a period which includes 11th April 2022. Everyone who gets Child Benefit qualified for a basic amount of Family Support Payment worth up to £300. The actual

4925 amount they qualify for depends on the amount of reckonable income they are assessed to have for Child Benefit purposes.

People who get Child Benefit for more than one child also qualified for an additional amount of Family Support Payment. If they got Child Benefit for two children, the additional amount was £50, if they got Child Benefit for three or more children, the additional amount was £100. Unlike
4930 the basic amount, these additional payments were not reduced if a person's reckonable income for Child Benefit purposes was more than £50,000. There was no requirement to make a claim for Family Support Payments. These were made to qualifying persons automatically.

As of 30th June, 6,353 Family Support Payments have been paid at a total cost of just under
4935 £1.86 million. Receipt of a Family Support Payment does not affect entitlement to any other Social Security benefits and provision has also been made in the Order currently before Hon. Members in relation to the administration of Family Support Payments to provide that they are to be disregarded as income for income-related benefit purposes and to provide that they are paid out of general revenue.

Further information is provided in the memorandum which has been circulated to
4940 Hon. Members.

Mr President, I beg to move.

The President: Mrs Maltby.

4945 **Mrs Maltby:** Gura mie eu, Eaghtyrane.

I beg to second and reserve my remarks! *(Interjections and laughter)*

The President: Now, Hon. Members, we will vote on this Item, Item 30, as laid out on the Order
4950 Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. Item 30 carried.

**31. Customs and Excise Act 1993 –
Taxation (Cross-border Trade) Act 2018 (Application)
(Amendment) (No. 2) Order 2022 approved**

The Minister for the Treasury to move:

*That the Taxation (Cross-border Trade) Act 2018 (Application) (Amendment) (No. 2) Order 2022
[SD 2022/0184] [MEMO] be approved.*

The President: We move on to Item 31. I call on the Treasury Minister.

The Minister for the Treasury (Dr Allinson): Thank you, Mr President.

This Order amends the Taxation (Cross-border Trade) Act 2018 (Application) Order 2019. That
4955 Order applied the Taxation (Cross-border Trade) Act 2018, which is the principal legislation for customs duties in the Island.

Due to the situation that has arisen between the government of the United Kingdom and the governments of Russia and Belarus, the Secretary of State has made regulations under section 15 of the Act as it has effect in the United Kingdom. Those regulations provided for an additional duty
4960 on certain goods originating from Russia and from Belarus. Under section 15 of the Act as it is applied to the Island, those regulations are deemed to be extended to the Island and have the same effect in the Island as they do in the United Kingdom.

This Order makes minor amendments to section 15 of the Act as it has effect in the Island. The modification clarifies how references to certain words or phrases in United Kingdom regulations

4965 relating to import duty are to be read when those regulations are deemed to have effect in the Island.

Mr President, I beg to move that the Taxation (Cross-border Trade) Act 2018 (Application) (Amendment) (No. 2) Order 2022 be approved.

Thank you.

4970

The President: Mr Smith.

Mr Smith: Thank you, Mr President.

I beg to second.

4975

The President: Okay, Hon. Members, we come to voting on this Item, Item 31, as laid out on the Order Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it.

**32. Customs and Excise Act 1993 –
Export Control (Amendment) Order 2022 (Application) Order 2022 approved**

The Minister for the Treasury to move:

That the Export Control (Amendment) Order 2022 (Application) Order 2022 [[SD 2022/0185](#)] [[MEMO](#)] be approved.

The President: We move on to Item 32. I call on the Treasury Minister.

4980

The Minister for the Treasury (Dr Allinson): Thank you, Mr President.

This Order applies in Island law a United Kingdom statutory instrument concerning export controls which is required under the terms of the Customs and Excise Agreement. The United Kingdom instrument being applied amends the Export Control Order 2008 as it has effect in the Island.

4985

The Order inserts a new restriction on exports or transfers of certain goods, software or technology. The restrictions apply where the UK Secretary of State or the Isle of Man Treasury has informed a person that those particular goods, software or technologies are or may be intended for use by military, paramilitary, police, security or intelligence services of certain destinations subject to an embargo. The Order makes a contravention of the new restrictions an offence.

4990

The main reason for the introduction of this new restriction in the Island is to ensure that the Island's export control laws are aligned with the United Kingdom, so that the Island cannot be used to circumvent export control laws. The reason for the introduction of the restrictions in the United Kingdom is a growing concern that certain countries are using goods and technology obtained from UK suppliers to develop and enhance harmful capabilities for use against the United Kingdom and its allies.

4995

Schedule 4 to the Export Control Order 2008 is amended to move China and its special administration regions of Hong Kong and Macau into the list of countries that are embargoed destinations and subject to controls on the movement of military goods to those destinations. This Order is not expected to have any significant impact on Island businesses, as the majority of goods being exported from the Island are not subject to any export controls. Businesses are reminded, however, to check before exporting goods that they do not require an export licence.

5000

Mr President, I beg to move.

5005

The President: Mr Smith.

Mr Smith: Thank you, Mr President. I beg to second.

5010 **The President:** Okay, Hon. Members, we come to voting on Item 32, as laid out on the Order Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. Item 32 carried.

**33. Social Security Act 2000 –
Social Security Legislation (Benefits) (Application)
(Amendment) (No.6) Order 2022 approved**

The Minister for the Treasury to move:

That the Social Security Legislation (Benefits) (Application) (Amendment) (No.6) Order 2022 [SD 2022/0188] [MEMO] be approved.

The President: We move on to Item 33. I call on the Treasury Minister.

The Minister for the Treasury (Dr Allinson): Thank you, Mr President.

5015 I am grateful to the former Treasury Minister, Mr Ashford, who on 18th May this year passed this motion. This provides for a new lump-sum Social Security benefit called the 'long-term benefits support payment', which was worth £150 and was payable to people who were ordinarily resident in the Isle of Man or who were entitled to a state pension or other qualifying long-term benefits for at least one day in the week commencing Monday 6th June 2022.

5020 Mr President, the flat rate payment of £150 provided help towards meeting increased energy and general living costs for groups of people who have limited fixed incomes who do not get income-related benefits and so did not benefit from the £300 energy support payment paid earlier this year.

5025 As at 13th July, payments have been made to 18,233 qualifying persons at a cost of just under £2.75 million. Receipt of a long-term benefits support payment does not affect entitlement to any other Social Security benefits and provision has also been made in the Order currently before Hon. Members in relation to the administration of long-term benefits support payments to provide that they are disregarded as income for income-related benefit purposes and to provide that they are paid for out of the Manx National Insurance Fund.

5030 Further information is provided in the memorandum which has been circulated to Hon. Members.

Mr President, I beg to move.

The President: Mrs Maltby.

5035 **Mrs Maltby:** Gura mie eu, Eaghtyrane.
I beg to second and reserve my remarks.

5040 **The President:** Now, Hon. Members, a vote on Item 33, as laid out on the Order Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. Item 33 carried.

**34. Coroners Act 1983 –
Coroners Fees Order 2022 approved**

The Minister for the Treasury to move:

That the Coroners Fees Order 2022 [[SD 2022/0194](#)] [[MEMO](#)] be approved.

The President: I call on the Treasury Minister again for Item 34.

The Minister for the Treasury (Dr Allinson): Thank you, Mr President.

5045 The Coroners Fees Order 2022 updates fees chargeable by coroners in the exercise or execution of certain functions and obligations. The Order increases most fees since the last Coroners Fees Order by 5%, which is based on the Isle of Man CPI measured in September 2021. However, the fee for the enforcement of an execution relating to a parking fine under item 7 of the Order remains unchanged.

5050 Mr President, careful consideration was given as to what would be an appropriate increase to the fees payable to coroners, which nevertheless took effect of the challenging times that affect us all. Whilst the proposed fee increase of 5% does not go as far as the coroners would have liked, Treasury believes the proposed increase is realistic and deliverable. It is, however, proposed that in subsequent years the relevant fees will be increased annually in line with Manx CPI as measured
5055 at the preceding September. This Order does not change the commission base fees charged by coroners in matters connected to their debt enforcement functions. As sums subject to enforcement has increased, so the commission charged and collected will have also increased proportionately.

5060 Mr President, in concluding, I would like to add that the Treasury will be reviewing the role and the functions of coroners over the next five years. An important element of the review will include their remuneration package. But I would like to take this opportunity to apologise for the delays in implementing these changes and the review, and I am committed to supporting the coroners to continue to carry out their important duty for the people of our Island.

Mr President, I beg to move that the Coroners Fees Order 2022 be approved.

5065

The President: Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

I beg to second, sir, and reserve my remarks.

5070

The President: Mr Glover.

Mr Glover: Gura mie eu, Eaghtyrane.

I just want to ask one simple question: why have we not had any fees go up since 2009?

5075

The President: Mr Callister.

Mr Callister: Thank you, Mr President, and I thank the Treasury Minister for the motion.

5080 He just mentioned there was going to be a review of services of the coroners, which I welcome, but he mentioned five years. This was picked up in the previous administration and we were promised to get this through towards the end of the last administration. Therefore, can I ask the Treasury Minister why it has now taken an additional five years when promises were made in the last administration?

5085

The President: Mr Moorhouse.

Mr Moorhouse: Thank you very much, Mr President.

Just really a side issue in terms of how many people does this cover each year? Is it a large number of people who are going to this level in terms of parking fines?

5090 Thank you, Mr President.

The President: I call on the Minister to reply.

The Minister: Thank you very much, Mr President.

5095 Very good questions – I asked them myself when I was given this Order, and detailed consultations have been taking place also with the coroners.

If I can address the last question first, I am not actually sure how many people the coroners actually service on the Island. That will obviously differ from year to year.

5100 In terms of why there has been no change, to be honest with you, it has been the delay ... In 2009, a review was started. At that time it was decided to pause any annual increases in the amounts given to coroners. The review did not happen, it got bogged down and nobody actually then decided to increase these on a regular basis. So we have gone through a considerable period of time whereby the fees have not increased.

5105 The cost of living in the Island has increased by about 55% since 2009, but to give that amount of increase all in one go would be seen to be disproportionate to the Treasury. This was discussed with the coroners and, as I said, I have apologised publicly today for this and what we are going to be doing is implementing that 5% uplift, but also making sure that we have an annual uplift to avoid these sudden jumps and sudden steps. But basically, because of the pause whilst a review was undertaken, these things have stalled.

5110 In terms of the reform of debt project, in 2016 the Council of Ministers authorised Treasury to proceed with the civil debt review project, which would consist of three main phases. The first phase was the Administration of Justice and Other Amendments Act 2021, which was concluded at the end of the last administration. The General Registry are hopeful that the necessary secondary legislation to enable the full introduction of this legislation can actually be concluded

5115 within the next six to 12 months. This piece of legislation will enable the publication of a comprehensive register of civil debts in the Island, including such debts arising as a result of Treasury warrants, which are mainly to do with Income Tax and VAT.

5120 Work on phase 2, which relates to coroner reform, has now begun with scoping and initial policy considerations expected to be formulated by the end of this year. If this phase of the project is to progress substantially during the time of this administration, it would be good to be in a position to consult on the policy matters either at the end of this year or next year by going through a full public consultation.

5125 Then phase 3, which relates to insolvency law reform and the broader public policy needs to be consulted with, and we undertake to do this by the end of this year. The aim of this consultation will be to elicit views from key stakeholders and the general public which will assist the Treasury and the current working group to come up with proposals for a major reform Bill, which will hopefully command Tynwald support. Bringing these all together, particularly in terms of the insolvency law reform, is very important, both in terms of the financial sector on the Island, but also looking more generally in terms of the financial services offered to people on this Island. And

5130 I will be trying to make sure that these various phases are progressed now and we can actually deliver on those promises that were made during the previous administration.

Thank you very much, Mr President. With that, I beg to move.

5135 **The President:** Now, Hon. Members, we come to voting on this Item, Item 34, as laid out on the Order Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. Item 34 carried.

**41. Climate Change Act 2021 –
Climate Change (Public Bodies’ Reporting Requirements) Regulations 2022 approved**

The Chair of the Climate Change Transformation Board to move:

That the Climate Change (Public Bodies’ Reporting Requirements) Regulations 2022 [SD 2022/0124] [MEMO] be approved.

The President: Items 35 to 40 have already been dealt with earlier, so we now move on to Item 41, the Climate Change Act, and I call on the Chair of the Climate Change Board to move.

5140

The Chair of the Climate Change Transformation Board (Mrs Caine): Mr President, section 23 of the Climate Change Act 2021 required the Council of Ministers to make regulations setting out reporting requirements for public bodies in relation to their statutory climate change duties before 1st June 2022. These are the regulations before the Court today.

5145

The climate change duties cover the reduction of emissions, along with the supporting principles of the just transition and climate justice, sustainable development and the protection and enhancement of biodiversity and ecosystems, collectively referred to as fair change. Comprehensive guidance for how public bodies can fulfil the duties was issued on 31st March and the Climate Change Transformation team are working on other support measures, including bite-size guidance sheets, training, webinars and a workplace climate network to facilitate collaboration across public bodies.

5150

The reporting requirements have been designed to be as light touch as possible, while still providing valuable data. Most of the information required will already be collected by public bodies for accounting purposes. For example, electricity bills and fuel receipts. An online portal is being developed which, it is hoped, will have the capacity to automatically calculate emissions from consumption data, making reporting quick and easy. Reporting is also proportional to the size of the public body, with smaller bodies having less detailed reporting requirements. Public bodies have been categorised based on number of staff initially, but after the first reports have been received and analysed, public bodies will be categorised on the basis of their emissions, because number of staff is not necessarily synonymous with having low emissions.

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5160

The analysis of the reports is expected to be undertaken externally to avoid any conflict of interest or bias, and work is under way to identify a suitably qualified body. Expectations for achieving full compliance will be phased in order to ensure that the efforts of public bodies which are working towards compliance are acknowledged.

5165

During the first year, larger public bodies will be expected to establish an emissions baseline. A project is under way for this to be provided for Government Departments. Large and small public bodies will also be expected to make consideration of the duties part of their decision-making processes. In the second year, public bodies should create an action plan and begin reviewing their existing policies to ensure they support the duties.

5170

By the end of the third year, all of our public bodies’ policies should have been reviewed and full compliance achieved. The first reports will be due in 2023 for the period of 1st April 2022 to 31st March 2023.

5175

The climate change duties for public bodies represent an important part of the legal framework created by the Climate Change Act 2021. They unify the public sector’s approach to climate change, increasing our ability to deliver effective, joined-up climate action. The reporting requirements are how we monitor whether this is working. They are not intended to be punitive, but to help us identify where more information or support might be needed; to find the barriers to change and help remove them so that Government and the wider public sector can lead our transition to net zero by example.

5180

Mr President, I beg to move that the Climate Change (Public Bodies’ Reporting Requirements) Regulations 2022 be approved.

The President: Mr Craine.

Mr Craine: Gura mie eu, Eaghtyrane.

5185 I beg to second and reserve my remarks.
Thank you.

The President: Mr Peters.

5190 **Mr Peters:** Thank you very much, Mr President.

Whilst this motion is allegedly not intended to be punitive, it certainly seems to be onerous and somewhat heavy-handed. More worryingly, it will mean yet more civil servants being employed to tick boxes and write reports. And again, I worry that this administration focuses too much on outputs rather than outcomes. I fear the dreaded hand of Big Brother again and see this as a bit of a sledgehammer to crack a nut. Why not set some rules and take action if people break them, rather than have a politburo of watchers and monitors? I will be voting against, sir.

The President: I call on the mover to reply.

5200 **The Chair:** Thank you, Mr President.

I think Mr Peters' views are well known in regard to climate change, but reporting on these for public bodies is a requirement under the Climate Change Act and it will provide an important way of monitoring progress across the public sector. The requirements have been designed to be proportional, based initially on the size of the public body and then, once we have the information, on the size of the body's carbon footprint. The requirements are as light touch as possible, while still providing sufficient valuable data for tracking purposes.

I can happily engage with Mr Peters and explain, but I would say the team has had extensive engagement with the public sector to support and encourage them, in a collaborative way, to develop these requirements and reporting requirements, and they will be reviewed after six months, we have pledged – which is in September – and we will get this right. Because there is the need, not only the legal requirement, but there is the need for Government and all public bodies to put our emissions and our climate agenda at the heart of all policies.

With that, Mr President, I beg to move.

5215 **The President:** Members, we come to voting on this Item, Item 41, as laid out on the Order Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. (*Interjections*)

Mr Glover: Divide!

5220

The Speaker: You turned him!

Mrs Caine and another Member: Too late!

5225 **The President:** Too late. Item 41 therefore carries.

**42. Financial Provisions and Currency Act 2011 –
Green Living Grant (Amendment) Scheme 2022 approved**

The Minister for Enterprise to move:

That the Green Living Grant (Amendment) Scheme 2022 [[SD 2022/0195](#)] [[MEMO](#)] be approved.

The President: We now move on to Item 42 and I call on the Member for Enterprise, Mr Johnston.

5230 **A Member for the Department for Enterprise (Mr Johnston):** Thank you, Mr President.

The Green Living Grant Scheme was approved by Tynwald in July 2021 and aimed to assist Island residents with the reduction of carbon emissions by providing grants towards work to make homes more energy efficient. The scheme was originally drafted by the Department of Environment, Food and Agriculture under the Climate Change Transformation team, with administration of the scheme passing to the Department for Enterprise shortly before Tynwald approval. Unlike all the other schemes the Department administers, the policy for this scheme is therefore determined in conjunction with the Climate Change Board.

5240 The scheme provides funding of up to £6,000 per property to cover the cost of a Manx Home Energy Audit and if the applicant is eligible, grant funding towards implementing measures outlined by the audit. The Manx Home Energy Audit creates a list of recommendations for the applicant to undertake to reduce energy costs and carbon emissions. This was the design of the scheme and the Manx Home Energy Audits are undertaken by qualified domestic energy assessors under contract to the Department, using industry standard software.

5245 In order for an applicant to be eligible for a grant towards recommended measures, the property must have an energy rating of D or below, and a household income must be below £112,000. Following approval of the scheme, work began on the development of suitable systems, procedures and resource recruited to administer and manage the application process, with applications opening to the public on 1st October 2021. To date, this scheme has received 1,860 applicants, 1,829 of which have been authorised for Manx Energy Audits and 1,003 initial audits completed. Subsequently, 74 grant applications have also been received.

5250 On 9th May, the Department announced a number of changes which were designed to make the process of carrying out works with support from the Scheme more flexible for applicants. These changes included the removal of the requirement for works to be carried out in priority order and increased the financial support for works under £1,000 to 75%. This was to assist residents with making positive changes to their homes to reduce energy consumption before winter. This was an important shift in temporary emphasis from carbon reduction into energy saving.

5260 Today, the Department are proposing two changes to the scheme: the removal of the requirement for grants to be tied to an indicative cost list which estimated costs of work. The removal of this will allow for further flexibility on providing financial support when material costs are fluctuating and will enable it to be administered in a way which is more responsive to the requirements of applicants and contractors carrying out the work. Evidence to date clearly shows that the indicative costs are often disconnected from real quotes and simply put, we need to move to real quotes, to move to help successful applicants get support. This is the key change proposed.

5265 The proposed Scheme changes also simplify some provisions of the Scheme to enable greater flexibility for any future policy changes, for example, by providing that certain elements are dealt with in guidance as opposed to being prescribed within the scheme, such as the maximum annual household income that determines eligibility. Guidance will still require the approval of Treasury, therefore sufficient scrutiny will still exist. However, it will enable the scheme to be operated in a more responsive manner if required.

5270

5275 As the scheme has now been in operation for a number of months, the Department has been able to review a range of feedback from applicants, and it is recognised that the scheme may not be meeting the expectations of all applicants. The Department is actively engaging with the Department of Environment, Food and Agriculture, who now lead policy development on climate change initiatives, together with the Climate Change Board, to consider the future operation of this Scheme, and other support measures that may be brought forward. However, Hon. Members, the changes proposed today will go some way to assist applicants in making positive changes before winter, to assist with their energy bills pending further initiatives being brought forward in line with the Island's climate change ambitions.

5280 Mr President, I beg to move.

The President: Mr Callister.

5285 **Mr Callister:** Thank you, Mr President.
I beg to second.

The President: I call on Mr Glover.

5290 **Mr Glover:** Gura mie eu, Eaghtyrane.
Sorry to do this, my friend, but those numbers you just mentioned there seem quite low, so I am just wondering about the visibility of these schemes and whether there is enough public awareness over them, if the political Member could comment on that.

5295 **The President:** I call on Dr Haywood.

Dr Haywood: Thank you, Mr President.
I was just wondering if the changes that you are now bringing through are going to be applied to those people who are already in the system? So where they have got indicative costs, if that is now removed for existing applicants who were working their way through the system.
5300 Thank you.

The President: I call on Dr Allinson.

5305 **The Minister for the Treasury (Dr Allinson):** Thank you, Mr President.
I would like to apologise to the Hon. Member for Ayre and Michael, because when I was in DfE we brought through these changes in exact response to the feedback we were getting from people applying for the scheme and some of the problems that they have been encountering.

5310 It has been well publicised and one of the issues is this is the first time we have been doing energy audits on people's homes on the Isle of Man. We have been trying to use some of the models that they had in the United Kingdom, but it has been quite apparent that they do not quite work here. And so these changes are to modify the various rules and regulations for people who have already put an application in and those people moving forward.

5315 The Department has had various issues with this scheme and worked quite closely with DEFA, who were the original authors of it, and also the Climate Change Transformation Board as well, in terms of how we could improve this, moving on to a much better scheme that actually meets the needs of the people of the Isle of Man. So I am very grateful for the Hon. Member for bringing these through because they will address some of the issues that people were encountering on the road so far.

5320 Thank you very much.

Mr Callister: Hear, hear.

The President: I call on the mover to reply.

5325 **Mr Johnston:** Thank you, Mr President, and I thank the Minister for his response and the information. I do not think I can add much to that at this stage.
Thank you very much.

The President: Hon. Members, we come to –

5330 **Mr Johnston:** I beg to move, sorry, Mr President. I beg to move.

The President: We come to vote on this Item, Item 42, as laid out on the Order Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. Item 42 carries.
5335

43. Customs and Excise Management Act 1986 & Hydrocarbon Oil Duties Act 1986 – Hydrocarbon Oil Duties Act 1986 (Amendment) (No. 2) Order 2022 approved

The Minister for the Treasury to move:

That the Hydrocarbon Oil Duties Act 1986 (Amendment) (No. 2) Order 2022 [[SD 2022/0146](#)] [[MEMO](#)] be approved.

The President: Now, Hon. Members, we come to Items 43 to 51, all of which have not completed the six weeks on the Register of Business. Can I ask if the Court is content to take an *en bloc* approval? (**Members:** Agreed.) Thank you.
I call on the Treasury Minister to move Item 43.
5340

The Minister for the Treasury (Dr Allinson): Thank you very much, Mr President.

I apologise that this was not on the Register of Business for six weeks. That was due to an administrative problem, because this actually relates to the Hydrocarbon Oil Duties Act 1986 and an amendment that was brought in in March this year. This Order retrospectively amends the Duties Act to reduce the excise duty on petrol and diesel by five pence per litre. A proportionate cut also applies to fuel duty rates which are lower than the main rates for petrol and diesel, and this reduction will apply for the next 12 months.
5345

The reduction is a response to the global energy crisis following the pandemic, as well as Russia's invasion of the Ukraine, to help with rising costs of fuels. These amendments are reflecting changes made in the United Kingdom and under the terms of the Customs and Excise Agreement came into effect on 23rd March 2022.
5350

Mr President, I beg to move.

The President: Mr Henderson.

5355 **Mr Henderson:** Gura mie eu, Eaghtyrane.
I beg to second, sir, and reserve my remarks.

The President: Hon. Members, we come to vote on Item 43, as laid out on the Order Paper. All those in favour, please say aye; those against, please say no. The ayes have it. The ayes have it. Item 43 carried.
5360

**44. Social Security Contributions and Benefits Act 1992 –
Employed Person’s Allowance (General) (Amendment) Regulations approved**

The Minister for the Treasury to move:

*That the Employed Person’s Allowance (General) (Amendment) Regulations [[SD 2022/0208](#)]
[[MEMO](#)] be approved.*

The President: We move on to Item 44, and I call on the Treasury Minister.

5365 **The Minister for the Treasury (Dr Allinson):** Thank you, Mr President.
At last month’s sitting of this Hon. Court, it was resolved:

That Tynwald supports Treasury reviewing the changes to the Employed Person’s Allowance which were agreed to in May 2019 and requests an update for the July 2022 sitting.

Since then, Treasury and the Council of Ministers have looked again at those changes that were due to come in in October this year and have decided that further alterations should be made in relation to the minimum work requirements for couples who have dependent children. The Regulations currently before Hon. Members give effect to those changes.

5370 Whereas under the changes agreed by this Hon. Court in May 2019, and subject to certain exemptions, the minimum work hours for couples with children would have been 35 hours a week if the youngest or only child in the family is aged under six and 48 hours a week if the youngest or only child in the family is age six or over, by virtue of the Regulations currently before
5375 Hon. Members, those minimum work hours will now be, if passed: 32 hours a week, if the youngest or only child in the family is aged under 13; and 48 hours a week if the youngest or only child in the family is aged 13 or over. So as regards couples whose youngest or only child is aged under 13, from 18th October 2022 there will be an increase of just two hours a week to the minimum work requirement applicable to them, which for couples whose youngest or only child
5380 is aged 13 or over, the increase would be 18 hours a week.

Importantly, from 18th October, where both members of the couple are working, their aggregate work hours will count towards meeting the minimum work requirement. Currently, one or both members of the couple must be working for at least 30 hours a week – they cannot share the minimum work requirement between them. These latest changes will also mean that the new
5385 minimum work requirements for couples would be exactly twice that they would be for lone parents from 18th October.

Mr President, provision has been made in the Regulations approved in May 2019 for certain exemptions to the minimum work hours I have just described: where an adult or child in the family is disabled; has been incapacitated for at least 30 days; or is at least six months pregnant; or where
5390 an adult in the family is receiving bereavement support payment. Provision is also made to allow hours spent in work-related training or work-related education to supplement hours spent in work in order to meet the minimum work requirement.

No changes are made in the Regulations currently before Hon. Members in relation to the minimum work requirements for lone parents, disabled workers or couples where one or both
5395 members is severely disabled or has exceptional caring responsibilities.

Further information is provided in the memorandum which has been circulated to Hon. Members.

Mr President, I beg to move the motion.

5400 **The President:** Mr Smith.

Mr Smith: Thank you, Mr President.

I beg to second.

5405 **The President:** Ms Faragher.

Ms Faragher: Gura mie eu, Eaghtyrane.

Me again, to talk about EPA. I am fully aware of the work that has been done on this and I do appreciate the engagement that has brought us to this point. It is really encouraging to see the fact that the Treasury Minister and Members are trying to incorporate the input of other Members.

I also know that there are very positive changes in there, namely the ability for couples to share hours between them. But I do believe in a 'first do no harm' policy, and I cannot accept a situation where single parents are doing worse off and have more hoops to jump through, especially in the current economic climate.

I do want to briefly talk about the differences between single-parent families and couple-parent families. I imagine there has not been much representation for low-income single-parent families in this Hon. Court before. I do want to highlight that a single parent will find parenting an exponentially harder challenge. There is a lot of research around this, but actually, if we think about it, it is common sense that this would be the case. You have nobody else to pick up slack, you have no live-in childcare support, you have to shoulder responsibility solely and perform duties single-handedly. I am just a bit worried that this difference has not been borne in mind.

In ensuring that there is direct equivalent in hours expected of a single parent, as if they were in a couple, I am concerned that the Treasury might have inadvertently inbuilt more disparity for single-parent families. For example, if we are looking to fill vacant positions in hospitality, I wonder how Members think single parents would be able to do the kind of evening work that is required in that industry.

Eaghtyrane, I do want to make the point that these amendments will at least soften those made in the previous administration, and I also want to reiterate my thanks to the Treasury Minister and Members who have taken the time and effort to engage on this. But I am afraid I have not seen or understood the reasons that the Treasury could not have put a halt on these changes whilst they undertook the review of the benefits system. I am sorry to say that I am unable to support these amendments because they do not go far enough in my view and, importantly, Eaghtyrane, they are not evidence based.

5435 Gura mie eu.

The President: Mr Glover.

Mr Glover: Gura mie eu, Eaghtyrane.

I just want to associate myself with the remarks made by the Member, there, for Douglas East. I would also like just to know how many people this is affecting as well, please.

The President: Minister to reply.

5445 **The Minister:** Thank you, Mr President, and I would like to thank both Hon. Members for their remarks.

Treasury are proposing these changes, we will look at the impact of these changes. We are faced with a situation at the moment where we have people who are on working benefits, but we know that there are lots of vacancies out there, particularly part-time vacancies, and we also know that due to inflation and increasing costs of living, the best way of people being able to deal with that is often to work a few more hours.

So it is trying to adjust to the different economic climate that people are having. But I certainly respect the Hon. Member's reticence about these changes, and again will commit to constantly reviewing the benefits, particularly for working parents and working single parents, so that they

5455 actually satisfy their needs and actually deal and support them to look after their children and to take on responsibilities outside of the household that they want to do, but have not felt that they are forced to do.

5460 In terms of the impact of these, it is estimated that between 10 and 20 lone parents and between 40 and 50 couples will be impacted by the changes to the minimum work requirements as soon as they come into effect in October. It is not possible to say exactly how many families will be affected, because we do not know how many of them may qualify for exemptions related to incapacity, disability, pregnancy or bereavement; and we do not hold the information within EPA case files necessary to determine that. But what I would like to say is if any people are disadvantaged or feel as though they do not quite understand these new changes, please get in
5465 contact with the benefits section who would be more than happy to explain them and to deal with people's individual requirements and individual circumstances.

Thank you, Mr President. I beg to move.

The President: Hon. Members, we are due to vote on Item 44, as laid out on the Order Paper.
5470 All those in favour, please say aye; those against, please say no. The ayes have it.

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

In the Keys – Ayes 18, Noes 5

FOR

Dr Allinson
Mr Ashford
Mrs Barber
Mrs Caine
Mr Callister
Mr Cannan
Mrs Corlett
Mr Crookall
Ms Edge
Dr Haywood
Mr Hooper
Mr Johnston
Ms Lord-Brennan
Mrs Maltby
Mr Peters
Mrs Poole-Wilson
Mr Smith
The Speaker

AGAINST

Mrs Christian
Ms Faragher
Mr Glover
Mr Moorhouse
Mr Wannenburg

The Speaker: Eaghtyrane, in the House of Keys, 18 for, 5 against.

In the Council – Ayes 8, Noes 1

FOR

Miss August-Hanson
Mr Greenhill
Mr Henderson
Mrs Kelsey
The Lord Bishop
Mrs Maska
Mr Mercer
Mrs Sharpe

AGAINST

Mr Craine

The President: Legislative Council: 8 for, 1 against. Therefore, Item carried.

**Procedural motions –
Conversion of remaining Questions to Written Answers;
Suspension of Standing Orders to complete the Order Papers –
Motion lost; motion withdrawn**

5475 **The President:** Hon. Members, we have now reached the allotted hour of eight o'clock.
(*Interjection by Mrs Christian*)
Ms Edge.

Ms Edge: Mr President, can I seek that we suspend Standing Orders to the extent necessary to complete both Order Papers tonight and take the remaining Questions as Written Answers?
5480 Thank you, Mr President.

The President: Proposal.

5485 **Mr Henderson:** I second that, Eaghtyrane.

The President: Second.

The Speaker: Just from a procedural point of view, that is a suspension of Standing Orders, not an eight o'clock rule motion. Just to understand that, Mr President, yes ...?
5490

The President: Very good, but to be clear to the Court, this is to take the remaining business on the Order Paper, including the Supplementary Order Paper, and convert the remaining Questions, of which that is 26 to 40, to Written.

5495 **The Clerk:** Mr President, (**The President:** Mr Clerk.) these two propositions fall under different Standing Orders. One of them should be voted on by the Branches separately, and the other by Tynwald voting as one body. So you might want to take the one about the Questions first, I think.

The President: Right, okay. On advice there from the Clerk, we are going to take this as two separate requests, the first one being that the remaining Questions be converted to Written.
5500

So if I could ask the Clerk to run that vote; and if I can ask the Clerk to advise what the threshold is?

5505 **Mrs Christian:** Mr President, is it possible to ask the Members who have Questions are they happy for that?

The Speaker: Just vote against it, if you are not happy.

5510 **The President:** This is a vote to whether you wish to have the Questions converted to Written or not.

Mrs Christian: Is it possible to ask the Members ...?

5515 **The Speaker:** No, that is a Keys rule.

The President: No.
Mr Moorhouse, would you ...?

5520 **Mr Moorhouse:** Yes. If the following one fails, and we end up coming back tomorrow, (**The President:** We are.) the Questions ... will they be up for grabs again or (*Interjections*) is this decision finally made forever.

5525 **The President:** No, if it fails, we are back tomorrow morning, 10.30, to go through the final piece of the Questions, actually.

Mr Moorhouse: Thank you.

Mrs Christian: The Questions and Order Paper?

5530 **The President:** No, this is two separate votes. There is going to be a vote here first on converting the Questions to Written, and then there will be another vote on completing the Order Paper, which is the Order Paper and the Supplementary Order Paper. So the first vote will be on converting the Questions to Written; the Clerk is about to set that up.

5535 **The Clerk:** Yes, Mr President. This one is the Branches voting separately and it needs 16 and six.

The President: Sixteen in House of Keys and six in Legislative Council.

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

In the Keys – Ayes 13, Noes 10

FOR

Dr Allinson
Mr Ashford
Mrs Barber
Mrs Caine
Mr Callister
Ms Edge
Ms Faragher
Mr Hooper
Mr Johnston
Ms Lord-Brennan
Mrs Poole-Wilson
Mr Smith
The Speaker

AGAINST

Mr Cannan
Mrs Christian
Mrs Corlett
Mr Crookall
Mr Glover
Dr Haywood
Mrs Maltby
Mr Moorhouse
Mr Peters
Mr Wannenburg

The Speaker: Mr President, in the Keys, 13 for, 10 against.

In the Council – Ayes 5, Noes 4

FOR

Miss August-Hanson
Mr Greenhill
Mr Henderson
Mrs Kelsey
Mrs Sharpe

AGAINST

Mr Craine
The Lord Bishop
Mrs Maska
Mr Mercer

5540 **The President:** Legislative Council, 5 for ... 5 for and 4 against! (*Laughter*) It is getting late. But that motion has failed. Therefore, the Question Paper will continue tomorrow.

But we do have a separate request now to continue the Order Paper to the end of the business, which will include the Supplementary Order Paper. So if I just put that question to the Court. Is the Court content?

The Speaker: No. Two votes required.

5545

The President: Or do you want to take a vote? Sorry, we take a vote.

The Clerk: Is this the ...?

5550

The President: To finish the Order Papers.

The Clerk: Just the Order Papers, not the Questions?

The President: Correct. *(Interjections)* Just done the Questions.

5555

A Member We are back tomorrow for Questions.

The President: Two separate ... *(Interjection)*

5560

Mrs Caine: We are coming back anyway. *(Interjections)*

Mrs Maltby: Just finish at eight o'clock. *(Interjections)*

The President: There was a separate request to the finish the Order Papers this evening.

5565

Ms Edge: Can I retract that request?

The President: You wish to retract that? **(Ms Edge:** Yes, please.) I have no further request to finish the Order Paper this evening.

5570

So Hon. Members, that does then conclude this evening.

**Procedural –
Apology from Dr Haywood**

The President: Just before we finish, I would like to advise Hon. Members I have received an apology from the Hon. Member Dr Haywood for unparliamentary language, and I am satisfied with that apology.

So with that, we shall see you tomorrow.

The Court adjourned at 8.09 p.m.