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**An Bille um Thrasdul Cóir (Cearta Comhshaoil Oibrithe agus Pobail), 2021**  
**Just Transition (Worker and Community Environmental Rights) Bill 2021**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE UM THRASDUL CÓIR (CEARTA COMHSHAOIL OIBRITHE AGUS  
POBAIL), 2021  
JUST TRANSITION (WORKER AND COMMUNITY ENVIRONMENTAL RIGHTS)  
BILL 2021**

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POBAIL), 2021  
JUST TRANSITION (WORKER AND COMMUNITY ENVIRONMENTAL RIGHTS)  
BILL 2021**

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# Bill

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*entitled*

An Act to provide for the establishment of a body to be known as *An Coimisiún Náisiúnta um Thrasdul Cóir* or, in the English language, the National Just Transition Commission to oversee the bringing together of workers, communities, employers and government in social dialogue to drive the plans, policies and investments needed for a fair transformation to a low-carbon economy; to require the preparation, by certain prescribed bodies, of just transition plans; to provide for the conferral of other functions on the said body; to amend the Climate Action and Low Carbon Development Act 2015 (as amended by the Act of 2021); and to provide for related matters. 10

**Be it enacted by the Oireachtas as follows:** 15

## PART 1

### PRELIMINARY AND GENERAL

#### **Short title and commencement**

1. (1) This Act may be cited as the Just Transition (Worker and Community Environmental Rights) Act 2021. 20
- (2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular event.

#### **Interpretation**

2. In this Act—
  - “Act of 2015” means the Climate Action and Low Carbon Development Act 2015; 25
  - “Act of 2021” means the Climate Action and Low Carbon Development (Amendment) Act 2021;
  - “adversely affected employment” means employment in an industry involved in the exploitation or production of fossil fuels;

“adversely affected worker” means an individual whose employment is or is at risk of being adversely affected by the transition to a zero carbon economy;	
“Advisory Council” means the Climate Change Advisory Council established by section 8 of the Act of 2015;	
“approved just transition plan” means a just transition plan approved by the Commission under <i>section 23</i> and includes any variation or revision of such just transition plan in accordance with <i>section 24</i> ;	5
“approved national adaptation framework” means a national adaptation framework approved by the Government under section 5 of the Act of 2015 and includes any variation or revision of such framework made in accordance with that section;	10
“approved national mitigation plan” means a national mitigation plan approved by the Government under section 4 of the Act of 2015 and includes any variation or revision of such plan made in accordance with that section;	
“approved sectoral adaptation plan” means an approved sectoral adaptation plan under section 6 of the Act of 2015;	15
“carbon intensive employment” means a sector of employment that—	
(a) extracts, transports, or uses as a direct input energy resources or electricity generated by fossil fuels, or	
(b) is otherwise dependent to a significant extent on industries or processes that involve the generation or consumption of levels of carbon or methane that threaten the achievement of a safe climate, including the generation of biogenic methane and other nitrogen based greenhouse gases such as nitrous oxide;	20
“cost-effective” means a cost that includes social and environmental costs in accordance with the Sustainable Development Goals;	
“excepted body” has the same meaning as it has in section 6 of the Trade Union Act, 1941;	25
“fossil fuels” means peat, mineral coal, oil and gas, including unconventional gas and oil from sources such as coal seams or shale, and also ocean methane clathrate deposits;	
“Joint Oireachtas Committee” means a Joint Committee of the Houses of the Oireachtas to which those Houses have assigned the role of examining matters relating to just transition;	30
“just transition” means a transition that ensures the economic, environmental and social consequences of the ecological transformation of economies and societies are managed in ways that maximise opportunities of decent work for all, reduce inequalities, promote social justice, and support industries, workers and communities negatively affected, in accordance with nationally defined priorities, and based on effective social dialogue;	35
“just transition principles” are the importance of taking action to reduce net Irish emissions of greenhouse gases in a way which—	
(a) supports environmentally and socially sustainable jobs,	
(b) supports zero carbon investment and infrastructure,	40

- (c) develops and maintains social consensus through engagement with workers, trade unions, communities, non-governmental organisations, representatives of the interests of business and industry and such other persons as Ministers consider appropriate,
  - (d) creates decent, fair and high-value work in a way which does not negatively affect the current workforce and overall economy, 5
  - (e) contributes to resource efficient and sustainable economic approaches which help to address inequality and poverty;
- “local communities” means local communities that are, or may be, affected by an approved or proposed national adaptation framework, an approved or proposed national mitigation plan, a national energy and climate plan, an approved or proposed just transition plan or the transition; 10
- “Minister” means the Minister for Environment, Climate and Communications;
- “national adaptation framework” has the meaning assigned to it by section 5(1) of the Act of 2015; 15
- “national energy and climate plan” has the meaning assigned to it by the Regulation of the European Parliament and of the Council on the Governance of the Energy Union, amending—
- (a) Directive 94/22/EC,
  - (b) Directive 98/70/EC, 20
  - (c) Directive 2009/31/EC,
  - (d) Regulation (EC) No 663/2009,
  - (e) Regulation (EC) No 715/2009,
  - (f) Directive 2009/73/EC,
  - (g) Council Directive 2009/119/EC, 25
  - (h) Directive 2010/31/EU,
  - (i) Directive 2012/27/EU,
  - (j) Directive 2013/30/EU,
  - (k) Council Directive (EU) 2015/652,
- and repealing Regulation (EU) No 525/2013 (this Regulation is part of the Clean Energy for All Europeans Package); 30
- “national mitigation plan” has the meaning assigned to it by section 4(1) of the Act of 2015;
- “national transition objective” has the meaning assigned to it by section 3(1) of the Act of 2015; 35
- “person” shall be read as incorporating a body corporate (whether a corporation aggregate or a corporation sole) and an unincorporated body of persons, as well as an individual, and the subsequent use of any pronoun in place of a further use of “person”

shall be read accordingly;

“precautionary principle” means that a decision should not rely on a lack of full scientific certainty as a reason to postpone appropriate measures to prevent serious or irreversible loss or damage as a result of climate change;

“prescribed body” means a body prescribed under *section 21*; 5

“prevention principle” means that action should be taken to prevent known risks of environmental harm or harm to health from materialising;

“principle of climate justice” is the importance of taking action to reduce global emissions of greenhouse gases and to adapt to the effects of climate change in ways which— 10

- (a) support the people who are most affected by climate change but who have done the least to cause it and are the least equipped to adapt to its effects, and
- (b) help to address inequality;

“principle of community engagement” means that community involvement in decisions made under this Act, that may affect members of the community or members of the community in future generations, should be facilitated by, amongst other things, providing— 15

- (a) appropriate, transparent information to the community,
- (b) appropriate, transparent and adequate public consultation with the community, and 20
- (c) opportunities for the community to be involved in the transition;

“principle of conservation of biodiversity” means that the conservation of biodiversity and ecological integrity including the ability for all native species, habitats, ecological communities, genes, ecosystems and ecological processes to survive and flourish in the wild, should be a fundamental consideration in decision-making; 25

“principle of environmentally sustainable innovation” means that all decisions and actions must achieve a safe climate economy and be based on the application of the best available techniques;

“principle of inter-generational equity” means that the present generation should maintain or enhance the healthy diversity and productivity of the environment for the benefit of future generations; 30

“principle of sustainable renewable resource use” means that the use of renewable resources at a rate that is higher than the rate of replenishment should not be permitted;

“safe climate” means climate and ocean acidity levels that are optimal for the maintenance of ecosystem services, the protection of the human population, the survival of all living species (apart from naturally occurring normal levels of extinction), the maintenance of human food production, and the maintenance of civilisation, that is, conditions comparable to those that were found during the last two to three thousand years of the Holocene epoch, prior to industrialisation; 35

“safe climate economy” means an economy that is able to create and support a safe climate; 40

“sectoral mitigation measures” shall be construed in accordance with section 4(2)(d) of the Act of 2015;

“transition” means the transition from a high to a zero carbon economy;

“workers” means persons employed by a prescribed body under *section 21* and includes excepted bodies and trade unions within the meaning of the Trade Union Act, 1941 unless the context otherwise requires it. 5

## PART 2

### NATIONAL JUST TRANSITION COMMISSION

#### **Establishment of a National Just Transition Commission**

3. (1) There shall stand established, on the establishment day, a body which shall be known, in the Irish language, as *An Coimisiún Náisiúnta um Thrasdul Cóir* or, in the English language, as the National Just Transition Commission (in this Act referred to as “the Commission”) to perform the functions assigned to it under this Act. 10
- (2) The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act. 15
- (3) The Commission is a body corporate with perpetual succession.
- (4) The Commission may sue and be sued in its corporate name and, with the consent of the Minister and the Minister for Finance, may acquire, hold and dispose of land or an interest in land and any other property.
- (5) The Commission shall provide itself with a seal as soon as may be after the Commission’s establishment. 20
- (6) The seal of the Commission shall be authenticated by the signature of—
- (a) the chairperson of the Commission or of another member of the Board of the Commission authorised by it to act in that behalf, and
- (b) by the signature of the chief executive officer or of another member of staff of the Commission as may be designated by the chief executive officer. 25
- (7) Judicial notice shall be taken of the seal of the Commission, and any document purporting to be an instrument made by the Commission and to be sealed with the seal of the Commission shall, unless the contrary is shown, be received in evidence and be deemed to be that instrument without further proof. 30

#### **Object of the Commission**

4. The objects of the Commission are to promote a just transition and the principle of climate justice.

#### **Functions of the Commission**

5. (1) The functions of the Commission are as follows: 35

- (a) to mediate in the preparation of the content of just transition plans;
  - (b) to approve, amend or revise just transition plans prepared by a prescribed body;
  - (c) to provide independent information and guidance to undertakings, prescribed bodies, media, organisations and bodies in the State in relation to the requirement for a just transition; 5
  - (d) to provide independent specialist guidance and technical advisory services relating to a just transition;
  - (e) to promote and ensure provision of training for adversely affected workers and their communities;
  - (f) to promote and support the development of alternative low-carbon employment for adversely affected workers and their communities; 10
  - (g) to make independent recommendations to Government, and Minister of Government, regarding the need for a just transition;
  - (h) subject to this Act and to the extent practicable, to further the Commission's objects; 15
  - (i) to promote education and public awareness of this Act and matters concerning the objects of the Commission;
  - (j) to supervise compliance with the duties imposed by or under this Act; and
  - (k) to administer this Act.
- (2) For the purposes of the performance of its functions, the Commission may— 20
- (a) gather such information as it considers necessary or appropriate,
  - (b) meet and consult with such persons (including members of the public) as it considers appropriate, and
  - (c) meet, work and consult with social welfare and educational bodies such as universities to oversee the provision of specialist technical, economic and financial support and training for adversely affected workers and communities. 25
- (3) In carrying out its functions under this Act, the Commission shall have regard to the recommendations of the Climate Change Advisory Council under section 11(1) of the Act of 2015 and the provisions of the National Energy and Climate Plan.
- (4) In carrying out its functions the Commission shall have regard to: 30
- (a) the policies and objectives of the Government, the EU and the UNFCCC insofar as they may affect or relate to the functions of the Commission;
  - (b) recommendations as set out by the Climate Change Advisory Council;
  - (c) the territorial just transition plan;
  - (d) carbon budgets and sectoral emissions in accordance with section 6B and 6D of the Act of 2021; 35
  - (e) the most recent approved national and local climate action plans;
  - (f) the most recent approved national long term climate action strategy as set out in

section 4 of the Act of 2015 (as amended by the Act of 2021);

- (g) the most recent approved national adaptation framework and approved sectoral adaptation plans;
  - (h) the national mitigation plan;
  - (i) the national energy and climate plan; 5
  - (j) the national climate objective and transition objective;
  - (k) the 2030 Agenda for Sustainable Development Goals;
  - (l) the need to co-operate with and co-ordinate its activities with public authorities, including state agencies, local authorities, and the Commission for Regulation of Utilities, the performance of whose functions may affect or relate to the functions of the Commission; and 10
  - (m) insofar as is reasonably practicable, research, statistics and other information in relation to a just transition.
- (5) The Commission has all the powers as are necessary or expedient for the performance by it of its functions. 15
- (6) The Commission shall be independent in the exercise of its functions and powers.
- (7) The functions of the Commission shall be implemented having regard to the following principles:
- (a) the principle of just transition;
  - (b) the principle of climate justice; 20
  - (c) the precautionary principle;
  - (d) the prevention principle;
  - (e) the principle of conservation of biodiversity;
  - (f) the principle of environmentally sustainable innovation;
  - (g) the principle of inter-generational equity; 25
  - (h) the principle of sustainable renewable resource use; and
  - (i) the principle of community engagement.

### **Board of the Commission**

6. (1) There shall stand established, on the establishment day, a body to be known as *An Comhairle um Thrasdul Cóir* (in this Act referred to as “the Board”) which shall perform the functions of the Commission conferred on it by or under this Act. 30
- (2) The functions of the Board shall be—
- (a) to determine the policies and high-level strategic plans of the Commission as well as overseeing the strategic priorities for the Commission,
  - (b) to appoint the chief executive officer and monitor the chief executive officer’s performance including to oversee the chief executive officer in carrying out the 35

Board's directions,

- (c) to oversee the effective and efficient management of the Commission,
- (d) to ensure that the Commission is furthering as far as practicable its statutory objects,
- (e) to oversee the discharge of the regulatory provisions in this Act, and 5
- (f) to appoint sub-committees of the Board as necessary and appoint their members.

### **Membership of Board and term of office of members**

7. (1) The Board shall consist of 10 members of which—
- (a) 4 of them shall be appointed by the Government on the nomination of the Minister, 10
  - (b) subject to *subsection (2)*, 6 of them shall be appointed by the Government on the nomination of the Minister, and
  - (c) 2 nominees shall be members of the Oireachtas.
- (2) Where an appointment is to be made by the Government under *subsection (1)(b)* or under that paragraph arising from a vacancy referred to in *section 9*— 15
- (a) the Minister shall inform the Joint Oireachtas Committee of the proposed appointment,
  - (b) the Minister in respect of an appointment under *subsection (1)(a)* shall provide a statement to the Joint Oireachtas Committee indicating the relevant experience and expertise of the persons or person nominated by the Minister for appointment or appointed by the Government on the nomination of the Minister, and such other matters as the Minister considers relevant, 20
  - (c) the Joint Oireachtas Committee shall within the period of 90 days of being so informed, advise the Minister of the names of the persons or name of the person it proposes that the Minister should nominate under *subsection (1)(b)* giving reasons, such as relevant experience and expertise, in relation to the proposed named persons or person, 25
  - (d) the Minister shall have regard to the advice and may accept the proposed named persons or some of them or the named person or decide to nominate as he or she sees fit other persons or another person, and 30
  - (e) inform the Joint Oireachtas Committee of his or her decision.
- (3) The Minister shall, insofar as is practicable, endeavour to ensure that in his or her selection there is an equitable balance between men and women.
- (4) The Joint Oireachtas Committee for the purposes of providing advice to the Minister under *subsection (2)* may establish a panel, for such duration, and consisting of such number of persons as the Joint Oireachtas Committee shall think proper. 35
- (5) Persons placed on a panel established under *subsection (4)* shall—
- (a) have experience of or have shown capacity in one or more of the matters stated in *section 8(2)*,

(b) be chosen with a view to representing the public interest in respect of climate change matters.	
(6) The Joint Oireachtas Committee shall, insofar as is practicable, endeavour to ensure that among the persons placed on a panel under <i>subsection (4)</i> there is an equitable balance between men and women.	5
(7) The Joint Oireachtas Committee shall have sole responsibility for the selection and placing of candidates on a panel established under <i>subsection (4)</i> .	
(8) The Joint Oireachtas Committee may select members of the Committee as candidates on a panel established under <i>subsection (4)</i> .	
<b>Appointments to the Board</b>	10
<b>8.</b> (1) In making appointments to the Board regard shall be had of the objectives of the Commission referred to in <i>section 5</i> .	
(2) A person shall not be appointed to be a member of the Board unless he or she has experience of or shown capacity in one or more of the following matters:	
(a) climate restoration including nature based solutions;	15
(b) biodiversity and environmental protection;	
(c) the welfare of employees during structural change including migrant rights;	
(d) the welfare of communities during structural change;	
(e) the welfare of employment and/or businesses during structural change;	
(f) international or national expertise in industrial policy and economic transformation;	20
(g) international or national expertise in the welfare of communities in the context of structural change;	
(h) trade union affairs;	
(i) human rights and rights of ethnic and minority groups;	25
(j) disability rights;	
(k) poverty reduction and poverty-proofing public policy;	
(l) community engagement;	
(m) business or commercial affairs;	
(n) science, technology or environmental matters;	30
(o) legal or regulatory affairs; and	
(p) social, educational or community activities or Gaeltacht affairs, relevant to the oversight of a body managing the just transition to a zero carbon economy.	
(3) Each member of the Board shall be appointed for a period not exceeding 5 years.	35
(4) The Government in setting a term of appointment under <i>subsection (3)</i> shall consider	

the need for continuity of membership of the Board. A member of the Board whose term of office expires by the effluxion of time shall be eligible for re-appointment.

- (5) A member of the Board shall not serve more than 2 consecutive terms of office.
- (6) A member of the Board may at any time resign his or her office by letter addressed to the Government and the resignation shall take effect on the date specified therein or upon receipt of the letter by the Government, whichever is the later. 5

### **Chairperson of the Board**

- 9. (1) The Government shall from time to time as occasion requires appoint, on the nomination of the Minister, a member of the Board to be chairperson of it.
- (2) A chairperson of the Board shall, unless he or she sooner dies, resigns the office of chairperson or ceases to be chairperson under *subsection (4)*, hold office until the expiration of his or her period of office as a member of the Board. 10
- (3) A chairperson of the Board, may at any time resign his or her office as chairperson by letter sent to the Government and the resignation shall, unless it is previously withdrawn in writing, take effect at the commencement of the meeting of the corporation held next after the corporation has been informed by the Government of the resignation. 15
- (4) Where a chairperson of the Board ceases during his or her term of office as chairperson to be a member of the Board he or she shall also cease to be chairperson of the Board. 20

### **Disclosure of interest**

- 10. (1) A member of the Board may at any time be removed from membership of the Board by the Minister if, in the Minister's opinion, the member has become incapable through ill-health of performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the Minister to be necessary for the effective performance by the Board of its functions. 25
- (2) If a member of the Board dies, resigns, becomes disqualified or is removed from office or for any other reason other than *subsection (1)* ceases to be a member of the Board, the Minister, or the Joint Oireachtas Committee, may appoint a person to be a member of the Board to fill the casual vacancy so occasioned and the person so appointed shall be appointed for the unexpired period of the term of membership of, and in the same manner as, the member of the Board who occasioned the casual vacancy. 30

### **Committees of the Board**

- 11. (1) The Board may establish committees to advise it on matters relating to any of its functions and may determine the terms of reference and regulate the procedure of any such committee. 35
- (2) A committee established under this section may include persons who are not members of the Board.
- (3) A member of a committee established under this section may be removed at any time 40

by the Board.

- (4) The Board may at any time dissolve a committee established under this section.
- (5) The Board may appoint a person to be chairperson of a committee established under this section.

**Disclosure by Board members of certain interest** 5

- 12. (1) Where a member of the Board or committee has an interest, otherwise than in his or her capacity as a member of the Board or committee in any, or any proposed contract, agreement, recommendation or arrangement, to which the Board is or is proposed to be a party, that person—
  - (a) shall disclose to the Board his or her interest and the nature thereof, 10
  - (b) shall take no part in the negotiation of the recommendation, contract, agreement or arrangement or in any deliberation by members of the Board or members of the staff of the Board in relation thereto,
  - (c) shall not influence or seek to influence a decision to be made in the matter, and
  - (d) shall not make any recommendation in relation to the contract, agreement or arrangement. 15
- (2) In this section “member” includes the chief executive.

**Code of conduct**

- 13. (1) The Board shall, as soon as may be, draw up and adopt a code of conduct in respect of controls on interests and ethical behaviour to apply to each member of the board, member of staff, adviser, member of an advisory committee or a subsidiary of the Commission. 20
- (2) The Board shall, as soon as may be, draw up a code of conduct in respect of controls on interests and ethical behaviour to apply to such categories of contractors for services as the Board may specify before engagement. 25
- (3) The Board shall publish on a website maintained by the Commission any code of conduct drawn up under *subsections (1) and (2)*.

**Chief Executive Officer of the Commission**

- 14. (1) There shall be a chief executive officer of the Commission who shall be known as and referred to in this Act as the “chief executive”. 30
- (2) The chief executive shall carry on and manage, and control generally, the administration and business of the Commission and perform such other functions as may be determined by the Commission.
- (3) The chief executive shall be appointed and may be removed from office by a majority of the Board of the Commission. 35
- (4) The chief executive shall not be a member of the Board, but he or she may, in accordance with procedures established by the Board, attend meetings of the Board and shall be entitled to speak to and advise such meetings.

## Functions of the Chief Executive

15. (1) The functions of the chief executive are as follows:
- (a) to undertake all necessary operational decision-making for the Commission;
  - (b) to ensure that the Board's decisions are implemented effectively and efficiently;
  - (c) to appoint staff to the Commission; and 5
  - (d) to report to the Board on operational performance.
- (2) The chief executive may delegate to an authorised person any of the functions (other than this power of delegation) conferred or imposed on the chief executive under this Act.
- (3) A delegate may sub-delegate to an authorised person any function delegated by the chief executive, if the delegate is authorised to do so in writing by the chief executive. 10
- (4) In this section, "authorised person" means—
- (a) a member of the staff of the Commission,
  - (b) a member of a staff of a Government agency,
  - (c) a council (within the meaning of the Local Government Act 2001), or 15
  - (d) a person of a class prescribed by regulations for the purposes of delegations from the chief executive officer.

## Annual report

16. (1) Not later than 30 April in each year, the Commission shall prepare and adopt an annual report in relation to the performance of the Commission's functions during the immediately preceding calendar year. 20
- (2) An annual report shall include—
- (a) a statement of the activities undertaken by the Commission, and
  - (b) other particulars that the Commission considers appropriate or as the Minister may specify, including but not limited to financial statements. 25
- (3) As soon as may be but in any event not later than 21 days after adopting the annual report, the Commission shall submit a copy of the annual report to the Minister.
- (4) The Minister shall ensure that copies of the annual report are laid before each House of the Oireachtas within 21 days after the Minister receives the report.
- (5) The Commission shall ensure that the annual report is made available for public consumption by being published on the internet and in accordance with any other arrangements that the Minister may specify, as soon as practicable after copies of the report are laid before the Houses of the Oireachtas. 30
- (6) Without prejudice to the generality of *subsection (1)*, the annual report shall contain—
- (a) a summary of how the Commission purports to achieve a just transition in accordance with the national energy and climate plan and the emissions reductions trajectory outlined by the Climate Change Advisory Council in its 35

annual report under section 12 of the Act of 2015, as amended by the Act of 2021,

- (b) the content of any completed just transition plans for all prescribed bodies overseen by the Commission in the past year,
- (c) a progress update on any draft just transition plans for all prescribed bodies overseen by the Commission in the past year, 5
- (d) mediation reports of any just transition plans for prescribed bodies that have been overseen by the Commission in the past year,
- (e) a list of bodies that have refused to engage with the Commission in the creation or mediation of a just transition plan, 10
- (f) any proposals made by the Commission in relation to mediation or just transition plans and record of compliance or non-compliance with such proposals,
- (g) a list of bodies that have consulted the Commission on just transition or other functions of the Commission and the assistance given by the Commission,
- (h) such recommendations, as the Commission considers necessary or appropriate, in relation to the most just and cost-effective manner of transitioning to a safe climate economy in order to enable the achievement of the national transition objective and the national energy and climate plan, 15
- (i) such recommendations as the Commission considers necessary or appropriate, in relation to compliance with an existing obligation of the State under the law of the European Union or any international agreements referred to in section 2 of the Act of 2015, 20
- (j) such advice or recommendations, as the Commission or Climate Change Advisory Council considers appropriate, in relation to—
  - (i) the territorial just transition plan, 25
  - (ii) carbon budgets,
  - (iii) the national adaptation framework and sectoral adaptation plans,
  - (iv) national and local climate action plans,
  - (v) the national long term climate action strategy,
  - (vi) the national transition objective, 30
  - (vii) the national mitigation plan,
  - (viii) the national energy and climate plan,and
- (k) such other recommendations or advice as the Commission or the Climate Change Advisory Council considers necessary or appropriate in order to enable the achievement of a just transition, the national transition objective, the national energy and climate plan or the principle of climate justice. 35

## **Review and termination of the Commission**

17. (1) Following a period of 10 years from establishment of the Commission, the Comptroller and Auditor General shall conduct an audit regarding the performance of the Just Transition Commission to determine whether it has carried out its functions satisfactorily and whether its general objectives have been satisfied. 5
- (2) If, following the audit required in *subsection (1)*, the Comptroller and Auditor General determines that the Commission has satisfactorily carried out its functions and that its objects have been fully met then the Commission shall recommend to the Chairperson of the Board that the Commission be wound up and terminated.
- (3) The Commission may be wound up, in accordance with this section by Ministerial Order. 10

## **PART 3**

### **JUST TRANSITION PLANS**

#### **Regulations**

18. (1) The Commission may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed. 15
- (2) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Commission to be necessary or expedient for the purposes of the regulations.
- (3) Every regulation under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 20

#### **Service of notices**

19. (1) A notice that is required to be served on a person under this Act shall be addressed to the person by name and may be so served in one of the following ways: 25
- (a) by delivering it to the person;
- (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address; or 30
- (c) by sending it by post in a pre-paid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address.
- (2) For the purposes of this section, a company, within the meaning of the Companies Act 2014, shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons, shall be deemed to be ordinarily resident at its principal office or place of business. 35

## Guidelines

20. (1) The Commission may issue guidelines for the purpose of providing practical guidance to persons concerning obligations or requirements imposed by or under this Act.
- (2) The Commission shall publish guidelines issued under *subsection (1)* in such manner (including on the internet) as it considers appropriate. 5

## Prescribing of bodies, organisations and sectors

21. (1) The Commission may, after consultation with such Ministers of the Government as it considers appropriate and such committee of the Houses of the Oireachtas as it considers appropriate, and having regard to the need to ensure a just transition and the need to ensure such bodies plan sufficiently for a just transition, by order declare an entity to be a prescribed body for the purposes of this Act, having regard to any approved national adaptation framework, approved national mitigation plan, approved national energy and climate plan or approved sectoral plan. 10
- (2) The specification of an entity in an order under *subsection (1)* may be expressed to be subject to the inclusion or exclusion of elements of that entity and for specific locations, industries, factories or plants. 15
- (3) The Commission may, after consultation with such other Minister of the Government (if any) as appears to it to be appropriate, having consulted such Committee of the Houses of the Oireachtas as it considers appropriate and having regard to the criteria specified in *subsection (1)*, by order amend or revoke an order under *subsection (1)*. 20
- (4) (a) Where an entity that is a prescribed body—
- (i) changes its name,
  - (ii) merges with, takes over, or is taken over by, another entity, whether or not the merger or takeover results in the creation of a new entity,
  - (iii) creates a subsidiary entity, 25
  - (iv) splits its functions into new entities or delegates functions to another entity, or
  - (v) re-organises itself such that a function previously performed by the body is performed by another entity,
- the entity shall continue to be a prescribed body and any other entity referred to in this paragraph shall become and be a prescribed body in respect of the functions for which the first-mentioned entity was a prescribed body and subject to any conditions prescribed or specified by this Act in that regard. 30
- (b) Reference in this subsection to a body or entity means such a body or entity whether incorporated or unincorporated. 35

## Submission of just transition plans

22. (1) The Commission may require a prescribed body to submit to it, within a specified period, a plan (in this Act referred to as a “just transition plan”) in draft to be made by the person to whom such request is made.

- (2) A person to whom a request under *subsection (1)* is made shall, not later than the expiration of such period as the Commission specify, make, and submit to the Commission for approval the draft just transition plan requested.
- (3) A person to whom a request has been made under *subsection (1)* shall, before submitting a just transition plan to the Commission— 5
- (a) publish, in such manner as he or she considers appropriate, the draft just transition plan that is proposed to be submitted to the Commission,
- (b) publish a notice on the internet and in more than one newspaper circulating in the locality inviting members of the local community and any interested parties to make submissions in writing in relation to the proposed just transition plan within such period (not exceeding 2 months from the date of the publication of the notice) as may be specified in the notice. 10
- (4) Workers, excepted bodies, trade union and community representatives as applicable shall be consulted prior to publication of the draft transition plant under *subsection (3)(a)* and may make submissions in accordance with *subsection (3)(b)*. 15
- (5) A person to whom a request has been made under *subsection (1)* shall, before submitting a just transition plan to the Commission, consider any submissions received in writing in relation to the proposed just transition plan.
- (6) A requirement to submit a draft just transition plan under *subsection (1)* may be required for the prescribed body generally or for specified locations, factories or plants of the prescribed body. 20

### **Content of just transition plan**

- 23.** (1) A just transition plan shall specify the mitigation and adaptation policy measures the person concerned shall adopt for the purposes of—
- (a) enabling mitigation of, and adaptation to, the effects of climate change to be achieved, 25
- (b) enabling the achievement of the national energy and climate plan,
- (c) enabling the achievement of the national transition objective,
- (d) enabling the achievement of the territorial just transition plan,
- (e) enabling the achievement of adaptation policy measures specified in an approved sectoral adaptation plan, 30
- (f) enabling the achievement of the national and local climate action plans,
- (g) enabling the achievement of the 2030 Sustainable Development Goals,
- (h) the guidelines for a just transition towards environmentally sustainable economies and societies for all as drafted by the International Labour Organisation in 2015, 35
- (i) achieving Ireland’s obligations under the UNFCCC,
- (j) ensuring that *paragraphs (a), (b), (c), (d)* and *(e)* are achieved in a manner which is fair and just having regard to workers and the local community, and

- (k) monitoring adherence to the mitigation and adaptation policy measures, and the objectives thereof, in the just transition plan proposed.
- (2) For the purposes of preparing the just transition plan account of the following matters shall be taken:
- (a) the need to have regard to— 5
    - (i) any existing obligation of the State under the law of the European Union or any international agreement referred to in section 2 of the Act of 2015, and section 3(d)(ii) in the Act of 2021,
    - (ii) the guidelines for a just transition towards environmentally sustainable economies and societies for all as drafted by the International Labour Organisation in 2015, and 10
    - (iii) any existing or likely future mitigation and adaptation commitments of the State;
  - (b) the imperative of achieving a safe climate;
  - (c) the need to promote a just transition; 15
  - (d) the principle of climate justice;
  - (e) the rights and needs of workers affected, including the future employment and training needs of adversely affected workers;
  - (f) the rights and needs of local communities affected, including the rights and needs of their future generations; 20
  - (g) alternative uses and deployment of the labour force, industry, capital and/or enterprise engaged in transition;
  - (h) alternative uses of the local area and local natural and community resources engaged in transition;
  - (i) the need to achieve the objectives of a national mitigation plan and national adaptation framework; 25
  - (j) relevant scientific or technical advice;
  - (k) the findings of any relevant research on the effectiveness of mitigation measures and adaptation measures;
  - (l) the most recently approved plans as outlined in *subsection (1)* above; 30
  - (m) any recommendations or advice of the Climate Change Advisory Council.
- (3) A just transition plan shall be prepared in accordance with any guidelines issued by the Commission under *section 20*.
- (4) The Commission may do any of the following:
- (a) approve; 35
  - (b) approve, subject to such amendments and modifications as they consider appropriate;
  - (c) decline to approve;

- (d) remit to the prescribed body for further consideration with specified proposals, a just transition plan submitted under this section.
- (5) The Commission may propose that provision be made for matters omitted from the draft just transition plan, and may propose that the matters included in the draft just transition plan be revised or replaced. 5
- (6) Once approved, the just transition plan shall be adopted by the person and formally submitted to the Commission, the Minister, the relevant Joint Oireachtas Committee and the Climate Change Advisory Council.

**Review and revision of just transition plans**

- 24. (1) Subject to *subsection (3)*, the Commission shall, at intervals of not more than 24 months, undertake a review of the provider’s just transition plan and the first such review shall be undertaken not more than 12 months from the date on which the first just transition plan was adopted under *section 23(6)*, and any subsequent review shall be undertaken not more than 12 months from the date when the last review was undertaken. 10 15
- (2) A provider of a relevant service shall review a just transition plan prepared under this section as soon as practicable after there has been a material change in any matter to which the plan refers.
- (3) The Commission may vary or revise a just transition plan approved under *section 23*.
- (4) A person may, at any time, make and submit to the Commission for approval a revision of an approved just transition plan. 20

**Matters in relation to just transition plans**

- 25. Any of the following matters may be prescribed by the Commission:
  - (a) the form of a just transition plan;
  - (b) matters to be included in a just transition plan; or 25
  - (c) the procedures to be followed in respect of the approval, a review or a revision of a just transition plan.

**Referral of disputes**

- 26. (1) A trade union, local community or excepted body may refer a dispute to the Commission on the ground that the draft transition plan submitted to the Commission fails to provide for a just transition or to respect the principle of climate justice, and where a dispute is so presented, the Commission shall refer the dispute for mediation by a mediation officer. 30
- (2) The trade union, local community or excepted body shall specify in a referral under *subsection (1)* those aspects of the draft transition plan which it is believed fail to provide for a just transition or to respect the principle of climate justice, and shall specify every amendment, including by way of addition, required to be made to the draft transition plan, in the view of the trade union, local community or excepted body. 35

- (3) A mediation officer shall not entertain a dispute referred to him or her under this section if it has been presented to the Workplace Relations Commission.
- (4) (a) A dispute to which this section applies shall be presented to the Commission under *subsection (1)* by giving notice thereof in writing to the Commission and the notice shall contain such particulars and be in such form as may be specified from time to time by the Commission. 5
- (b) The Commission shall cause a copy of the notice under *paragraph (a)* to be given to the other party to the dispute concerned.
- (5) The Commission may, by regulations, make provision in relation to any matter relating to referral of a dispute or conduct of proceedings. 10
- (6) If no agreement is reached by the assigned mediator, the matter shall be referred to the Commission which shall—
- (a) compile a report to the Minister and the Joint Oireachtas Committee including reasons for failure of the relevant parties to reach agreement on a just transition plan, 15
- (b) cause a copy of the report under *paragraph (a)* to be laid before the Houses of the Oireachtas, and
- (c) include in the report under *paragraph (a)* the names of the relevant parties unable to reach agreement on the relevant just transition plan.
- (7) Bodies and persons that refuse to engage with the assigned mediator or the Commission will be reported to the Minister, the Joint Oireachtas Committee and named in the Annual Report of the Commission published in accordance with *section 16*. 20

### **Procedure of Commission**

27. The Commission may from time to time make rules regulating its own procedure and business (including the fixing of a quorum for its meetings) and shall publish a copy of any such rules as soon as may be after they have been made. 25

### **Mediation officers**

28. (1) The Commission may, with the consent of the Minister appoint—
- (a) such and so many of the members of staff of the Commission, and 30
- (b) such and so many other persons,
- as it considers appropriate to be a mediation officer or mediation officers for the purposes of this Act.
- (2) A person shall not be appointed as a mediator unless he or she has experience of or shown capacity in one or more of the following matters: 35
- (a) climate restoration and nature based solutions;
- (b) environmental and biodiversity protection;
- (c) the welfare of employees during structural change;

- (d) the welfare of communities during structural change;
  - (e) the welfare of employment and businesses during structural change;
  - (f) international or national expertise in industrial policy and economic transformation;
  - (g) international or national expertise in the welfare of communities in the context of structural change; 5
  - (h) trade union affairs;
  - (i) human rights;
  - (j) community engagement;
  - (k) business or commercial affairs; 10
  - (l) science, technology or environmental matters;
  - (m) legal or regulatory affairs; and
  - (n) social, educational or community activities or Gaeltacht affairs.
- (3) An appointment under this section shall cease—
- (a) if the Commission revokes the appointment in accordance with this section, 15
  - (b) in the case of a person appointed to be a mediation officer who is a member of the staff of the Commission, if the person concerned ceases to be a member of the staff of the Commission, or
  - (c) in the case of an appointment that is for a fixed period, on the expiry of that period. 20
- (4) The Commission may revoke an appointment under this section.
- (5) A mediation officer shall be independent in the performance of his or her functions.
- (6) The Commission shall not refer a dispute for resolution to a mediation officer if either of the parties to the dispute objects to its being so referred.

## **Mediations**

25

- 29.** (1) Where a dispute is referred for resolution under this section the mediation officer concerned may—
- (a) convene a meeting (in this section referred to as a “mediation conference”) in accordance with *subsection (3)* for the purpose of resolving the dispute, or
  - (b) employ such other means as he or she considers appropriate for the purpose of resolving the dispute. 30
- (2) A mediation conference shall—
- (a) take place at a time and place determined by the mediation officer,
  - (b) be attended by the mediation officer and the parties to the dispute concerned, and
  - (c) be conducted otherwise than in public. 35

- (3) (a) A mediation officer to whom a dispute is referred under this section shall—
- (i) inquire into the dispute,
  - (ii) give the parties to the dispute an opportunity to—
    - (I) be heard by the mediation officer, and
    - (II) present to the mediation officer any evidence relevant to the dispute, 5
  - (iii) make a recommendation in relation to the dispute in accordance, and
  - (iv) give the parties to the dispute a copy of that recommendation in writing.
- (4) Where a dispute referred to a mediation officer under this section is resolved, whether by mediation or otherwise—
- (a) the mediation officer concerned shall record in writing the terms of the resolution, 10
  - (b) each of the parties to the dispute concerned shall, if satisfied that it accurately represents the terms of the resolution, sign the record thereof,
  - (c) the mediation officer concerned shall send the record as so signed to the Commission and give a copy thereof to each of the parties to the dispute, as the case may be, and 15
  - (d) the mediation officer shall certify that the draft just transition plan the subject of the dispute, whether amended or not, complies with the obligations of *Part 3* of this Act and that the mediation officer recommends that the draft just transition plan be approved by the Commission under *section 23*. 20
- (5) (a) Where a mediation officer has attempted (whether by convening a mediation conference or other means) to resolve a dispute referred to him or her under this section and such conference or the employment of those other means has not resulted in a resolution of the dispute, the mediation officer shall notify the parties to the dispute and the Commission in writing of that fact. 25
- (b) The Commission shall, upon receiving a notification under *paragraph (a)* invite the relevant parties to the dispute to an adjudication procedure under *section 31*.
- (6) Bodies and persons that refuse to engage with the assigned mediator or the Commission will be reported to the Minister, the Joint Oireachtas Committee and named in the Annual Report of the Commission published in accordance with *section 16*. 30
- (7) In this section “dispute” means a dispute referred to the Commission under *section 26*.

### **Adjudication of dispute**

- 30.** (1) The Commission shall not adjudicate on a dispute unless subject to *subsection (3)*, it receives a report from the mediation officer stating that the Commission is satisfied that no further efforts on its part will advance the resolution of the dispute. 35
- (2) The mediation shall be confidential to the parties save where the parties agree otherwise, and all mediation records and communications (including communications

during a mediation conference) shall not be disclosed by a mediation officer or by either party to the dispute concerned in any proceedings before a court (other than proceedings in respect of the contravention of the terms of the resolution), or otherwise, save where the parties agree otherwise.

- (3) The report referred to in *subsection (1)* shall include information on the issues in dispute, the attempts made to resolve the dispute and any other information which the mediation officer considers of assistance to the Commission which does not breach any duty of confidence under *subsection (2)*. 5
- (4) The Commission may, in adjudicating on the dispute—
- (a) approve, 10
  - (b) approve, subject to such amendments and modifications as they consider appropriate,
  - (c) decline to approve,
  - (d) remit to the prescribed body for further consideration with specified proposals, a just transition plan submitted under this section. 15
- (5) The Commission may propose that provision be made for matters omitted from the draft just transition plan, and may propose that the matters included in the draft just transition plan be revised or replaced.
- (6) Once approved, the just transition plan shall be adopted by the person and formally submitted to the Commission, the Minister, the Joint Oireachtas Committee and the Climate Change Advisory Council. 20
- (7) (a) Where the Commission has attempted to resolve a dispute referred to it under this section and such conference or the employment of those other means has not resulted in a resolution of the dispute, the Commission shall notify the parties to the dispute and the Minister in writing of that fact. 25
- (b) The Commission shall, upon notifying the parties and the Minister in writing of the failure to resolve the dispute under *paragraph (a)*—
- (i) compile a report to the Minister and the Joint Oireachtas Commission including reasons for failure of the relevant parties to reach agreement on a just transition plan, 30
  - (ii) cause a copy of the report under *subparagraph (i)* to be laid before the Houses of the Oireachtas,
  - (iii) include in the report under *subparagraph (i)* the names of the relevant parties unable to reach agreement on the relevant just transition plan, and
  - (iv) name the relevant parties unable to reach agreement, and reasons for inability to reach agreement, in the Annual Report of the Commission published in accordance with *section 16*. 35

### Effect of Act

31. Nothing in this Act, shall operate to affect—

- (a) existing or future obligations of the State under the law of the European Union,
- (b) existing or future obligations of the State under any international agreement,
- (c) any Act of the Oireachtas or instrument made thereunder that gives effect, or further effect, to any such obligation, or
- (d) existing or future entitlements of the State or any person under the said law, any such agreement or any such Act of the Oireachtas or instrument. 5

## PART 4

### AMENDMENT OF ACT OF 2015

#### **Definition of climate justice and just transition**

**32.** Section 1 of the Act of 2015 is amended by the insertion of the following definitions: 10

“ ‘Act of 2021’ means the *Just Transition (Worker and Community Environmental Rights) Act 2021*;

‘approved just transition plan’ has the meaning assigned to it by *section 2* of the *Act of 2021*;

‘climate justice’ and ‘principle of climate justice’ means the importance of taking action to reduce global emissions of greenhouse gases and to adapt to the effects of climate change in ways which— 15

- (a) support the people who are most affected by climate change but who have done the least to cause it and are the least equipped to adapt to its effects, and

- (b) help to address inequality; 20

‘just transition’ means a transition that ensures the economic, environmental and social consequences of the ecological transformation of economies and societies are managed in ways that maximise opportunities of decent work for all, reduce inequalities, promote social justice, and support industries, workers and communities negatively affected, in accordance with nationally defined priorities, and based on effective social dialogue; 25

‘just transition principles’ are the importance of taking action to reduce net Irish emissions of greenhouse gases in a way which—

- (a) supports environmentally and socially sustainable jobs,

- (b) supports low-carbon investment and infrastructure,

- (c) develops and maintains social consensus through engagement with workers, trade unions, communities, non-governmental organisations, representatives of the interests of business and industry and such other persons as Ministers consider appropriate, 30

- (d) creates decent, fair and high-value work in a way which does not negatively affect the current workforce and overall economy, and 35

- (e) contributes to resource efficient and sustainable economic approaches which help to address inequality and poverty.”.

### **Insertion of the principle of just transition**

33. Section 3(2) of the Act of 2015 is amended by the insertion of the following paragraph:

“(d) the principle of just transition.”.

### **Consultation with the National Just Transition Commission in the making of carbon budgets, mitigation, national and local climate action plans, transition plans and the adaptation framework** 5

34. (1) Section 4(7) of the Act of 2015 is amended by the insertion of the following paragraphs:

“(l) the principle of climate justice,

(m) any recommendations or advice of the National Just Transition Commission.”. 10

(2) Section 4 of the Act of 2015 is amended by the insertion of the following subsection:

“(10) (a) The Government may consult with the National Just Transition Commission for the purpose of the performance by them of their functions under this section. 15

(b) The Minister shall consult with the National Just Transition Commission for the purpose of the performance by him or her of his or her functions under this section.”.

(3) Section 5(2) of the Act of 2015 is amended by the insertion of the following paragraph: 20

“(c) take into account the recommendations of the National Just Transition Commission.”.

(4) Section 6(3) of the Act of 2015 is amended by the insertion of the following paragraph:

“(e) consult with the National Just Transition Commission.”. 25

(5) Section 7(2) of the Act of 2015 is amended by the insertion of the following subsection:

“(3) (a) For the purposes of performing their functions under sections 5 and 6, the Government may consult with the National Just Transition Commission. 30

(b) For the purposes of performing his or her functions under sections 5 and 6, the Minister may consult with the National Just Transition Commission.”.

### **General functions of Advisory Council**

35. Section 11(1) of the Act of 2015 is amended by the insertion of the following paragraph: 35

“(e) the National Just Transition Commission in relation to the preparation of, or submissions to—

(i) carbon budgets

- (ii) national and local climate action plans
- (iii) a national mitigation plan,
- (iv) a national adaptation framework,
- (v) the national energy and climate plan, and
- (vi) any other relevant local, national and international policies or obligations.”. 5

An Bille um Thrasdul Cóir (Cearta  
Comhshaoil Oibrithe agus Pobail), 2021

# BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir le comhlacht a bhunú ar a dtabharfar an Coimisiún Náisiúnta um Thrasdul Cóir nó, sa Bhéarla, *the National Just Transition Commission*, chun formhaoirsiú a dhéanamh ar thabhairt le chéile oibrithe, pobal, fostóirí agus rialtais in idirphlé sóisialta, ionas go gcuirfear chun tosaigh na pleananna, na beartais agus na hinfheistíochtaí is gá d'fhonn bunathrú cothrom chuig geilleagar ísealcharbóin a thabhairt i dtír; dá cheangal ar chomhlachtaí forordaithe áirithe pleananna um thrasdul cóir a ullmhú; do dhéanamh socrú maidir le feidhmeanna eile a thabhairt don chomhlacht sin a d'rádh; do leasú an Achte um Ghníomhú ar son na hAeráide agus um Fhorbairt Ísealcharbóin, 2015 (arna leasú le hAcht 2021); agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*An Teachta Jennifer Whitmore a thug isteach,*  
15 Meán Fómhair, 2021

Just Transition (Worker and Community  
Environmental Rights) Bill 2021

# BILL

(as initiated)

entitled

An Act to provide for the establishment of a body to be known as *An Coimisiún Náisiúnta um Thrasdul Cóir* or, in the English language, the National Just Transition Commission to oversee the bringing together of workers, communities, employers and government in social dialogue to drive the plans, policies and investments needed for a fair transformation to a low-carbon economy; to require the preparation, by certain prescribed bodies, of just transition plans; to provide for the conferral of other functions on the said body; to amend the Climate Action and Low Carbon Development Act 2015 (as amended by the 2021 Act); and to provide for related matters.

*Introduced by Deputy Jennifer Whitmore,*  
15th September, 2021

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,  
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