



**SEANAD ÉIREANN**

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**AN BILLE UM GHNÍOMHÚ AERÁIDE AGUS UM  
FHORBAIRT ÍSEALCHARBÓIN (LEASÚ), 2021  
CLIMATE ACTION AND LOW CARBON DEVELOPMENT  
(AMENDMENT) BILL 2021**

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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## AN BILLE UM GHNÍOMHÚ AERÁIDE AGUS UM FHORBAIRT ÍSEALCHARBÓIN (LEASÚ), 2021 —AN COISTE

### CLIMATE ACTION AND LOW CARBON DEVELOPMENT (AMENDMENT) BILL 2021 —COMMITTEE STAGE

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*Leasuithe  
Amendments*

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*\*Government amendments are denoted by an asterisk*

#### SECTION 3

1. In page 6, line 29, after “emissions” to insert “minus removals”.

*—Senators Regina Doherty, Garret Ahearn, Paddy Burke, Jerry Buttimer, Maire Ní Bhroinn, Micheál Carrigy, Martin Conway, John Cummins, Emer Currie, Aisling Dolan, Seán Kyne, Tim Lombard, John McGahon, Joe O'Reilly, Mary Seery Kearney, Barry Ward, Lisa Chambers, Catherine Ardagh, Niall Blaney, Malcolm Byrne, Pat Casey, Shane Cassells, Lorraine Clifford-Lee, Ollie Crowe, Paul Daly, Aidan Davitt, Timmy Dooley, Mary Fitzpatrick, Robbie Gallagher, Gerry Horkan, Erin McGreehan, Eugene Murphy, Fiona O'Loughlin, Denis O'Donovan, Ned O'Sullivan, Diarmuid Wilson.*

2. In page 6, to delete lines 34 and 35, and in page 7, to delete lines 1 to 3 and substitute the following:

“ ‘climate justice’ means the requirement that decisions and actions taken, within the State and at the international level, to reduce greenhouse gas emissions and to adapt to the effects of climate change shall, in so far as it is practicable to do so—

- (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,
- (b) safeguard the most vulnerable persons,
- (c) endeavour to share the burdens and benefits arising from climate change, and
- (d) help to address inequality;”.

*—Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

3. In page 6, to delete lines 34 and 35, and in page 7, to delete lines 1 to 3 and substitute the following:

“ ‘climate justice’ means the principle that global climate action should be

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undertaken, as agreed in the United Nations Framework Convention on Climate Change, ‘on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities’. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof;”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

4. In page 6, to delete lines 34 and 35, and in page 7, to delete lines 1 to 3 and substitute the following:

“ ‘climate justice’ means the requirement that decisions and actions taken to reduce greenhouse gas emissions and to adapt to the effects of climate change must—

- (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,
- (b) reflect the United Nations Framework Convention on Climate Change commitment to ‘common but differentiated responsibilities and respective capacities’,
- (c) safeguard the rights of the most vulnerable persons, and
- (d) help to address inequality;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

5. In page 6, to delete lines 34 and 35, and in page 7, to delete lines 1 to 3 and substitute the following:

“ ‘climate justice’ means the principle that global climate action should be undertaken, as agreed in the United Nations Framework Convention on Climate Change, ‘on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities’;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

6. In page 6, to delete lines 34 and 35, and in page 7, to delete lines 1 to 3 and substitute the following:

“ ‘climate justice’ reflects the United Nations Framework Convention on Climate Change commitment to common but differentiated responsibilities and respective capabilities and—

- (a) supports those who are most affected by climate change but who have done the least cause it,
- (b) supports the human rights and wellbeing of local communities, indigenous peoples and the most vulnerable,
- (c) is informed by science, responds to science, and acknowledges the need for equitable stewardship of the World’s resources,

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particularly biodiversity and ecosystems, and

- (d) helps address inequality and progressively distribute the financial responsibility for climate mitigation and adaptation measures;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

7. In page 6, to delete lines 34 and 35, and in page 7, to delete lines 1 to 3.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

8. In page 7, line 1, to delete “, in so far as it is practicable to do so,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

9. In page 7, line 1, to delete “in so far as it is practicable to do so” and substitute the following:

“in a manner consistent with the principles of common but differentiated responsibilities under the United Nations Framework Convention on Climate Change”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

10. In page 7, line 3, after “change” to insert the following:

“in a manner consistent with the principles of common but differentiated responsibilities under the United Nations Framework Convention on Climate Change”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

11. In page 7, to delete lines 4 to 6 and substitute the following:

“ ‘complete decarbonisation’ means zero greenhouse gas emissions, combined with nature-based solutions that enhance biodiversity to sequester greenhouse gases from sectors where some emissions remain inevitable. ‘Completely decarbonised economy’ shall be construed accordingly;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

12. In page 7, line 4, to delete “neutral economy” and substitute “neutrality”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

13. In page 7, between lines 8 and 9, to insert the following:

“ ‘just transition principals’ means the principals which identify 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 agriculture,

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business and industry and such other persons as the Climate Change Advisory Council considers appropriate,

- (d) creates decent, fair and high-value work in a way which benefits the current workforce and overall economy,
- (e) contributes to resource efficient and sustainable economic approaches which help to address inequality and poverty;”.

—*Senator Victor Boyhan, Rónán Mullen.*

**14.** In page 7, between lines 8 and 9, to insert the following:

“ ‘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, all of whom shall be brought together in social dialogue to drive forward the national long term climate action strategy;”.

—*Senator Victor Boyhan, Rónán Mullen.*

**15.** In page 7, between lines 8 and 9, to insert the following:

“ ‘just transition’ means the bringing together of workers, communities, employers and government in social dialogue to drive the concrete plans, policies and investments needed for a fast and fair transformation to a low carbon economy and to ensure that employment and jobs in the new economy are as decent and as well-paid as those left behind;”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

**16.** In page 7, between lines 8 and 9, to insert the following:

“ ‘just transition principles’ are the importance of taking action to reduce net 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 the Minister considers appropriate,
- (d) creates decent, fair and high-value work in a way which does not negatively affect the current workforce and overall economy,
- (e) contributes to resource efficient and sustainable economic approaches which help to address inequality and poverty;”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield, Alice-*

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*Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

17. In page 7, between lines 8 and 9, to insert the following:

“ ‘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;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

18. In page 7, between lines 12 and 13, to insert the following:

“ ‘national minimum interim target’ has the meaning of the proposed 51 per cent reduction in greenhouse gas emissions by 2030, as set out in section 9(5);”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

19. In page 7, between lines 12 and 13, to insert the following:

“ ‘nature based solutions’ means locally adapted, resource efficient, cost-effective and systemic interventions supported by nature, which simultaneously provide environmental, social and economic benefits incorporating more diverse, nature and natural features and processes into cities, landscapes and seascapes;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

20. In page 7, between lines 31 and 32, to insert the following:

“(e) by the insertion of the following new subsection:

“(2) The references in section 4(11), section 5(8) and section 6B(13) to a Minister of the Government shall each be construed as including a reference to the Government.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

SECTION 4

21. In page 7, between lines 32 and 32, to insert the following:

“4. Any trade agreements which contain investor-state arbitration mechanisms which have the effect of making the state liable for damages, as determined by the Climate Change Advisory Council, shall be considered to be in breach of this Act, and the Oireachtas shall not be able to ratify these agreements.”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

22. In page 7, after line 38, to insert the following:

“(2) This section shall not affect the awarding of costs in any case arising in respect of failure to comply with any provision of this Act or any

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obligation or duty created thereunder.”.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

23. In page 7, after line 38, to insert the following:

“(2) This section shall not affect any compensation or damages which may arise in respect of the right to effective remedy under the European Convention on Human Rights.”.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

24. In page 7, after line 38, to insert the following:

“(2) No remedy or relief by way of compensation shall be available to investors with respect to actions taken to comply with any provision of this Act or any obligation or duty created thereunder.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

*Section opposed.*

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall, Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

SECTION 5

25. In page 8, line 7, to delete “climate neutral economy” and substitute “completely decarbonised economy”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

26. In page 8, line 7, after “economy” to insert “and society”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

27. In page 8, line 22, after “1992,” to insert “including the principle of common but differentiated responsibilities in respect of that objective.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

28. In page 8, line 26, to delete “in Articles 2 and 4(1) of” and substitute “and commitments made in”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

29. In page 8, line 26, to delete “(1)”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

30. In page 8, line 31, to delete “Agency.” and substitute the following:

“Agency, and

(c) that is consistent with the State’s highest possible ambition and progression.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*



[SECTION 6]

SECTION 6

31. In page 8, between lines 37 and 38, to insert the following:

**“Proactive dissemination of information**

6. Notwithstanding anything elsewhere in this Act, the Advisory Council, any Minister of the Government, the Government or a Local Authority shall be obliged to publish in full within 3 days any report, or proposal which is required to be provided under this Act particularly where it is subject to approval or amendment under this Act.”.

—*Senator Alice-Mary Higgins.*

32. In page 9, to delete line 25 and substitute “completely decarbonised economy.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

33. In page 9, between lines 31 and 32, to insert the following:

“(2A) The Climate Action Plan must also, with reference to the just transition principles—

(a) explain how the proposals and policies set out in the plan are expected to affect different sectors, households, communities, and regions, including how they are expected to affect employment in those sectors, communities, and regions, and

(b) set out the Ministers’ proposals and policies for supporting the workforce, employers and communities in those sectors, households, communities, and regions.”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

34. In page 9, line 33, to delete “, in the Minister’s opinion,”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

35. In page 9, line 33, to delete “in the Minister’s opinion” and substitute “in an opinion set out and published by the Minister”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

36. In page 9, line 36, to delete “, in the Minister’s opinion,”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

37. In page 9, line 36, to delete “in the Minister’s opinion” and substitute “in an opinion set out and published by the Minister”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

38. In page 9, line 38, to delete “, in the Minister’s opinion,”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

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39. In page 9, line 38, to delete “in the Minister’s opinion” and substitute “in an opinion set out and published by the Minister”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

40. In page 10, between lines 27 and 28, to insert the following:

“(6A) The national long term climate action strategy must also, with reference to the just transition principles—

- (a) explain how the proposals and policies set out in the plan are expected to affect different sectors, households, communities and regions, including how they are expected to affect employment in those sectors, communities and regions, and
- (b) set out the Ministers’ proposals and policies for supporting the workforce, employers and communities in those sectors, households, communities and regions.”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

41. In page 10, to delete lines 31 to 40, and in page 11, to delete lines 1 to 39 and substitute the following:

“(8) In performing their respective functions under this section, the Minister and the Government—

- (a) shall ensure that the national long-term climate action strategy is consistent with—
  - (i) climate justice, and
  - (ii) a just transition to a climate neutral economy which, in so far as is practicable—
    - (I) maximises opportunities for decent, fair and high-value work that is environmentally and socially sustainable, in a way which does not negatively affect the current workforce or the overall economy,
    - (II) supports low-carbon investment and infrastructure,
    - (III) develops and maintains social consensus through engagement with the social partners, local communities, non-governmental organisations, and other appropriate persons,
    - (IV) contributes to resource-efficient and sustainable economic approaches which help to address inequality and poverty, and
    - (V) supports persons and communities that may be negatively affected by the transition,

and

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- (b) shall have regard to the following matters:
- (i) the need to deliver the best possible value for money consistent with the sustainable management of the public finances and to maximise, as far as practicable, the net benefits to society taking into account the impact of greenhouse gas emissions;
  - (ii) the need to promote sustainable development and restore, and protect, biodiversity;
  - (iii) relevant scientific or technical advice;
  - (iv) any recommendations or advice of the Advisory Council;
  - (v) the social and economic imperative for early and cost-effective action in relation to climate change;
  - (vi) in so far as practicable, the need to maximise employment, the attractiveness of the State for investment and the long-term competitiveness of the economy;
  - (vii) the fact that the means of achieving a climate neutral economy and other measures to enable the State to pursue the national climate objective may not yet be fully identified and may evolve over time through innovation, evolving scientific consensus and emerging technologies;
  - (viii) the role of behavioural change on the part of individuals and different sectors of society in supporting the Government to pursue the national climate objective and the policies and measures required to effect such change;
  - (ix) the risk of substantial and unreasonable carbon leakage as a consequence of measures implemented by the State to pursue the national climate objective;
  - (x) the protection of public health;
  - (xi) the National Planning Framework (or, where appropriate, the National Spatial Strategy);
  - (xii) the special economic and social role of agriculture, including with regard to the distinct characteristics of biogenic methane;
  - (xiii) where a national long-term climate action strategy has been approved under this section, the most recent approved national long-term climate action strategy;
  - (xiv) the 2019 Climate Action Plan or, where a climate action plan has been approved under this section, the most recent approved climate action plan;
  - (xv) where a national adaptation framework has been approved under section 5, the most recent approved national adaptation

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framework;

(xvi) where sectoral adaptation plans have been approved under section 6, the most recent approved sectoral adaptation plans.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

42. In page 10, to delete lines 31 to 40, and in page 11, to delete lines 1 to 39 and substitute the following:

“(8) For the purposes of performing their respective functions under this section, the Minister and the Government shall act in a manner consistent with the following matters—

- (a) Articles 2 and 4 of the Paris Agreement,
- (b) Intergovernmental Panel on Climate Change advice,
- (c) the Aarhus Convention,
- (d) the UN Convention on Biodiversity,
- (e) the National Climate Objective,
- (f) Climate Justice, and
- (g) Just Transition.

(8A) For the purposes of performing their respective functions under this section, the Minister and the Government must have regard to the following matters:

- (a) the United Nations Sustainable Development Goals;
- (b) the National Biodiversity action plan and the National Biodiversity Strategy and subsequent plans and strategies;
- (c) nature based solutions for climate action; and
- (d) cost-effectiveness, including lifecycle cost and net public benefit, consistent with the sustainable management of the public finances and with due regard for imperatives around early action, innovation and long term impact.

(8B) For the purposes of performing their respective functions under this section, the Minister and the Government may have regard to the following matters:

- (a) relevant scientific, technical or technological advice, including IPCC advice;
- (b) Government policy;
- (c) the National Planning Framework (or, where appropriate, the National Spatial Strategy);
- (d) the role of behavioural change on the part of individuals,

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businesses, organisations and society in supporting the Government to pursue the national 2050 climate objective and the policies and measures required to effect such change;

(e) the full life-cycle of emissions including consumption emissions and the implications for non-territorial emissions; and

(f) the special, economic, social and environmental role of agriculture.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

43. In page 10, line 38, after “development” to insert “, including the United Nations Sustainable Development Goals,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

44. In page 10, line 40, after “advice” to insert “including advice from the Intergovernmental Panel for Climate Change”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

45. In page 11, line 5, after “maximise” to insert “quality”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

46. In page 11, line 8, to delete “climate neutral economy” and substitute “completely decarbonised economy”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

47. In page 11, to delete lines 13 to 16 and substitute the following:

“(i) the emissions of greenhouse gases into the Earth’s atmosphere attributable to the consumption of products or utilisation of services in the State;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

48. In page 11, to delete lines 20 to 24 and substitute the following:

“(k) the requirements for a just transition which is the importance of taking action to reduce net emissions of greenhouse gases in a way which—

(i) supports environmentally and socially sustainable jobs,

(ii) supports low-carbon investment and infrastructure,

(iii) 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 the Minister considers appropriate,

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

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economy,

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

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

49. In page 11, line 20, to delete “climate neutral economy” and substitute “completely decarbonised economy”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

50. In page 11, line 21, to delete “, in so far as is practicable,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

51. In page 11, line 22, after “maximise” to insert “environmentally and socially sustainable, quality”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

52. In page 11, line 22, after “maximise” to insert “environmentally and socially sustainable”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

53. In page 11, line 23, after “support” to insert “and engage with”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

54. In page 11, between lines 24 and 25, to insert the following:

“(iii) ensure that any reduction in peat harvesting is accompanied by the development and availability of completely viable peat alternatives in order that the horticultural mushroom food industry, shall not be negatively affected;”.

—*Senator Victor Boyhan, Rónán Mullen.*

55. In page 11, between lines 24 and 25, to insert the following:

“(iii) develop and maintain social consensus through engagement with workers, trade unions, communities, non-governmental organisations, representative of the interests of business and industry and such other persons as the Minister considers appropriate;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

56. In page 11, line 28, after “economic” to insert “, environmental,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

57. In page 11, between lines 39 and 40, to insert the following:

“(s) the United Nations Sustainable Development Goals.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

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58. In page 11, between lines 39 and 40, to insert the following:

“(s) the Aarhus Convention.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

59. In page 11, between lines 39 and 40, to insert the following:

“(s) emissions of greenhouse gases into the Earth’s atmosphere attributable to the consumption of products or utilisation of services in the State.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

60. In page 11, between lines 39 and 40, to insert the following:

“(s) the amount of emissions produced by registered companies within the State and accountability mechanisms in respect of such emissions.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

61. In page 12, line 10, after “Government” to insert “and the Government of Ireland”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

62. In page 12, line 10, to delete “, in so far as practicable,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

63. In page 12, line 11, to delete “his or her” and substitute “their”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

SECTION 7

64. In page 12, line 28, after “Government” to insert “of Ireland”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

65. In page 12, between lines 31 and 32, to insert the following:

“(c) in subsection (8), to delete “A Minister of the Government shall, in the performance of his or her” and substitute “The Government and a Minister of the Government shall, in the performance of his or her or its”.”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

SECTION 8

66. In page 13, to delete line 2 and substitute the following:

“responsibility.

(1B) Without prejudice to the generality of subsection (1)—

(a) a sectoral adaptation plan made by the Minister for Agriculture, Food and the Marine shall include annual targets to be achieved in afforestation,

(b) a joint sectoral adaptation plan made by the Minister and the

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Minister for Agriculture, Food and the Marine and Energy shall include annual targets to be achieved in the remediation of bogs that have been cleared in whole or in part of turf.””.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

67. In page 13, to delete line 2 and substitute the following:

“responsibility.

(1B) Without prejudice to the generality of subsection (1)—

- (a) a sectoral adaptation plan made by the Minister for Agriculture, Food and the Marine shall include annual targets to be achieved in sustainable afforestation,
- (b) a joint sectoral adaptation plan made by the Minister and the Minister for Agriculture, Food and the Marine and Energy shall include annual targets to be achieved in the remediation of bogs that have been cleared in whole or in part of turf.””.

—*Senator Victor Boyhan, Rónán Mullen.*

SECTION 9

68. In page 14, to delete lines 5 to 11 and substitute the following:

“(5) The first two carbon budgets proposed by the Advisory Council and approved by the Minister and the Government shall provide for a total amount of greenhouse gas emissions over the course of the first two budget periods ending on 31 December 2030 that is no greater than the total amount of greenhouse emissions that would result from annual greenhouse emissions in 2021 being 7 per cent below the baseline level, and annual greenhouse gas emissions then reducing by a further 7 per cent in each successive year of the period 2022-2030, such that annual emissions in 2030 would correspond to at least 51 per cent of the baseline level. For the purpose of this subsection, ‘the baseline level’ means the level of greenhouse gas emissions reported for the year ending on 31 December 2018, as set out in the national greenhouse gas emissions inventory prepared by the Agency.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

69. In page 14, line 5, after “Council” to insert “and approved by the Government”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

70. In page 14, line 8, after “is” to insert “at least”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

71. In page 14, line 8, after “is” to insert “a minimum of”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*



[SECTION 9]

72. In page 14, line 34, after “1992” to insert the following:

“, including the principle of common but differentiated responsibilities in respect of that objective,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

73. In page 14, to delete lines 40 and 41 and substitute the following:

“(II) relevant scientific advice, including advice from the Intergovernmental Panel for Climate Change,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

74. In page 15, line 7, to delete “have regard to” and substitute “be consistent with”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

75. In page 15, line 7, after “justice” to insert “, including the principle of common but differentiated responsibilities,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

76. In page 15, between lines 8 and 9, to insert the following:

**“Modification of the 2030 target**

**6AA.(1)** The Minister may by regulations modify the percentage figures applying for the purposes of the 2030 target, so as to substitute a higher figure for the one for the time being mentioned in section 9(5).”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

77. In page 15, line 20, to delete “may” and substitute “shall”.

—*Senator Victor Boyhan.*

78. In page 15, line 31, to delete “and”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

79. In page 15, to delete line 33 and substitute the following:

“appropriate, and

(c) trade unions, community groups and non-governmental organisations as he or she considers appropriate.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

80. In page 16, line 14, to delete “, if appropriate,”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

81. In page 16, to delete lines 18 to 21.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

[SECTION 9]

- 82.** In page 16, lines 29 to 39, to delete all words from and including “Oireachtas” in line 29 down to and including line 39 and substitute the following:

“Oireachtas.

- (12) The carbon budget approved by the Oireachtas shall be binding as far as is practicable on the State and all Public Authorities within the State for the budget period to which it relates.”

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

- 83.** In page 16, line 29, after “Oireachtas” to insert “for approval”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

- 84.** In page 16, line 37, to delete “A Minister of the Government shall” and substitute “The Government and a Minister of the Government shall”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

- 85.** In page 16, line 37, after “Government” to insert “and the Government of Ireland”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

- 86.** In page 16, line 37, to delete “, in so far as practicable,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

- 87.** In page 16, line 38, to delete “his or her” and substitute “their”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

- 88.** In page 16, between lines 39 and 40, to insert the following:

“(13A) A Minister of the Government, shall not perform his or her functions in a manner acknowledged by that Minister or by the Minister to be inconsistent with a carbon budget that has effect under subsection (7) or (11) as the case may be.”

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

- 89.** In page 16, between lines 39 and 40, to insert the following:

“(13A) Notwithstanding any provision of this section, the Minister and the Government of Ireland shall not approve a carbon budget which provides for less than a 51 per cent reduction in greenhouse gas emissions in the year ending 31 December 2030 from the annual greenhouse gas emissions reported for the year ending on 31 December 2018.”

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

- 90.** In page 17, line 39, after “Government” to insert “and the Government of Ireland”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

[SECTION 9]

91. In page 17, line 39, to delete “, in so far as practicable,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

92. In page 18, between lines 2 and 3, to insert the following:

“(9A) The Minister shall, when preparing a sectoral emissions ceiling, recommend to Government to decide that a Minister of the Government may comply with the carbon budget, and a sectoral emissions ceiling for which that Minister of the Government has responsibility, by the removal of greenhouse gas emissions.”.

—*Senator Paul Daly.*

93. In page 18, to delete lines 19 to 23.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

94. In page 18, between lines 40 and 41, to insert the following:

“(7A) Notwithstanding anything else in this section, the Minister may only revise either or both of the first two carbon budgets, where such a revision would provide for a greater reduction in greenhouse gas such that the total amount of greenhouse gas emissions in the year ending on 31 December 2030 would be at least 52 per cent less than the annual greenhouse gas emissions reported for the year ending on 31 December 2018, as set out in the national greenhouse gas emissions inventory prepared by the Agency.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

95. In page 18, between lines 40 and 41, to insert the following:

“(7A) The Advisory Council may issue a formal request to the Minister, asking him or her to exercise his or her powers to revise a carbon budget under this section, where the Council believe that a greater reduction in greenhouse gases has become necessary due to either of the factors specified in subsection (2).”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

SECTION 10

96. In page 19, between lines 12 and 13, to insert the following:

“(c) by the substitution of the following subsection for subsection (3):

“(3) (a) The chairperson and ordinary members (other than the ordinary members to whom subsection (2) applies) of the Advisory Council shall be appointed by the President—

(i) on the advice of the Government, and

(ii) following the passing of a resolution of each House of the Oireachtas recommending the appointment.

(b) Where a vacancy arises, or is anticipated will arise, on the Advisory

[SECTION 10]

Council, the Government shall, for the purposes of identifying persons and making recommendations to the Government in respect of those persons for appointment as members of the Advisory Council, invite the Public Appointments Service to undertake a selection competition.

- (c) The Public Appointments Service shall, subject to paragraph (d), appoint a selection panel.
- (d) Of the members of the selection panel, one of them shall be nominated by the Director of the Intergovernmental Panel on Climate Change.
- (e) The Public Appointments Service shall appoint the members of the selection panel from amongst persons who, in the opinion of the Public Appointments Service, have relevant experience of, and expertise in relation to, matters outlined in section 9(4)(a) of the Principal Act.
- (f) The Minister shall agree with the Public Appointments Service the selection criteria and process to be implemented in respect of the filling of any vacancy on the Advisory Council.
- (g) A vacancy on the Advisory Council shall be advertised publicly and shall include details of the agreed selection criteria for the filling of the vacancy and the process to be implemented in respect of the filling of that vacancy.
- (h) The Public Appointments Service may adopt such procedures as it thinks fit to carry out its functions under this section.
- (i) A person shall not be recommended for appointment by the President under this section unless the person is, in the opinion of the Public Appointments Service and the Government agrees, suitably qualified for such appointment by reason of their possessing such relevant experience, training or expertise as is appropriate having regard in particular to the functions conferred on the Advisory Council by or under this Act.
- (j) The Public Appointments Service shall provide the Government with particulars of experience, training and expertise of the person whom it recommends under this section.
- (k) Where the Public Appointments Service makes a recommendation for the appointment of a person to the Advisory Council, the Government shall accept that recommendation.
- (l) In exceptional circumstances, where the Government, for substantial and stated reasons, is unable to accept the recommendation by the Public Appointments Service of a particular person, it shall inform the Public Appointments Service of that fact and the reasons for it and shall request the Public

[SECTION 10]

Appointments Service to make another recommendation in respect of the vacancy and, the Public Appointments Service shall—

- (i) consider the Government’s reasons, and
  - (ii) unless the Public Appointments Service disagrees with the reasons and wishes to make representations to the Government in that behalf, make another recommendation for appointment to the Advisory Council.
- (m) In making recommendations for appointment of persons to the Advisory Council under this section, the Public Appointments Service, and the Government shall have regard to the need to ensure that the members of the Advisory Council broadly reflect the nature of Irish society and that such persons possess knowledge of, or experience in—
- (i) matters outlined in subsection (4)(a) as amended, and
  - (ii) without prejudice to the generality of paragraph (a), matters connected with persons or classes of persons who are disadvantaged by reference to the following factors:
    - (I) gender;
    - (II) civil status;
    - (III) family status;
    - (IV) sexual orientation;
    - (V) religious belief;
    - (VI) age;
    - (VII) disability;
    - (VIII) race, including colour, nationality, ethnic or national origin;
    - (IX) membership of the Traveller community;
    - (X) socio-economic disadvantage.
- (n) The factors specified in clauses (II), (III), (IV), (V), (VII) and (IX) of subparagraph (m)(ii) have the same meanings they have in section 2 of the Employment Equality Act 1998.”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

**97.** In page 19, line 15, to delete “Minister” and substitute “President”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

**98.** In page 19, line 31, to delete “climate,” and substitute the following:

- “climate;
- (xi) social justice,

[SECTION 10]

- (xii) social policy,
- (xiii) social inclusion,”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

99. In page 19, between lines 34 and 35, to insert the following:

- “(i) adequate resources to enable the members to perform their functions effectively and efficiently,”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

SECTION 12

100. In page 22, to delete line 26 and substitute the following:

“projected failure, to comply with a sectoral emissions ceiling,

- (bc) the reasoned opinion of the Advisory Council, and such advice or recommendations, as it considers necessary or appropriate, in relation to the continuing appropriateness of the national climate objective provided for in section 3, including in particular the designation of 2050 as the year by the end of which the State should achieve a transition to a low carbon, climate resilient and environmentally sustainable economy,”.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

SECTION 14

101. In page 23, between lines 18 and 19, to insert the following:

**“Amendment of section 9 of Principal Act**

14. Section 9 of the Principal Act is amended in subsection (16), by the deletion of:

“, and

- (b) perform such functions of the Advisory Council as it may, with the consent of the Minister, delegate to the committee.”.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

102. In page 23, between lines 18 and 19, to insert the following:

**“Amendment of section 9 of Principal Act**

14. Section 9 of the Principal Act is amended in subsection (16), by the deletion of “in part” after “committees consisting, in whole”.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

103. In page 23, between lines 18 and 19, to insert the following:

**“Amendment of section 10 of Principal Act**

14. Section 10 of the Principal Act is amended in subsection (1) by the insertion of “or a

[SECTION 14]

committee” after “a member of the Advisory Council”.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

SECTION 15

**104.** In page 25, line 11, to delete “, in so far as practicable,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

**105.** In page 25, to delete lines 16 and 17 and substitute the following:

- “(b) the most recent approved sectoral adaptation plans,
- (c) any policies of the Minister or the Government on climate change, and
- (d) the importance of the local authority acting to promote the production and consumption of renewable energy and the re-use and recycling of goods and materials.”.

—*Senator Victor Boyhan, Rónán Mullen.*

**106.** In page 25, line 39, after “public” to insert “, prescribed bodies, the regional assembly for the region within which the local authority is located,”.

—*Senator Victor Boyhan, Rónán Mullen.*

**107.** In page 26, between lines 33 and 34, to insert the following:

- “(12) The Minister and the Government shall ensure that—
- (a) each local authority is adequately resourced and funded so as to enable them to prepare and make their local authority climate action plan in an informed and timely manner, and
  - (b) that a Climate Change and Bio-diversity Strategic Policy Committee is established in each local authority to assist the elected members and council in the preparation of the local authority climate action plan.”.

—*Senator Victor Boyhan, Rónán Mullen.*

SECTION 16

**108.** In page 26, line 37, after “body” to insert “and the Government of Ireland”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

**109.** In page 26, line 37, to delete “, in so far as practicable,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

**110.** In page 27, between lines 5 and 6, to insert the following:

“(2) Section 15 of the Principal Act is amended, in subsection (5), by the substitution of the following definition for the definition of “relevant body”:

“ ‘relevant body’ means—

[SECTION 16]

- (a) a prescribed body,
- (b) a public body, and
- (c) the Government and, for the purposes of this section, the relevant Minister in relation to the Government is the Taoiseach;”.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

SECTION 17

**111.** In page 27, between lines 5 and 6, to insert the following:

**“Amendment of section 15 of Principal Act**

**17.** Section 15 of the Principal Act is amended—

- (a) in subsection (2), by the insertion of “and the Government of Ireland” after “relevant Minister”, and
- (b) in subsection (3), by the insertion of “and the Government of Ireland” after “relevant Minister”.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

SECTION 18

**112.** In page 27, between lines 17 and 18, to insert the following:

**“Amendment of Petroleum and Other Minerals Development Act 1960**

**18.** The Petroleum and Other Minerals Development Act 1960 is amended—

- (a) in section 5A by the insertion of the following definition:
  - “ ‘fracked gas’ means petroleum got, raised, taken, carried away or worked by means of hydraulic fracturing;”,
- (b) in section 5C, by the insertion of “or subsection (1) of section 5D” after “section 5B”, and
- (c) by the insertion of the following section after section 5C:

**“Prohibition on the importation of fracked gas**

- 5D.** (1) Notwithstanding anything in this Act or any other enactment or rule of law, it shall not be lawful for a person to import or sell fracked gas.
- (2) For the purpose of the Customs Act 2015, the importation of fracked gas is hereby prohibited.”.”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

SECTION 19

**113.** In page 27, line 33, to delete “that seek to” and substitute “which enhance biodiversity and which also”.

—*Senator Alice-Mary Higgins.*



[SECTION 19]

**114.** In page 28, between lines 20 and 21, to insert the following:

“(iv) by the substitution of the following for paragraph (f):

“(f) to support projects and initiatives in regions in the State and within sectors of the economy and society impacted by the transition to a low carbon economy,””.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

**115.** In page 28, between lines 20 and 21, to insert the following:

“(b) by the insertion of the following subsection after subsection (9):

“(9A) Without prejudice to the generality of subsection (9) and the purposes listed, all such purposes shall be required to enhance biodiversity.”

(c) by the insertion of the following subsection after subsection (9):

“(9AA) (a) Without prejudice to the generality of subsection (9) and the purposes listed therein, in considering the paying out of monies from the Climate Action Fund, the Minister shall ensure the polluter pays principle is respected, and that such payment of monies do not serve to ultimately defray the cost of reinstatement or rehabilitation or remediation obligations under any consent, permit or licence, or from any remedial consent, or unlawful development for those to whom those payments would otherwise arise.

(b) Notwithstanding paragraph (a), payments in respect of a purpose falling within the scope of that subsection and where defrayment of payments due may arise as an issue, payments from the Climate Action Fund may be made, subject to such payment being:

(i) approved by a motion passed by both Houses of the Oireachtas, and

(ii) in exceptional circumstances only.””.

—*Senator Alice-Mary Higgins.*

**116.** In page 28, between lines 20 and 21, to insert the following:

“(b) by the insertion of the following subsection after subsection (9):

“(9AB) Without prejudice to the generality of subsection (9) and the purposes listed, in considering the paying out of monies from the Climate Action Fund, the Minister or any person delegated under subsection (3) of section 37B, shall consult at least with the Environmental Protection Agency and with prescribed bodies for the purposes of the permission regulations as defined in the Planning and Development Act 2000 as amended in relation to—

(a) the consideration of decision on any such payments, and

- (b) in relation to the performance of projects or activities in receipt of such payments and compliance with any conditions imposed and the continuance of any such payments to that purpose.””.

—*Senator Alice-Mary Higgins.*

**117.** In page 28, between lines 20 and 21, to insert the following:

“(b) by the insertion of the following subsection after subsection (9):

“(9AB) The Minister, or any person delegated under subsection (3) of section 37B, shall publish on the website of the Minister’s Department the decisions made in respect of the payments approved or refused from the Climate Action Fund under this section following the enactment of the *Climate Action and Low Carbon Development (Amendment) Act 2021* and from the commencement of this provision, and such report should include at least the following:

- (a) the assessment of any purpose which sought payments under this section from the Climate Action Fund against all the requirements specified in this section;
- (b) the amount of payments allocated to the purpose;
- (c) the consultation responses received;
- (d) any assessments, reports or considerations which informed the decision;
- (e) any conditions imposed in respect of the payments; and
- (f) evidence that such payments do not serve to defray any expenditure which the beneficiary was otherwise obliged to incur, save where such defrayment has been expressly approved by the Oireachtas.””.

—*Senator Alice-Mary Higgins.*

**118.** In page 28, to delete line 26 and substitute the following:

“ ‘biodiversity’ means the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part, this includes diversity within species, between species and of ecosystems;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

**119.** In page 28, between lines 26 and 27, to insert the following:

“ ‘energy efficiency’ means the ratio of the output of performance, service, goods or energy, to the input of energy;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

[SECTION 19]

120. In page 28, to delete lines 29 to 32 and substitute the following:

“ ‘nature based project’ means a solution that is inspired and supported by the process and functioning of nature, which is cost-effective and provides environmental, social and economic benefits and helps to build resilience, and which for the purposes of section 37B is also biodiversity enhancing;”.

—*Senator Alice-Mary Higgins.*

SECTION 20

121. In page 28, between lines 33 and 34, to insert the following:

**“Amendment of Act of 1960**

20. The Petroleum and Other Minerals Development Act 1960 is amended—

(a) in section 5A by the insertion of the following definition:

“ ‘fracked gas’ means petroleum got, raised, taken, carried away or worked by means of hydraulic fracturing;”,

(b) in section 5C by the insertion of “or subsection (1) of section 5D” after “section 5B”, and

(c) by the insertion of the following section after section 5C:

**“Prohibition on the importation of fracked gas**

**5D.** (1) Notwithstanding anything in this Act or any other enactment or rule of law, it shall not be lawful for a person to import or sell fracked gas.

(2) For the purposes of the Customs Act 2015, the importation of fracked gas is hereby prohibited.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

122. In page 28, between lines 33 and 34, to insert the following:

**“Amendment of the Act of 1960**

20. The Petroleum and Other Minerals Development Act 1960 is amended—

(a) in section 5A by the insertion of the following definition:

“ ‘fracked gas’ means petroleum got, raised, taken, carried away or worked by means of hydraulic fracturing;”,

(b) in section 5C by the insertion of “or subsection (1) of section 5D” after “section 5B”, and

(c) by the insertion of the following section after section 5C:

**“Prohibition on the storage of fracked gas**

**5D.** Notwithstanding anything in this Act or any other enactment or rule of law, it shall not be lawful for a person to store fracked gas in the territory

[SECTION 20]

of Ireland.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

123. In page 28, between lines 33 and 34, to insert the following:

**“Amendment of National Oil Reserves Agency Act 2007**

20. The National Oil Reserves Agency Act 2007 is amended by the insertion of the following section after section 9—

“9A. The Minister shall, in line with powers invested in him or her under section 9, with the consent of the Minister for Finance, require the Agency, in consultation with SEAI or such other bodies as the Minister believes appropriate, to produce, within 12 months of the passing of the *Climate Action and Low Carbon Development (Amendment) Act 2021*, a report to include:

- (a) estimated timelines and costs in relation to the scaling down or exit of oil and gas companies from Ireland, within the periods of the first two carbon budgets and the National Climate Objective;
- (b) an assessment of the potential costs associated with exit of such companies and the clean-up of associated infrastructure or local environment, to include an assessment of potential financial risks or costs to the State;
- (c) consideration of potential option for levies on the capital or other assets of such companies or other instruments that might be deployed to reduce the future financial risk or potential impact on the Exchequer associated with matters outlined in paragraph (a); and
- (d) an assessment of the potential impact of matters outlined in paragraph (a) and (b) on the Agency’s performance of its functions.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

124. In page 28, between lines 33 and 34, to insert the following:

**“Amendment of section 37B of National Oil Reserves Agency Act 2007**

20. Section 37B of the National Oil Reserves Agency Act 2007 is amended by the insertion of the following subsection after subsection (13):

“(13A) The Minister may not provide monies paid out of the Climate Action Fund to any oil companies who are subject to levies under section 37 of this Act.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

[SECTION 20]

125. In page 29, to delete lines 5 to 32.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

126. In page 29, to delete lines 7 and 8.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

127. In page 29, to delete lines 7 to 10.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

128. In page 29, to delete lines 13 to 21.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

129. In page 29, after line 38, to insert the following:

“(7) The Minister may not grant any licence or lease or enter into any undertaking under *subsections (2), (3), (4) or (5)* where such a licence, lease or undertaking relates to an area which has been designated as a Marine Protected Area.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

130. In page 29, after line 38, to insert the following:

“(7) The Minister may not grant any such licence or lease or enter into any undertaking under *subsections (2), (3), (4) or (5)* until Ireland is compliant with its obligations for conservation and protection and designation of Marine Protected Areas under both the Marine Strategy Framework Directive and the Maritime Spatial Planning Directive and/or adequate interim protection measures to comply with both such directives.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

131. In page 29, after line 38, to insert the following:

“(7) Any licence, lease or undertaking under the provisions of *subsections (2) to (5)* may only be granted after an assessment of such actions impact on biodiversity and its compatibility with the National Climate Objective, climate justice and the goals of a just transition, is published and laid before both Houses of the Oireachtas.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

132. In page 29, after line 38, to insert the following:

“(7) Nothing in this section shall be construed as constituting an inducement to investment or giving rise to any legitimate expectations for any person for the granting of any such licence or lease under this provision.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

133. In page 29, after line 38, to insert the following:

“(7) For the avoidance of doubt, no remedy or relief by way of damages or compensation is available with respect to the where a Minister declines to grant a lease or licence or enter into an undertaking under this section or approve the renewal, extension or progression of any licence, lease or undertaking under this section, where, in the

[SECTION 20]

opinion of the Minister, such actions would be inconsistent with any provision of the Climate Action and Low Carbon Development Act 2015 and any obligation or duty created thereunder.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

134. In page 30, between lines 32 and 33, to insert the following:

“(6A) The Board and its subsidiaries shall, in relation to the above, have regard at all times to national policy, the State’s National Climate Objective and climate justice.

(6B) The Board and its subsidiaries shall, in relation to investments received or made, have regard at all times to climate justice and the public duty on equality and human rights.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

135. In page 30, after line 36, to insert the following:

“(8) In relation to the subsection (4), monies shall not be borrowed by the Board or its subsidiaries to invest in energy derived from fossil fuels, including any development or production or distribution of hydrogen energy, with the exception of clean hydrogen, where ‘clean hydrogen’ means hydrogen that is produced by the electrolysis of water using only electricity produced by renewable energy resources and where no greenhouse gas is emitted during the process.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

136. In page 30, after line 36, to insert the following:

“(8) Any representations or agreements or arrangements made in respect of the borrowing of such monies shall not be construed as constituting a State inducement to investors or giving rise to any expectations in respect of State actions or policy.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

137. In page 30, after line 36, to insert the following:

“(8) Within 24 Months of the passing of the *Climate Action and Low Carbon Development (Amendment) Act 2021*, and subsequently no later than four months after the end of each financial year, the Board and all subsidiaries which borrow monies under the provisions of subsection (4) shall publish a report in respect of such borrowing.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

NEW SECTION

138. In page 30, after line 36, to insert the following:

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

22. (1) There shall stand established a body which shall be known as the National Just

[NEW SECTION]

Transition Commission to perform the functions assigned to it as determined by the Minister within six months of this Act being passed.

- (2) A Just Transition Commissioner shall be appointed by the Government on the recommendation of the Public Appointments Service and the appointment shall be for a period of not less than four and not more than five years from the date of his or her appointment.
- (3) The objectives of the Commission are to promote a just transition incorporating just transition principles as set out in this Act, and the principle of climate justice.”.

—*Senator Victor Boyhan, Rónán Mullen.*

139. In page 30, after line 36, to insert the following:

“PART 4

REPORTS

### **Reports**

22. Within 12 months of the passing of this Act, the Minister shall prepare a report to be laid before both Houses of the Oireachtas on the effectiveness of this Act in progressing the National Climate Objective.”.

—*Senator Victor Boyhan, Rónán Mullen.*

140. In page 30, after line 36, to insert the following:

### **“Report**

22. Within 24 Months of the passing of this Act the Minister shall publish and lay before both Houses of the Oireachtas a report on a review which will have considered—
  - (a) the effectiveness and appropriateness of limiting the levy to ‘disposals of petroleum products’,
  - (b) the potential for future introduction of levies which reflect the reserves, material assets, or capital held by oil companies, and
  - (c) the evolving national and international legal and financial landscape in respect of such potential levies.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

### **TITLE**

141. In page 5, line 8, to delete “the transition” and substitute “a just transition”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

[TITLE]

**142.** In page 5, line 10, after “justice” to insert “, and just transition”.

—*Senators Pauline O’Reilly, Róisín Garvey, Vincent P Martin, Pippa Hackett.*