

# DÁIL ÉIREANN

---

## AN COMHCHOISTE UM CHUMARSÁID, GNÍOMHÚ AR SON NA HAERÁIDE AGUS COMHSHAOL

### JOINT COMMITTEE ON COMMUNICATIONS, CLIMATE ACTION AND ENVI- RONMENT

---

*Dé Máirt, 18 Nollaig 2018*

*Tuesday, 18 December 2018*

The Joint Committee met at 12.40 p.m.

---

#### MEMBERS PRESENT:

Deputy Timmy Dooley,	Senator Colm Burke,*
Deputy Jackie Cahill,*	Senator Michael McDowell,
Deputy Michael Lowry,	Senator Joe O'Reilly,
Deputy Eamon Ryan,	Senator Ned O'Sullivan.*
Deputy Bríd Smith,	
Deputy Brian Stanley,	

\* In the absence of Deputy James Lawless, Senator Tim Lombard and Senator Terry Leyden, respectively.

DEPUTY HILDEGARDE NAUGHTON IN THE CHAIR

**Petroleum and Other Minerals Development (Amendment) (Climate Emergency Measures) Bill 2018: Discussion**

**Chairman:** I welcome the Minister of State, Deputy Canney, to our meeting. The purpose of the meeting is to consider the draft detailed scrutiny report on the Petroleum and Other Minerals Development (Amendment) (Climate Emergency Measures) Bill 2018, which is a Private Members' Bill.

I ask the Minister of State to give his opening statement.

**Minister of State at the Department of Rural and Community Development (Deputy Seán Canney):** I thank the committee for inviting me to today's meeting. It is my first time participating in this committee which does much important work across a range of topics. I thank Deputy Bríd Smith for introducing the Bill. It has stimulated some very important debates on energy security, the use of fossil fuels and particularly their impact on the climate. The committee has heard from a wide range of experts on the matters involved. The topic of climate change is one on which there is almost universal agreement in both Chambers that we need to ramp up our actions and reduce our greenhouse gases as a matter of urgency. Many members of the committee have been already working on the Joint Committee on Climate Action, the findings of which I look forward to seeing in the near future.

Members will be aware the Minister, Deputy Bruton, is preparing an all-of-Government plan which will set out the actions that must be taken to make Ireland a leader in responding to climate change. The plan will develop new initiatives across electricity, transport, heat, agriculture and other relevant sectors, building on the previous actions taken by Government, including the national mitigation plan and the national development plan, and is to be completed by early next year.

In my letter of 26 November to the committee, I set out the energy policy dilemma which requires the balancing of three objectives - energy sustainability, energy security and energy affordability. Unfortunately, the Bill does not score well on these three dimensions.

In terms of sustainability, the proposed ban on exploration in Ireland would not reduce Ireland's greenhouse gas emissions. If the ban had been already law it would not have helped Ireland reach its emissions or renewable energy targets. With regard to energy security, the Bill fails to take account of our energy security. Beyond the Corrib gas field and the soon to be depleted Kinsale gas field, the Bill would make it mandatory for us to import all our oil and gas needs in the future. This is at a time when the European Union's import dependency for natural gas has increased from 43% in 1995 to 70% in 2016. The EU's import dependency on petroleum and petroleum products is 87%. Ireland already has low energy self-sufficiency and a relatively isolated island electricity grid. Given these circumstances I cannot support the Bill in order to send a message. Instead we need credible measures that reduce our use of fossil fuels thereby reducing our emissions and improving our security of supply. The Bill does nothing for energy affordability. It ensures we would forgo any potential economic or fiscal benefit from offshore resources.

Many of these concerns about the Bill were raised by several witnesses during the committee hearings. When the International Energy Agency addressed the committee, it stated that further oil and gas exploration investment would be required, including when we meet the climate ambition of the Paris Agreement. This is consistent with the forecasts of the European

Commission's recent strategic vision for a climate neutral economy by 2050. We cannot ignore these facts. Neither can we ignore the need for further and urgent action on climate change. There are many other measures and steps to take to reduce our emissions without threatening our energy security or competitiveness. This is where our focus should be and it is an area on which I look forward to working with the committee.

I hope the foregoing provides the committee with the context of the amendments I have tabled to the draft report on which we will vote today. In essence, there are several serious concerns arising in relation to the Bill which must be noted. I recommend the Bill should not proceed to the next Stage.

**Deputy Bríd Smith:** I have a procedural question for the Chairman. While we get to make a statement, do we get to discuss the amendments separately and individually or will we simply proceed to vote?

**Chairman:** Normally, we go straight into the amendments, but I am providing the Minister and the Deputy with an opportunity to outline matters briefly beforehand. I will limit people to three minutes on each amendment, as agreed in private session, to keep within the time.

**Deputy Bríd Smith:** The Minister relies on arguments which do not stand up to scrutiny. He is wrong to say we did not discuss a lot of things at the scrutiny stage. We discussed many of the things he feels are missing from the Bill. For example, we discussed the savings we would make by minimising the environmental damage that would be done if we extracted more oil and gas from the seas and by reducing our CO<sub>2</sub> emissions. It would force the State to focus on renewable alternatives and stop the fantasy that we can continue to explore in the hope of finding more gas and oil. More importantly, since the scrutiny stage took place, the IPCC's special report has been published and had a major impact on the discourse. We must take it into account. It warns that we have perhaps 12 years to achieve radical reductions to avert a temperature rise of 1.5o or 2o. That is the background against which we need to consider the decisions we make today. I appeal to the honour and integrity of all Deputies and Senators attending to prioritise that urgency which has been reiterated time and time again on the future of planet.

Some issues were raised with me on the phone about the drafting of the report. I have no problem with redrafting it to make it shorter and legally and linguistically correct. However, the only thing that matters today is whether we agree to allow the Bill to proceed to the next Stage. That is the real discussion we have to have.

We must deal with amendments proposed by Senator McDowell and the Minister of State, Deputy Canney, himself. The Minister of State quoted the International Energy Agency's report but this is not aligned with the Paris Agreement. The agency has said itself that if the report were implemented, it would be far from sufficient to avoid severe climate change impacts. The report would see global temperatures rise by at least 2o if not 3o. The Minister of State said the IPCC recommended that countries should expand their production. However, the IPCC does not advise on anything, it simply reports that the scenarios that may face us in future are very dangerous indeed. If oil and gas production must decline globally, no country should be expanding it. In other words, the science settled at Paris and beforehand that 80% of known fossil fuels must remain in the ground remains the case. Nothing has changed. The Minister of State appears to be arguing that as long as there is some kind of market for oil and gas, it is fine for Ireland to develop new fields. That is absolutely illogical given that consumption of the oil and gas fields that are already developed still puts us at risk of overheating the planet. Our point and effort is to reduce our consumption of all fossil fuels.

The IPCC's recent report does not suggest there is a role for gas given the Paris goals. Rather, it states that a very low emissions pathway must be part of what we have in the transition from coal and natural gas in the energy sector. At the detailed scrutiny stage, we had evidence from experts that our Bill would help Ireland reach its targets and that it would be difficult for us to achieve those targets if we permitted further oil and gas exploration. The Minister of State warns in his amendments of the legal impacts of restricting contracts. However, this is a good argument as to why the Bill should proceed. If the State continues to issue further contracts and licences for exploration, it will have incurred legal liabilities at that point in the future when this has to stop. It places the country at greater legal risk than it is already at. Exploration industry practices are causing serious damage to marine life. The Minister of State argues about the threat to potential jobs but at 268, very few jobs are provided by the exploration of oil and gas compared to the 11,000 jobs in the marine and fishing industry which exploration puts at risk.

The major issue today is whether we will make a decision to allow the Bill to proceed to the next Stage. At the next Stage, amendments can be made to address all of the issues being raised. It is important to allow the Bill to proceed.

**Chairman:** We will now proceed to consider the amendments. The first amendment is in the name of Senator Michael McDowell. Does he wish to speak to it?

**Senator Michael McDowell:** I move amendment No. 1:

**Page 2, preface**

Delete the following sentence:

“Consequently, the Committee supports the Bill, subject to any necessary technical amendments to make the Bill effective.”

The Bill is misconceived in principle. It confused the idea of exploration with the idea of use and it confuses options with predetermined outcomes. While I accept the international consensus on global warming and fossil fuels, no matter what view one takes of the issue, Ireland will depend on some use of fossil fuels for a very considerable period, whether imported or domestically exploited. If that is the case, one has to ask the second question, namely, “What is the effect of this Bill?” The effect of the Bill would be that when the current gas fields run out within a decade, Ireland would be entirely dependent on international imports of gas by sea or pipeline. It is the primary duty of an Irish Government to keep open the option of having available to the Irish consumer whatever degree of fossil fuel we need to ensure the viability of our economy. One cannot take a dramatic stance by stopping all exploration and provide that Ireland will now be dependent on others and on international circumstances such that if things go wrong, the country must, in effect, close down. That is not right or responsible and it is our duty as legislators and Members of the Oireachtas to keep our options open while in no sense abandoning our determination to move from non-renewable to renewable energy sources for the Irish public.

The amendments in my name seek to prevent the Bill proceeding to the next Stage as it is misconceived in principle. It is erroneous and it puts the cart before the horse. It is deeply irresponsible to expose Ireland to being a vulnerable taker of energy prices at risk of any international crisis which might threaten our energy supplies. It is not consistent with the fact that, on any view of climate change policy, we will continue to be dependent on a degree of fossil fuel use for the foreseeable future.

**Deputy Brian Stanley:** Do we have just one opportunity to speak?

**Chairman:** The Deputy can speak after each amendment but it would be great if he could keep it tight. I am sure his arguments are the same for many amendments so if he wants to state them now, I would be grateful.

**Deputy Brian Stanley:** To set out Sinn Féin's position on the Bill and following on from what was said on Second Stage, I asked that renewable energy alternatives be specified in the report. The report poses the question as to whether sufficient renewables are coming on stream to protect us against future security of supply concerns. We asked if it is right to use fossil fuels from other countries while allowing no further exploration in Irish waters. We have posed that question for a reason. I want to see the Bill proceed but there are a number of weaknesses in that it does not set out direct replacements for fossil fuel. One cannot stop doing one thing without having a replacement. Do we continue to import from other states such as Russia? There is a lack of morality in that and it would make the Bill more of a gesture if it was passed in its current form. We need to create direct alternatives in the form of biogas, biomass, wind, solar, hydro, etc., and we need to link the Bill to renewable energy production. The Bill is linked to the monthly mean level of atmospheric carbon dioxide measured at the Mauna Loa Observatory. It also needs to be linked to our production of renewables.

While the Bill should proceed, as I stated on Second Stage in the Chamber a couple of months ago, it does not make sense to continue producing greenhouse gas emissions using another country's fossil fuels. To do so would be even more damaging because of the additional carbon miles involved. We want to stop bringing in oil, coal or whatever else from other countries and we want to accelerate the creation of alternatives, but if we do not put the alternatives in place quickly, we are not just burning fossil fuel from other countries but adding to greenhouse gas emissions because the oil, coal and other sources of fuel will have substantial carbon miles clocked up. We produced the document, *Powering Ireland 2030*, about our energy supply, based on over a year's research, in which we set out that we should move from nearly 80% dependency on fossil fuels to 20% dependency by 2030. That is the direction in which Sinn Féin wants to go. The Bill should proceed and I will oppose some of the amendments because they would stop it in its tracks. I believe the intent behind the Bill is good and it can be amended successfully.

**Senator Joe O'Reilly:** I support Senator McDowell's amendments due to a number of practical operational considerations. A point which has not yet been made is that we could damage the perception of our country with regard to inward investment by multinational companies, which could be apprehensive about a country with a precarious energy future and disputation about it. It is worthy of mention that there are currently 250 jobs in this sector, with 500 other people indirectly employed. While we all pray for and aspire to achieve our commitments on our carbon footprint and work together to do so, assuming we meet all international targets by 2050 and get the job done, which we are not currently doing and the Minister's response and a new programme will be necessary, it is projected that we will still need fossil fuels for between 21% and 56% of our energy needs and will still be working to reduce them. We then become open to importing through Scotland or in a post-Brexit situation, through Russia, which is also precarious, as is the Middle East. We are putting our energy sovereignty and security at grave risk and making it subject to political currents abroad. We cannot afford to do that.

There is a well-made point that imported oil and gas comes with a greater carbon footprint. These fuels will come from countries with a much less sound environmental policy, which means we would increase the carbon footprint. The real issue is the worldwide universal carbon

footprint and our contribution to that. We are not some isolated part of that jigsaw. There is a crucial issue of price. If we import our energy and do not have a domestic supply and control, we will be subject to international pricing and cartels. That can have terrible implications for the consumer and the broader economy. That issue has to be considered. We could, in a very malign scenario in which political and economic events took a certain turn as a result of policies pursued outside the country over which we have no control, ultimately have power cuts. Those power cuts could have significant implications.

It is not that we have a difficulty with the principle involved here. We are all committed to getting climate change right. There is a universal issue which the Minister will address in a report shortly. We have to do that collectively and we are committed to it. Is this a useful tactic or instrument? It is clearly not when one thinks of our economy, energy security and environmental considerations because we will have no control over matters outside of the country.

**Deputy Eamon Ryan:** This is a significant issue of principle for the Irish political system and people. Where do we stand on climate action and what is our role in the world? The principle should be that we would keep four fifths of the known fossil fuels in the ground because that is what we know we have to do to try to maintain a safe climate. The work that 350 and other organisations have done over recent years has been significant in turning the whole environmental movement to realising that rather than putting the blame on the individual, the problem should be tackled at source. We should stop the exploration of oil and gas. That is a critical first step that we need to take. A young Swedish girl, Greta Thunberg, recently made the point that we all have to pull the emergency brake, including in this country. It is irresponsible to continue with exploration for oil and gas in a world where we know that it will go into the atmosphere for 1,000 years as carbon, which threatens all our livelihoods.

While we have to look after people's security, this country's security would be far better positioned by reducing our dependence on and use of fossil fuels. That is currently a substantial cost to our economy in health and due to pollution. The security that is promised by oil and gas companies is ephemeral and does not exist. Despite more than 150 exploration attempts in which we have treated the waters close to shore in Ireland like a pin cushion, we have only found two or three pockets of gas and no commercial oil. The prospect of any major find is minimal, with a huge cost for exploration. If we find something, it is likely to be far offshore and there is no guarantee that it will come ashore in Ireland. When one looks at the geography, it is far more likely to be processed in another jurisdiction and does not give us any security. We know that, at the same time, there are evolving technologies for the likes of offshore wind where costs are increasingly low and certain. We have probably the best offshore wind resource in the world and we should be making a principled stand that we will tap into that resource. Let us go off to the west, south-west and north coasts and get 15 GW of offshore wind power to help power the country and, indeed, part of north-west Europe in that process. We need political commitment to do that. We need to direct all our investment funds, rather than the gambling that goes into oil and gas at the present time, and steer money to that known, certain, realisable energy prospect which would have the benefit of reviving the west, north west and south west of Ireland. That is the principle we should follow.

Senator O'Reilly said we will be a price taker. We are a price taker in oil and gas because, in the past 30 or 40 years, we have made sure there are fungible international markets. It was certainly the case in oil, it was not the case in gas, but Europe has changed the rules so we now have a much more fungible gas market. In those circumstances, we are just as secure in relying on that international market as we would be thinking there would be any great security here at

home.

Senator O'Reilly spoke about our reputation being damaged and it is being severely damaged at the moment. We are seen as the worst country in Europe in tackling climate change. This initiative, along with a whole range of other initiatives we have to implement, would help turn that around. It would help to turn this country green which is where we should go and where we should be. It is the secure economy which would create jobs, particularly in rural areas in the west. We should invest in that and support this Bill. It would say a great deal about where we stand on climate if we were not to do so.

**Deputy Timmy Dooley:** Fianna Fáil supported this Bill from the start. I expressed certain concerns on Second Stage which I will address by way of amendment on Committee Stage and I still hold firm to those concerns. There are issues about whether we start by way of cliff edge or have some sunset to allow an appropriate transition, but those are matters which can be addressed on Committee Stage.

There has been good debate in the preparation of this report. There has also been some scaremongering from the industry about energy security. The reality is that, by 2025, the Corrib gas field will only be producing 20% of the gas the country will need. We will be importing gas if there are not further finds and in any event there is no guarantee we will find any more. To suggest that the passage of this Bill will threaten the security of our energy is well wide of the mark.

From a political point of view, we have to signal the direction in which we need to travel. That cannot be for consumers to decide. It is irrelevant to consumers how the electricity reaches them when they switch on a light switch or use electricity. That comes from the supply side. That is why I am convinced we need to condition the investment community away from exploration and, together with Government initiatives, tap the resource that we know is there. We do not know whether there is additional gas. There may be some small pockets thereof, but we do not know how beneficial that will be or how much is there. We know, however, that there is significant wind off the west coast. Conditions are trying and waters are deep, so current technologies have not reached the point that they can harness the energy in the way that we would want. However, we should signal to the investment community that it should support our long-term needs. The passage of this Bill, with significant amendments, would enhance that message.

I flag at this stage that, if we get this legislation to Committee Stage, I will be happy to work with Deputy Brid Smith and others to bring forward significant amendments that will provide for a staging process. I do not believe the guillotine should be dropped on day one. This should be done over a period of time with a recognised sunset, aiming towards the ending of exploration and mapping a direction towards our climate change objectives. We recognise that we have made significant commitments on milestones for the reduction of emissions by 2050 and, in line with that, we need to transition away from fossil fuels to more renewable sources of energy.

The investment community always wants certainty and, by charting a timeline, we can give that certainty and show there is an alternative sector for investment in alternative energy. We want to pass this Bill from that perspective.

**Deputy Michael Lowry:** I recognise the intent of the Bill, as does everybody on the committee, but it does nothing to reduce carbon emissions or import costs. It most definitely endangers Irish energy security.

There is also the view that the legislation bans any future exploration. It also has a significant current day impact because it would effectively prevent the commercialisation of a discovery on an existing licence. That would have implications in terms of claims and would effectively end exploration and render our energy sources completely insecure. The Oireachtas Library and Research Service has calculated that there could be a negative impact on the economy of roughly €1.7 billion or €1.8 billion per annum if the Bill is implemented.

The Bill does not take into account the potential loss of revenue from a ban on future licences, nor would it make a difference to emission levels. It fails to take into account that there must be a transition to renewables and that the transition must and will be aided by oil and gas. We must secure energy supply in the long term, particularly in the context of Brexit. Ireland needs to protect its energy resources and sources, rather than making them more vulnerable, against a backdrop of global volatility. For these reasons, I am opposed to the Bill.

**Deputy Bríd Smith:** I will quickly respond to some of what has been said. To address Deputy Stanley's comments, the Bill is linked to CO2 levels. It states that the Minister shall not issue any further licences for exploration and development as long as the parts per million of carbon are over the safe level of 350 which the figure on which science has settled. If we managed to get that number down, we could explore for and use fossil fuels. However, once that threshold has been exceeded, trying to extract more fossil fuels flies in the face of scientific logic. That is what we are attempting to do.

There have been accusations of putting the cart before the house. I would put it the other way around. We must force the State to consider the possibility of investment in renewables and other countries must do the same. I had an interesting meeting this week with ESB Networks. The company spoke about the amount of energy that goes onto the grid when the winds are high and we have storms, which we are having increasingly. There is a dynamic possibility that can be explored and exploited further and we are ignoring it.

I will visit my sister in Copenhagen over Christmas. There is nothing but wind farms in the seas off Denmark, yet wind levels in Denmark are not even a fraction of what we have here. We are an island nation on the edge of the Atlantic Ocean and we are not taking this issue seriously. This is the problem.

The Joint Committee on Climate Action last week heard from witnesses from Marine and Renewable Energy Ireland, MaREI, that the potential to invest in tidal and wave energy is enormous but no real effort is being made to provide the resources to do that and very little thought is being given to it. We must stop exploring and stop pretending that we, as a small nation, can continue to extract fossil fuels and at the same time have an impact on climate change because we cannot. It has to end and if we were to become a world leader, instead of a laggard, we would change our recently acquired reputation for the better by saying we have ended the issuing of further exploration licences. I have acquired a legal opinion. No doubt Senator McDowell and others in the committee room are much better equipped to argue legal stuff, but my legal opinion is from the Office of the Parliamentary Legal Advisor, OPLA. It states there is a very slight chance that the State will be liable for preventing the further issuing of licences. There is a small chance in the case of those who already have leases. I do not know from where the costings given to us by the Oireachtas Library and Research Service came, but we certainly did not look for them. Perhaps Deputy Lowry looked for them. They do not take account of the savings the State would make if we were to attempt to reduce our CO2 emissions by implementing this policy. We would actually save money. It is obvious to say, but there is no security, although we all go on about energy security. However, there is no security for

any person or animal or biodiversity on the planet if we hurtle towards a temperature rise of 2 degrees Celsius.

**Deputy Brian Stanley:** I want to correct what has just been said. I did not say the Bill did not make the link with increasing or reducing our greenhouse gas emissions. What I said was we needed to link the Bill with renewable energy production. That is the point I made and it does not figure in the Bill, although it is a key part of it. The two have to happen in tandem and we need to move on very quickly with the Bill. We support it proceeding.

**Chairman:** I completely agree with the intention of the Bill and the move towards a low carbon economy which is absolutely critical for Ireland. We need to be a leader in that regard. Following research I have carried out and having listened to experts in this area, I am aware that the majority say fossil fuels will play a part in our transition to a low carbon economy. When we consider Ireland as an isolated island, we have to ensure security of supply for citizens. As much as Deputy Bríd Smith, I want to see a transition to renewables, but, unfortunately, the Bill does not offer anything for the renewables sector, with which I know that the Deputy agrees and which I know that she wants to see expanded. The Bill will also not do anything to reduce our greenhouse gas emissions. The work we are doing at the special Committee on Climate Action will be more important. Fossil fuels, in particular gas, forming part of the transition will be key. Gas will be important in producing cleaner electricity. The energy policy of UCC's Centre for Marine and Renewable Energy Ireland, MaREI, states an 80% reduction in CO2 emissions by 2050 would still mean significant levels of oil and gas in our energy mix. We need to gradually reduce the level of oil we will use in the transition to a low carbon economy. For the sake of security of supply, the cost of energy and protecting the State through the transition, it is important to ensure we do everything we can. The Corrib gas field will run out in the next ten to 15 years. At present, 50% of our gas supply comes from it.

**Deputy Bríd Smith:** It meets only 10% of our demand for fossil fuels.

**Chairman:** We have to make sure we are transitioning to a low carbon economy and doing everything we can to ensure we will have that renewables balance to ensure we are protected. Citizens want us to ensure they will have the energy supply they need and to which they have a right. It is up to us, as legislators, to ensure that supply. In tandem with that, we have an obligation to meet our 2030 and 2050 targets. We need to put in place the policy direction to do it through the use of renewable energy.

**Deputy Seán Canney:** I thank the Deputies and Senators for their contributions. Tackling the problem of fossil fuels is something we will do over time. It will not happen overnight. We talk about the potential of offshore energy projects. The fact is we do not have anything that is commercial at this stage. The issue is being looked at and there are projects ongoing, but they are at development stage. Until we produce energy through these means, we cannot fall off the cliff. There are support schemes that are helping people who are investing in offshore and onshore wind energy projects. There is momentum. The Government and everybody in the House agrees that tackling climate change is the number one issue. We need to make sure it will happen in a structured way in order that we will not leave ourselves exposed. I accept that the Bill is well intentioned. When all of the pluses and minuses are added, we are in a situation where the Bill could cause a hell of a lot more problems than it would solve.

**Chairman:** Is amendment No. 1 agreed to?

**Deputy Eamon Ryan:** I will correct the Minister on the issue of offshore wind energy gen-

eration not being tested. Every other country in north west Europe has massive offshore wind energy projects. The auction system has brought the price down. There is a large supply chain. The technology has been tested and it is not uncertain. It is absolutely mainstream.

**Deputy Seán Canney:** It has not yet been fully developed for the Atlantic.

**Deputy Eamon Ryan:** That is because we have done nothing in that regard.

**Deputy Seán Canney:** We are doing things. There are projects ongoing, but they are at development stage.

**Deputy Eamon Ryan:** Perhaps if the officials with the Minister of State were to concentrate their efforts in that area, we might see progress. That is part of the problem. Our focus is on oil and gas exploration when it should be on alternatives.

**Chairman:** Is amendment No. 1 agreed to?

**Deputy Bríd Smith:** No, it is not.

**Chairman:** I think it is carried.

**Deputy Bríd Smith:** I will call a vote, but I want to make a point first. I say this for the public and not to grandstand. It looks to me like the amendment will be carried, which means that the Bill will not proceed further.

**Chairman:** We do not yet know.

**Deputy Bríd Smith:** I will make a point after the vote, depending on what happens, but there is an imbalance here.

Amendment put.

The Committee divided: Tá;, 6; Níl, 6.	
Tá;	Níl;
Burke, Colm.	Cahill, Jackie.
Canney, Seán.	Dooley, Timmy.
Lowry, Michael.	O'Sullivan, Ned.
McDowell, Michael.	Ryan, Eamon.
Naughton, Hildegarde.	Smith, Bríd.
O'Reilly, Joe.	Stanley, Brian.

Amendment declared lost.

**Chairman:** Under Standing Order 97(1), a question is negatived when there is an equality of votes.

Amendment declared lost.

**Deputy Seán Canney:** I propose that amendment No. 2 be made. It proposes to change the text of the draft report which states the Bill has broad political support from Opposition parties to state tackling climate change has the support of all parties.

**Deputy Bríd Smith:** I have no problem with the amendment as long as it starts by stating the Government believes tackling climate change has broad political support.

**Senator Joe O'Reilly:** If I understand matters correctly, going ahead with measures to make wave energy projects commercially viable using the great resource we have available and the development of offshore wind energy projects is not contradictory. We can proceed with that agenda while recognising the practical need in the interim for oil and gas exploration. The level of dependency will reduce constantly. It should be recognised that gas is a relatively benign source of energy in its carbon output compared to most fossil fuels.

**Deputy Eamon Ryan:** I cannot agree with the amendment as I do not believe there is political support from Fine Gael for climate action, even on the evidence of the discussion we have had today. Rather than get into a party political row on the matter, my concern in this process is that we are in danger of creating a new legislative stage. If we go through each of the 12 amendments in turn and vote on them, it might not be the best use of our time and resources. The committee is clearly split 50:50 down the line. I am happy to consider the amendment, but it might be better to come to the key issue - whether we want the report to proceed on Committee Stage. If we do, we can amend it on Committee Stage. If not, it must be brought to the wider Dáil Chamber. When there is a 50:50 split in the committee on such a significant Bill, we should avoid creating a new legislative phase. We should get to the nub of the issue - whether we wish to amend the overall report, given that it has to be amended. Creating a new legislative phase would not be the best precedent.

**Chairman:** We have to go through this procedure today. We have to go through the amendments and vote on them. It is up to the committee to decide what the outcome will be. I do not want to pre-empt it. Obviously, our decision will be reported to the Dáil, whatever it is.

**Deputy Timmy Dooley:** I seek clarity from the Chairman. We will go through the amendments which will either fall or be made before getting to the final draft of the report which we will receive at some point in January.

**Chairman:** Yes.

**Deputy Timmy Dooley:** I assume the committee will then decide whether the final report recommends that the Dáil should proceed.

**Chairman:** It will decide on whether to adopt the report.

**Deputy Timmy Dooley:** It will decide on the adoption of the report, which is to go to Committee Stage. There will be a vote taken by the committee on whether to recommend that the Dáil should proceed or not.

**Chairman:** To proceed or not.

**Deputy Timmy Dooley:** Okay.

**Deputy Eamon Ryan:** If I understand what Deputy Dooley is saying, it is not necessary for the committee to take that vote today. Is he suggesting that we should make whatever amendments are agreed by the committee, agree the redrafting of the report to be shortened and all the other process issues about which we have a concern, and put back the final vote on whether we agree to the Bill progressing to Committee Stage to a meeting in January?

**Deputy Timmy Dooley:** I have an open mind on it. Reading between the lines, it seems

to me that the Chair and the secretariat have decided that we cannot vote on something that has not yet been finally drafted.

**Deputy Eamon Ryan:** We would have to put it back anyway.

**Deputy Timmy Dooley:** We would have to put it back anyway.

**Deputy Eamon Ryan:** Okay. That removes my concern.

**Chairman:** We agreed earlier that we would not agree today on whether to adopt the report but rather to do so at a future meeting. However, we will deal with the amendments today. Does any other member wish to contribute? I will put the question.

**Senator Michael McDowell:** On a point of order, if we go through each of the amendments, we will be here all day voting on them.

**Deputy Bríd Smith:** Yes.

**Senator Michael McDowell:** If the committee divides on the same lines on the adoption of the report, what would the situation be then?

**Chairman:** Is the Senator asking what would happen if the committee splits 50:50 on the adoption of the report?

**Senator Michael McDowell:** If we have another session and the committee splits 50:50 on the adoption of the report, would it be adopted?

**Chairman:** No.

**Senator Michael McDowell:** What would happen?

**Deputy Bríd Smith:** It would go back to the Dáil.

**Chairman:** It is for the committee to make a decision. If there were to be a 50:50 split, the question would be considered lost. The Bill would remain with the committee. It would not proceed to the next Stage. It is up to the committee to decide what happens.

**Deputy Bríd Smith:** When the Chair says “committee”, what is she referring to?

**Chairman:** This committee.

**Deputy Bríd Smith:** Is she referring to pre-legislative scrutiny?

**Chairman:** The decision is for the committee to make.

**Deputy Bríd Smith:** The decision regards pre-legislative scrutiny. The Bill is not on Committee Stage.

**Chairman:** Yes.

**Deputy Timmy Dooley:** That is an important clarification. The Bill is still before the committee. However, if the committee cannot decide on the adoption of the report, will we be in a holding pattern waiting to come in to land? Would we have to await an election to change the dynamics of the committee?

**Deputy Bríd Smith:** We are voting on 12 amendments-----

**Deputy Timmy Dooley:** We are idling with the engine running.

**Chairman:** We need to decide whether to adopt the report. However, we earlier decided not to do so at this meeting. We will go through the amendments today and, when the committee reconvenes in the new year, it will decide whether to adopt the report.

**Deputy Timmy Dooley:** It seems to me that the dynamic of the committee will not change over the coming months. The committee and the secretariat can busy themselves dotting the i's and crossing the t's, but in January, February or March, the numbers will be the same and we would reach the same decision. I do not have a predetermined position on the matter. Would it be better to address the question today and reach a conclusion in light of the split in the committee numbers or should members go off and get busy on this in the knowledge that we will come back and reach the same conclusion?

**Chairman:** That is for the committee to decide.

**Senator Michael McDowell:** I am trying to save time for the committee. The amendments in my name regard the basic principle of the Bill. If the committee is not going to reach decisions favourable to my amendments today, there is not much point in debating them in the light of the numbers. Perhaps we should briefly explore whether any of the amendments could be made by consent and then come back to consider the amended report rather than have vote after vote on the principle of the Bill, which would be futile.

**Deputy Eamon Ryan:** Agreed.

**Deputy Michael Lowry:** Did Deputy Bríd Smith state at the outset that some amendments are not contentious? Could we agree those amendments which can be agreed and then decide how to deal with the balance?

**Chairman:** Do members wish me to go through the amendments one by one or do members wish to withdraw amendments? I am trying to understand what it is that members are requesting.

**Deputy Bríd Smith:** May I make a proposal?

**Chairman:** Do members wish to withdraw the amendments? The committee may choose not to adopt the report. I do not know exactly what request is being made.

**Deputy Bríd Smith:** May I make a proposal? The amendments have been tabled by the Minister of State, Deputy Canney, and by Senator McDowell. The committee split 50:50 on the first amendment, which proposed that the Bill proceed no further. The only thing that has changed is the position of the Chair, who in the original report agreed that the Bill should proceed to the next Stage.

**Chairman:** It proceeded to the next stage, which was pre-legislative scrutiny. The committee had a very lengthy debate in which both sides of the argument were put forward.

**Deputy Bríd Smith:** Yes.

**Chairman:** That is what I wanted - a robust discussion of the Bill.

**Deputy Bríd Smith:** In the report that was circulated in November, the Chair recommend-

ed that the Bill progress to the next Stage.

**Chairman:** And that is where we are.

**Deputy Bríd Smith:** The Chair is now changing her mind.

**Chairman:** No, absolutely not. This is the next stage.

**Deputy Bríd Smith:** This is the next stage.

**Chairman:** Yes.

**Deputy Bríd Smith:** Okay. The Chair's position has not changed.

**Chairman:** This is the democratic process. We are going through the amendments one by one. I want to know the view of the committee as to whether I ought to go through the amendments one by one. If the committee is split on the amendments, they will all be-----

**Deputy Bríd Smith:** I ask Senator McDowell to withdraw his amendments.

**Senator Michael McDowell:** If the committee is going to split 50:50 on each amendment, I will withdraw my amendments.

**Deputy Bríd Smith:** I ask the Minister of State, Deputy Canney, to withdraw his amendments also.

**Chairman:** What does Deputy Smith want to do then? Does she wish to put a question on the adoption of the report?

**Deputy Brian Stanley:** Obviously, there are two very different positions here. The amendments of Senator McDowell or the Minister of State would basically kill the Bill at this stage. The committee is split. Six members want the Bill to proceed. While I do not wish to speak for other members, some may agree to the Bill being amended on a further Stage. It would be a pity for the Bill to be killed off because it is well intentioned. There is an urgency on this matter in the light of the facts and figures presented at the recent climate change conference in Poland. We must get on with dealing with this issue.

**Chairman:** What does the Deputy suggest?

**Deputy Brian Stanley:** The Bill has the potential to address it.

**Chairman:** What does the Deputy suggest that the committee should do?

**Deputy Brian Stanley:** I suggest that the Bill be allowed to progress on the basis that it will be substantially amended on Committee Stage. It is very simple. The proposed amendments would stop the Bill in its tracks. I am taking at face value the statements of the Minister of State and the Government regarding their wish to accelerate the pace at which we adopt renewable energy. I accept that. However, that process needs to be accelerated and brought on further. I suggest that we allow the Bill-----

**Chairman:** The Deputy is asking the Minister of State and Senator McDowell to withdraw their amendments and allow the Bill to proceed.

**Deputy Brian Stanley:** I ask them to withdraw their amendments.

**Chairman:** Is that what the Deputy is suggesting?

**Deputy Brian Stanley:** Yes, that is exactly what I suggest.

**Chairman:** Okay. I will put that to the-----

**Deputy Eamon Ryan:** Deputy Smith stated that she would accept some of the amendments. I ask her to indicate those to which she was referring. It would be better to decide on the fundamental issue now. The report would have to be redrafted for the shortening exercise that was mentioned earlier, but I think it would be better for the committee to take that vote now rather than waiting until January. We will come back with a further revised report. Our message to the Dáil in that regard would be that the committee was not able to decide on the adoption of that report. I think the Dáil should decide where we would proceed from there.

**Senator Michael McDowell:** My proposal is-----

**Chairman:** Before the Senator continues, I wish to point out in regard to the Dáil deciding that, according to procedure, the Dáil would put the matter back to the committee. This issue would not be decided by the Dáil. It was sent to the committee to undergo this process. I call Senator McDowell.

**Senator Michael McDowell:** I am prepared to withdraw the amendments in my name. I have not spoken to the Minister of State on the matter but perhaps he would be willing to do the same and the committee could take a simple decision on whether it adopts the report-----

**Deputy Timmy Dooley:** Yes.

**Senator Michael McDowell:** -----without amendment. If it is not adopted, that is the end of the matter.

**Deputy Timmy Dooley:** Correct. If it is adopted, we will drive on.

**Chairman:** It has been proposed that the Minister of State and Senator McDowell withdraw all amendments and the question on whether to adopt the report be put. Are there any other suggestions? Is that agreed? Agreed. The question then is: "That the draft report be adopted." Is that agreed?

**Deputy Bríd Smith:** I have a procedural question. The Chairman said this will go back to the Dáil and then straight back here. Will it not go to the select committee?

**Chairman:** No. It is with the joint committee at the moment. As such, we cannot just send it back to the Dáil as it will say we have not made a decision on it and send it back to us.

**Deputy Bríd Smith:** In that case, it will send it back to a different committee.

**Chairman:** No. It is our committee.

**Deputy Eamon Ryan:** The question is whether, given the 50:50 split here, the Dáil can make a decision that it wants the Bill to proceed to Committee Stage.

Question put.

The Committee divided: Tá;, 6; Níl, 6.	
Tá;	Níl;

Cahill, Jackie.	Burke, Colm.
Dooley, Timmy.	Canney, Seán.
O’Sullivan, Ned.	Lowry, Michael.
Ryan, Eamon.	McDowell, Michael.
Smith, Bríd.	Naughton, Hildegarde.
Stanley, Brian.	O’Reilly, Joe.

Question declared lost.

Question declared lost.

**Chairman:** That completes our consideration of this draft report. I propose to adjourn the joint committee until-----

**Deputy Bríd Smith:** We need to get some clarity before we adjourn. This is extremely confusing. I am in my first term as a Deputy. I am not the only person in this room who is confused. The Chair is confused and the Deputies and Senators sitting around me are confused. What happens now? We have had a tied vote on the substantive issue. The amendments were withdrawn. We have had a tied vote on what to do next.

**Chairman:** No decision has been made. The proposal to adopt the report has been lost. This means that the matter stays with the committee. There is no report back to the Dáil. The committee has not made a decision on whether to adopt-----

**Deputy Bríd Smith:** I want to make a comment on this.

**Chairman:** It has been lost following a tied vote.

**Deputy Bríd Smith:** It is-----

**Chairman:** It is up to the committee-----

**Deputy Bríd Smith:** I am sorry, but it is outrageous that a proposal relating to legislation on what is the most challenging issue facing this country and the globe, as we have heard from David Attenborough, the Intergovernmental Panel on Climate Change and students in Sweden-----

**Chairman:** Sorry, this is-----

**Deputy Bríd Smith:** -----has been decided on by three Senators who are not elected by means of a popular vote of the people.

**Senator Joe O’Reilly:** That is an outrageous comment.

**Deputy Bríd Smith:** It is outrageous that this has been allowed to happen.

**Chairman:** That is not fair.

**Deputy Bríd Smith:** It is fair. It is absolutely fair.

**Chairman:** We are running a democratic institution here.

**Deputy Bríd Smith:** We are in a procedural cul-de-sac.

**Chairman:** We are in Leinster House. The Oireachtas-----

**Deputy Bríd Smith:** It is anti-democratic.

**Chairman:** That is out of line. We are in Leinster House here. The Oireachtas is made up of Deputies and Senators. We have followed the procedure of this committee. I ask the Deputy not to talk about our colleagues here-----

**Deputy Bríd Smith:** I am talking about the issue.

**Chairman:** There was a vote.

**Deputy Bríd Smith:** I have no problem with the gentlemen involved.

**Chairman:** Everyone is entitled to come in.

**Deputy Bríd Smith:** I am talking about the issue.

**Chairman:** Every Deputy or Senator is entitled to send in a substitute. That is the process.

**Deputy Bríd Smith:** The Chair does not even know the procedure properly.

**Chairman:** I am telling the Deputy the procedure, which is that the matter is with the committee now. It does not go to the Dáil. It is up to the committee to decide how we want to proceed in this regard.

**Deputy Eamon Ryan:** We are dealing with very difficult procedural issues. This is not insignificant. The difficulty is that both the Seanad and the Dáil are rightly represented on this committee. This legislation might have to go to both Houses. I am of the view that it must do so because another environmental Bill cannot be stalled in procedural glue.

**Deputy Bríd Smith:** It is shocking.

**Deputy Eamon Ryan:** If we can get direction from both Houses regarding what we should do next, we might get a way out of the impasse. I would hate to see the Bill stuck dead in no man's land because that would not suit or serve anyone's purpose. Each group here is represented in the Dáil and in the Seanad. I think both Houses should consider what we need to do in this regard. If both Houses can agree that the Bill should proceed to Committee Stage, that will give this committee a mechanism to consider it.

**Deputy Timmy Dooley:** I would like to get some clarity. There is almost a belief that the Bill is now residing in some kind of purgatory.

**Deputy Bríd Smith:** Or in limbo.

**Deputy Timmy Dooley:** Or in limbo. I understand that is not the case. A proposal was made and, unfortunately, it was defeated. It was not that we did not agree. Following a tight vote, it was defeated under the procedures of the committee. Perhaps we can get some clarity from the secretariat in due course. My understanding is that the report falls, unfortunately. In effect, it has been defeated. That is the procedure, regardless of whether we like it. I certainly do not like it because I wanted the Bill to proceed. I had issues with it, but I was happy to seek to amend it. Clarity is needed so that we do not give people false hope that the Bill is somehow

hovering in a waiting pattern and can be advanced with some other organ of Parliament. My understanding is that this cannot happen.

This really is a sad day. It is a sad outcome from all the work we have done. We should go out the door knowing that. We have no choice but to accept the democratic legitimacy of the committee structure. Obviously, we will have an opportunity to address that elsewhere. As somebody who is really interested in addressing the issue of climate change, I recognise that the battle goes on. It is not going to be easy. Vested interests are working against-----

**Deputy Bríd Smith:** Has a Bill ever been sent into limbo in this manner previously?

**Chairman:** For clarity, the report has fallen at this committee. However, the committee has the power to work on legislation in the future.

**Senator Joe O'Reilly:** We cannot do it all.

**Deputy Brian Stanley:** The Bill passed Second Stage in the Dáil. I want to see it progressing with amendments. We have not been able to agree on the report. It has been defeated following a tied vote. The Chair used the weight of her casting vote to defeat it. That is the situation we are in here now. The Bill is still here on Committee Stage.

**Deputy Michael Lowry:** It is not.

**Deputy Brian Stanley:** I understand we are now free to amend the Bill on Committee Stage if we want to do so.

**Chairman:** We have to produce a report. We voted on the draft report and that draft report has fallen.

**Deputy Brian Stanley:** I would like to clarify this so that we are crystal clear.

**Deputy Bríd Smith:** There is no report.

**Deputy Brian Stanley:** A previous speaker seemed to indicate that there may be a way to keep the Bill alive. Is it procedurally possible for us to do something with this Bill on Committee Stage? Can we amend it to get it back into the Dáil or Seanad?

**Senator Michael McDowell:** Perhaps the Chairman will indicate whether I am right in my understanding that the Bill is still with this committee.

**Chairman:** Yes.

**Senator Michael McDowell:** It is open to us to look at the Bill again and to say we want a different report setting out the circumstances in which the Bill might be proceeded with, perhaps after being amended in a certain way.

**Chairman:** Yes.

**Senator Michael McDowell:** If somebody draws up a report of that kind, we could reconsider the matter at a future stage. It is not as if the Bill has been killed stone dead.

**Chairman:** Yes.

**Senator Michael McDowell:** A different report will have to accompany the Bill to the Dáil. That report could recommend that the Bill should go to the next stage subject to certain

changes.

**Chairman:** Exactly. The Bill is still with the committee. The draft report has fallen but the Bill is still with the committee.

**Deputy Eamon Ryan:** As I understand it, a precedent was set when the health committee directly voted against a Bill in the name of Deputy Gino Kenny, only for a Dáil vote to resurrect that Bill. This is procedurally very complex. I intend to raise it at the Committee on Procedure and at the Business Committee to see whether it is possible for a mechanism such as that which I have mentioned to be used in this case. I imagine that if it is possible, we will have to get some sort of Seanad approval as well because we do not want to disrespect the Upper House. The worst possible outcome would be to leave it dead here-----

**Senator Michael McDowell:** I did not suggest that.

**Deputy Eamon Ryan:** -----or in limbo.

**Chairman:** That is not what is happening. I want to clarify that the Bill is still with the committee.

**Deputy Timmy Dooley:** We need to get some clarity from the secretariat on another occasion.

**Chairman:** Yes, on another occasion.

**Deputy Bríd Smith:** It seems that there is utter confusion. Everyone has a different story, regardless of how experienced or inexperienced he or she is. I understand from a principal officer who phoned me several times yesterday that he will prepare a different kind of report, which will be much more slimmed down and which will contain different language. In that report, different i's will be dotted and different t's will be crossed. I would like to see that report. I would like it to come back before this committee. We have just got rid of all the amendments, but we still have to get the report from Tom Malone.

**Chairman:** We have just voted on the question that the draft report be agreed to. We said in that vote that we would not look at the draft again. It has already been voted down by the committee. However, I must come back to Senator McDowell's point that the Bill proposed by Deputy Bríd Smith is still before the committee. It is up to the committee to decide how it would like to proceed in this regard. The draft report fell here, but the Bill is still with the committee. I am afraid that is the procedure. I did not make up the rules; that is just the procedure.

The joint committee adjourned at 2.10 p.m. until Tuesday, 22 January 2019.