



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*  
(OFFICIAL REPORT—*Unrevised*)

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## SEANAD ÉIREANN

*Dé hAoine, 25 Meitheamh 2021*

*Friday, 25 June 2021*

Chuaigh an Cathaoirleach i gceannas ar 9.30 a.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### Teachtaireachtaí ón Dáil - Messages from Dáil

**An Cathaoirleach:** Dáil Éireann passed the Residential Tenancies (No. 2) Bill 2021 on 23 June 2021, to which the agreement of Seanad Éireann is desired. Dáil Éireann also passed the Sale of Tickets (Cultural, Entertainment, Recreational and Sporting Events) Bill 2021 on 23 June 2021, to which the agreement of Seanad Éireann is desired.

### Gnó an tSeanaid - Business of Seanad

**Senator Jerry Buttimer:** I propose that notwithstanding the order of the Seanad of Tuesday, 22 June 2021, the proceedings on the Climate Action and Low Carbon Development (Amendment) Bill 2021 shall be interrupted after 20 speakers for 30 minutes, to allow for the sanitisation of the Chamber, and the order of debate shall resume thereafter.

**An Cathaoirleach:** Is that agreed? Agreed.

Today is Slovenian national day. It celebrates 30 years of independence, with its statehood day, *Dan državnosti*. Ireland and Slovenia have since developed cultural, business and sporting links. The reopening this year by Slovenia of its embassy in Dublin is warmly welcome. It will help facilitate the development of even closer ties between our two countries. Since Slovenia's accession to the European Union in 2004, during Ireland's Presidency of the European Council, our two countries have developed a close partnership. I, therefore, take this opportunity to extend to Ambassador Stanislav Vidovič, the team in the embassy in Dublin and the Slovenian community in Ireland, congratulations on the special 30th anniversary of their independence. *estitke za Dan državnosti*.

I thank the Minister, Deputy Ryan, for being in the House today and know he will join us in congratulating Slovenia on its 30 years of independence.

**Climate Action and Low Carbon Development (Amendment) Bill 2021: Second Stage  
(Resumed)**

Question again proposed: “That the Bill be now read a Second Time.”

**Senator Erin McGreehan:** The Minister is very welcome to the House. It is a privilege for me to speak on this Bill. This is the beginning of something exciting and is working towards a cleaner and more sustainable future. It will strengthen the statutory framework for governance of climate action by the State in order to achieve carbon neutrality by 2050. It will drive the implementation of that suite of policies that will help us as a nation to achieve those goals. It is an exciting time.

I was thinking yesterday about how far we have come. It brings me back to the late 1990s, when I was in school. I was so frustrated with the waste that we produced that I began a campaign and petition for a recycle bin. That is how basic it was back in the late 1990s. It was such a new concept to my school that I had to start a campaign for a green team. My goal was to get people to understand the importance of reducing waste, to “reduce”, “reuse” and “recycle” - those three words that we have come to know so well - protecting our environment and taking part in those projects regarding the destruction of our air and water quality. The simplicity of my school project pales in comparison with the children’s green schools’ projects now. They are so far advanced from where we were 20 years ago and it is wonderful.

This Bill is not really for us, but for our children. It will result in our children growing up and growing older in a far cleaner and better country. We all accept there is a huge urgency to address climate change. However, I stress that it must be done in an equitable, sustainable and fair way. People are happy to take actions to deal with the issue of climate change. The only downside for people is the fear that they will not be able to afford to survive. The State has a huge body of work to do to bring about climate justice. Older people and people on lower incomes are worried about the costs this is going put them. Fuel poverty is one of the biggest concerns globally.

This fair and equitable transition is critical to bringing people with us. Climate adaption cannot just be for families who can afford to be climate neutral or who have the privilege of being able to afford an electric car or sustainable option to heat and power their homes. It is not a luxury, it is a necessity. We need to work really hard to ensure no one suffers because they cannot afford the upgrades or transition. We need to ramp up our investment in retrofitting and be far more creative in how we enable citizens to upgrade their homes. It is not a time for piecemeal changes.

Sometimes there is a lot of hypocrisy. So many people see raw sewage going into our waterways, the lack of proper incentives to reduce our waste, the lack of movement on the banning of smoky fuels and the EU signing up to the Mercosur deal to bring beef into Europe. These contradictions and hypocrisy get people’s backs up and often reduce their buy-in to the concept of achieving carbon neutrality. In their gut, they want to create a carbon-neutral State but are afraid of the financial consequences for them.

Rural Ireland is sometimes used as a scapegoat. The country is predominantly rural. Our mountains, rivers, farmland and forests are our capital and comprise the most basic infrastructure we need to fight against climate change. I am genuinely sick of some sectors and stakeholders blaming and placing all the responsibility on rural dwellers, including those in one-off

housing. Farmers are blamed but, with assistance and support, they could continue to improve, safeguard and protect the natural environment and, therefore, reduce and sequester our carbon emissions. Let us not forget that our agrifood sector is one of the most efficient and sustainable in all of Europe, if not the world. Our agrifood sector is one of the most important indigenous manufacturing sectors, accounting for the employment of around 167,000 people. There are almost 700 food and drink firms throughout the country that export food, including seafood, to more than 160 countries. Economic activity in the agrifood sector provides a far bigger return than equivalent activity in other traded sectors of the economy. That is because agrifood companies source 74% of raw materials from Irish suppliers. By comparison, the rate for other manufacturing companies is 43%.

We will ask our farmers and other citizens to make huge changes. We will also ask our multinationals to do so. However, asking a farmer to make changes and asking a multinational to make changes are not comparable. Most farms in this country are small and owned by families. I am sure that if the State invested in research to find out how much carbon these small family farms produce and sequester, we would find out that most are carbon neutral. It is important that we protect not only our environment but also this indigenous industry. It is our largest industry and one I am very proud of. I come from a family of very fine beef and lamb producers in the Cooley Mountains. I consider what we produce and do and look at the land and hedgerows. An ash tree can sequester up to 60 kg of carbon annually. Research shows that it takes 23 kg of carbon to get a beef cow to slaughter. There are many more ash trees on a farm than there are beef cattle so it is not a simple matter. We have so much work to do.

Even if in ten years we discover that there was a mistake in the science and mathematics and that climate change is not an emergency, we will still have a far better country. We will have cleaner air and water. Therefore, it is really good that we have this Bill. It is a fantastic Bill but we just need to ensure that we protect the vulnerable and rural Ireland.

**Senator Vincent P. Martin:** Without exaggeration, this is an historic time for Ireland, including its Legislature. We are standing up, our voice is being heard and we are translating words into actions. Our voices are being heard and we are translating words into action. We are placing our targets on a statutory footing for the first time. That has massive import. It is an unfair comparison when looking at the greatest challenge facing humanity, but the seismic change it made when we introduced personal insolvency on a statutory footing in Ireland was a game changer. Suddenly, creditors were tied in in a statutory way and the agreements reached with borrowers were unrecognisable from their voluntary efforts. Therefore, the locking in of targets and our approach to this issue, including the approach of each Department, the budgetary approach, on a statutory level, is monumental.

This is a proud day for Ireland, but I could not let the moment pass without mentioning people, past and present, in politics and the environmental movement. Each and every one should take a bow. I will mention three today. They are the three leaders of the Green Party, Comhaontas Glas, in my lifetime here, former Deputies Trevor Sargent and John Gormley, and in particular, my good friend and colleague, Deputy Eamon Ryan, who has seen this through to the end. He deserves great credit for it.

Nine out of ten of us breath unhealthy air. Air pollution from fossil fuel combustion kills over 7 million people each year, according to Sir David Attenborough and, on average, takes three years' life expectancy from each one of us.

I would like to acknowledge the work in County Kildare of the Climate Response Ireland group, founded by Kevin Mullen, ably assisted by Councillors Vanessa Liston, Peter Hamilton, Keith Costigan, Niall Stafford, Alan Kelly and many others. They have put over a dozen air monitors throughout County Kildare. The results can be found on their website, *climatereponse.ie*. The news is not good. If ever one wants to see an example of a local concern that this affects us all, just look at what is predominantly a brilliant Celbridge initiative. I look forward to inviting the Minister for the Environment, Climate and Communications to Kildare to introduce him to the wonderful voluntary workers, who yesterday announced an exciting partnership with Maynooth university, where they will be developing a prototype filtration device to assess the particulate matter, the concerns, and how we can alleviate it in simple domestic boilers. The evidence is that when traffic is at its heaviest at school collection points, the air is unhealthy.

On the previous occasion that we discussed this legislation, due to Covid restrictions I could not be in the Chamber. However, I was listening attentively and watching it on my monitor in my office located nearby. It was said or implied that we are losing the run of ourselves in respect of tackling climate change because Ireland is a small country. Some asked: “What about China?” The reality is that emissions in China are very high per capita, at 7.38 tonnes per person, but Ireland’s emissions are 8.32 tonnes per person. As Senator Higgins highlighted in the last debate, Malawi, in comparison, has emissions of 0.11 tonnes per person. In 2014, I was stunned by the findings of the Trócaire report, which stated that Ireland’s carbon emissions are equal to that of 400 million of the world’s poorest people.

Therefore, I do not buy into the idea that Ireland is a small player in climate change. I believe in moral leadership. The idea that simply because of the size of our population, we can stand idly by, we are not a player and it makes no difference what we do, does not make sense to me as moral leadership. The statistics also do not reflect that. The domino effect of any country taking it easy could be catastrophic. Ireland is now proudly moving away from being a laggard and there is still hope. However, phasing out the vital zero emissions as this Bill proposes to do will not be enough. We must draw down the carbon which is already overheating the planet. Capturing this carbon will be essential. I know this message will be music to the ears of Senator McGreehan. I urge people to plant trees. It is not just for the carbon sinks; they do so much more for the quality of water and for the moisture in the soil.

Today is a proud day for the Irish Parliament and our parliamentary system. In the long term this should be front and centre of the UN Security Council. This is the greatest war of all and the greatest challenge facing humanity. Every individual and every country, big and small, must step up. Ireland is proudly stepping up today as we pass this historic legislation.

**Senator Regina Doherty:** I am very happy to contribute to this debate. As we move closer to the light at the end of the tunnel that has been the horrible 16 months of the Covid pandemic, we are all reminded of this next global crisis, the one we were facing long before we ever knew what the word “Covid” meant, counted daily numbers or restricted our movements. It is one that we will face long after Covid has hopefully gone. The pandemic showed us how quickly the world can respond to an emergency when it is staring us right in the face. Within months, we had vaccine trials up and running and we will have the full roll-out within a year. The same urgency needs to be focused on the world’s greatest ever challenge, climate change.

Society, including legislators here and around the world, have either somewhat ignored or underappreciated the impact of climate emergency for far too long. It requires significant and

immediate action to cut our carbon emissions, and change how we live and work on the planet. I am very proud to have been part of the Cabinet that introduced the Climate Action and Low Carbon Development Act 2015 under initially the then Minister, Deputy Denis Naughten, and subsequently the then Minister, Deputy Bruton. I am very proud to be part of this Oireachtas as it seeks to expand and increase the impact of our actions.

The Bill before us today greatly strengthens our response to the climate emergency. It commits us to being climate neutral by 2050. It provides a legal requirement for carbon budgets. It increases accountability of the current Government and Ministers and all future governments and Ministers. It obliges public bodies take account of and responsibility for their own climate action plans. The urgency to address climate change, but in an equitable, sustainable and fair way, informed by science, is at the heart of the Bill. In addition to being sustainable it must also be socially, economically and environmentally fair.

While Ireland has no big industry, as other EU countries have, possibly the largest sector that can both have an impact and be impacted by the Bill is our farming community. As I see it, the most important stakeholders in the Bill are our farmers who, with the will and the right supports, will play a crucial role in the country reaching its targets by 2050. I have concerns that, as a major stakeholder, the farming community has not been brought along with us as a partner to the Bill which is needed. We all know that farmers know the land and the climate better than anybody else in this country. They see the changes at first hand and know how important taking action will be. This is not something that will happen in the future; it is something that is already happening and has involved our farming community for years. Due to the nature of the changes farmers make and the difficulty of measuring the impacts, I believe farmers have not received the recognition for their efforts that they should have.

One of the biggest weapons to ensure climate neutrality by 2050 will be carbon sequestration or removals. That will only happen with the support of the farming community. Regarding the climate budgets mentioned in the Bill, carbon removals are only ever implied which is not enough. The importance of removal warrants its explicit inclusion in the Bill. As a country so proud of supporting and buying local produce, I believe further work is needed in the area of carbon leakage. There should be strong measures in place, possibly including our own legislation, to ensure the changes we make do not have unintended consequences for farmers elsewhere in the world with less restrictions, farming in a more environmentally damaging way and shipping their product halfway across the world to Dublin Port. Not only would this completely undo our efforts to combat the climate emergency, we would have destroyed our own farming industry in the process. I do not think that makes sense to anybody.

The only way to tackle the climate emergency is by taking meaningful action. With this Bill, the Government commits itself and the next 30 years of Governments to taking the necessary action to restore and preserve the planet for our children's children. Government, industry, business and society must work together in a fair and equitable way to achieve the goals set out. These are the targets we must achieve and I believe this Bill is an important step towards doing that.

**Senator Mary Fitzpatrick:** I welcome the Minister and congratulate him and everybody in the Green Party, for whom this must be a proud time, given the many decades it has been campaigning. It is a proud time for everybody around the country who, in a big and small way, has contributed to getting us to where we are. This is a historic piece of legislation and one that hopefully will serve generations to come, including my children, their children, whoever. It is

important that we get this right.

I commend everybody on the joint Oireachtas committee who engaged in very intense pre-legislative scrutiny. My understanding is the committee met five days a week and more than 78 amendments were adopted in the legislation. The legislation has been considerably strengthened since last October and that is an achievement of this coalition. This legislation reflects commitments in the programme for Government to achieve carbon neutrality by 2050 and to reduce our carbon emissions by 51% by 2030. That is an important milestone and it is important there will be the climate action plan and the carbon budgets. There will be five-yearly budgets and annual reviews. All of this focus on not just aspiring to achieve climate resilience and make us a climate resilient island, but to target, measure and count it is important. What is counted actually gets done.

I commend everybody who has got this legislation this far. I am proud to have the opportunity to speak in support of it, and to support the Minister and the Government, to work with everybody within and outside of Government to ensure this legislation does not just adorn our Statute Book but delivers for our society and communities across the country.

Others have spoken about their communities. I am a townie so I will talk about city issues. We can achieve many great objectives through this legislation and other policy changes. The Minister is doing tremendous work on public transport and I commend him for that. Covid has shown how the city has changed. The streets have been largely deserted, apart from essential movements, for most of the pandemic. In that time, the city council and local authorities around the country, to their credit, have taken the opportunity to create safer and greater space for pedestrians and cyclists. That is the most healthy and sustainable form of movement. It is good for us individually and for our environment. They are to be commended.

We need to go much further, as the Minister knows. I encourage him to continue to invest and to support our local authorities to increase the space for cycling and pedestrians and to give motorists an alternative. The National Transport Authority, Transport Infrastructure Ireland and the Department of Transport are doing great work in progressing public transportation infrastructure. I saw the Minister was out this week launching the first spine of the BusConnects out to Howth.

*10 o'clock*

That is a welcome development in terms of eight-minute buses as part of a high-frequency, reliable bus service. What is not to like? Come October, there will also be the new ticketing system and 90-minute fare system. That will be welcomed by people. It will make using public transportation much more affordable in the city. We will be able to transfer from one route to another.

I want to talk specifically about the proposals to upgrade the DART, especially the DART+ south west project, which will come from Hazelhatch to the city and connect, in my constituency, at Cross Guns Bridge on the Phibsborough-Glasnevin border, where there is also a proposal for a MetroLink station and we already have what will become the DART Maynooth line and the main line rail for Sligo running through there. It has huge potential.

The DART+ south west route coming across, I am sad to say, does not include a stop in Cabra. The Minister can look at the route himself. There is a huge opportunity for us. There is a spot in Cabra at the old cement silo site off the Cabra road. The rail line runs through the site

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and it has a catchment area of tens of thousands of people. We need to give people in the city not just the infrastructure but the access to the infrastructure. I ask the Minister to examine the possibility of a stop in Cabra on the proposed DART+ south west route.

I would like to return to two other public transport-related issues. One of them is the MetroLink stop. The MetroLink is a huge infrastructure project which will have the potential to give hundreds of thousands of people the opportunity to ditch the car and use public transport. The route, as currently proposed, calls for an intervention shaft at Albert College in Glasnevin-Ballymun. That is essential because of the way the route is being proposed and I do not dispute that.

However, this infrastructure will be there for at least 100 years and maybe longer. I ask the Minister to give us a station instead of an intervention shaft, to let the people in that area be able to get onto the MetroLink, as opposed to hearing it rumble underground through their park and having the fumes and emissions come out of it. I am wholly supportive of it as a proposal, but I would appreciate if we could be a little bit more ambitious - I ask the Cathaoirleach to give me a moment - and give people access to the MetroLink by giving them a stop instead of an intervention shaft.

I think the other speakers are not here, Cathaoirleach. I will be one moment and I promise-----

**Acting Chairperson (Senator Pat Casey):** They could be in here and Senator Fitzpatrick is taking away from their time.

**Senator Mary Fitzpatrick:** Okay.

**Acting Chairperson (Senator Pat Casey):** Senator Boyhan has six minutes.

**Senator Victor Boyhan:** I welcome the Minister, Deputy Eamon Ryan, to the House. With regard to today's newspapers, I thank the Minister, Deputy Ryan, for his announcement and approval of the €1.46 million for the Royal Canal greenway, which relates to the mid-Shannon wilderness eco-park project. It is a fantastic project being promoted by Longford County Council and is covered in all of the media today. It highlights and ties in with our conversation in terms of greenways, blueways and extra employment opportunities which have been promised as a result of the follow-through of this legislation.

We have to look at alternatives, especially in rural parts of this country and where people can develop other soft, support industries to supplement their agriculture. I am speaking as a member of the Oireachtas Joint Committee on Agriculture, Food and the Marine but I am also a professional horticulturalist and hugely committed to the green and environmental way. I thank the Oireachtas joint committee for the enormous amount of work it has done, across the House.

I also thank the environmental activists, the people who joined the Minister's party in large numbers. They became politicised by their involvement in the environmental area and found a political home within the Green Party. There have been difficulties for some of them. I know many of them personally. I hope they do not all give up heart. I say to people, stick with it. None of us gets everything through, but we should stick with it. We have to be realistic.

Deputy Eamon Ryan is the Minister today because of the mandate the people of this country, especially young people, who came out in vast numbers in the last general election to support

the Minister, his party, its manifesto and its ambition. That is the reality of it and we have to work with that and I am happy to work with that too. I refer to the pragmatism of his party and its members and supporters and those in the environmental sector who had to take a leap of faith but stuck with it and continue to be involved in environmental activism. They are the people who have championed this Bill and I acknowledge that because it is important. Many of those people involved are personal friends of mine and I have worked with many of them. It was interesting that this morning's national papers covered the strategic environmental assessment report. For people who do not know, they should be aware that it was published today in relation to this Bill. There is a consultation process ongoing here and that is particularly important.

I thank the committee for its work. As a member of the Oireachtas Joint Committee on Agriculture, Food and the Marine, I welcome the importance put on the ambition to find alternative sources of income and an alternative space for people in agriculture. Farmers will have to be substantially financially supported, as I have said before, to assist in the just transition. The Minister has acknowledged this, and it is something that must be highlighted. Recently, the Taoiseach spoke of the importance of the tens of thousands of jobs potentially coming out of this just transition, this climate action Bill. He spoke about new green jobs and increased employment in agriculture, and I welcome that.

Farmers also know that climate change is inextricably linked to their work, their life. Farmers have ambitions too, let us not forget that, not just to produce food but to do so in a sustainable and a productive manner. As I said, farmers will need substantial financial supports, but the just transition in itself is not an option, it is not an add-on. It is an absolutely essential and legally binding obligation of Ireland's adoption of the Paris Agreement.

I also thank the Minister and the Government for the amazing policy document on Our Rural Future. Sometimes we get lost in aspects of Government policy but this is a critically important aspect. What I really like about this document is that it contains the sustainable development goals. It is one of the first documents I have seen that in the margins of every action, the sustainable goals are ticked off throughout the document. That is important and it should be in every Bill we go through.

There are important things happening and there are difficulties. It was disappointing - I want to acknowledge that here - that Deputies did not get the real opportunity they wanted. However, that is another House and I am not a Member of Dáil Éireann. I have prepared a number of amendments which I hope we will have the time to debate. I hope we will not leave in a few weeks' time and say that the Seanad did not have the opportunity to voice its concerns. Let us not lock people out from debate and dialogue. Let us bring them with us. I know the Minister will be interested to hear us. I hope and expect - I am confident enough in the Minister - that he will give us a good hearing. However, for Ministers to come into this House, as so many do, and say "No, no, no" and read scripts, it is very disappointing particularly when one is in the minority and in opposition. The Minister and Senator Martin stood up for long enough and saw what happened.

In wrapping up, I refer to the Common Agricultural Policy, CAP. It presents significant opportunities and the Government is at the table and, indeed, our Minister is heading to Luxembourg in the coming days. It is important that we strike a tough and a hard bargain in getting additional resources to support our farmers to change course in a more sustainable way for certain practices that are of critical importance to farming.

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A mere 2% of land used in agriculture here is for organics. We need to drive organics through education, knowledge transfer, apprenticeships and partnerships. We must be much more ambitious in relation to organics in agriculture, horticulture and, indeed, in forestry.

**Senator Emer Currie:** My children will thank us for this Bill. They stood outside their schools shouting “What do we want? Climate Action. When do we want it? Now.” They started doing that when they were four and six years of age. In 2050, they will be 37 and 35 and because of this law, their children will not have to do that same thing. We will have a climate resilient biodiversity-rich environmentally sustainable and climate neutral economy. This is their guarantee that we will act. This is our national climate objective. By the end of this decade, we will have achieved a 51% reduction in carbon emissions, as enshrined in law, backed up by two five-year carbon budgets. We will achieve that through the framework set out in this Bill, meeting our international and EU commitments and becoming a leader in climate action. We are talking mainly in legal terms this morning but this is all about empowering people to make the changes they need to make in their everyday lives, whether that is transport, cycling to school, working closer to home or getting rid of waste sustainably. All those things are what will make this real for people.

To focus more on the legal side, the actions for each sector will be detailed in a climate action plan which will be updated annually. The Ministers will be responsible for achieving the legally binding targets for their areas and those targets and actions will go before an Oireachtas committee. Ministers will have to be accountable, as will local authorities and public bodies. It is about being ambitious and accountable, as well as delivery. We must be able to see the opportunities in this transformation to value sustainability and decarbonisation, and this is an opportunity for us.

It is correct that farming is sometimes at the sharp end of this, especially when so many farmers put so much effort into creating brand Ireland. The brand is associated with high-quality food produce and the agrifood sector, our grass-fed beef and dairy, and what we are doing with origin green and organic produce are the envy of the world. We should be very proud of that and help farmers through the transition. It was great to see funding from Science Foundation Ireland for climate-neutral farms and the work around that. I am not afraid of that and I do not think that farmers should be afraid of it either. This is all about opportunity while retaining the reputation we have. While it is also about the level of emissions, for us it has always been about quality, nutrition, provenance and farm to fork too. All the areas we have invested in over the years are part of our identity. I agree with those who have said that CAP is the key to that and protecting farming for the future.

Our action on jobs, retrofitting and investing in offshore wind all spell opportunity. At the same time, all of our communities have to see a climate action dividend. The announcement last week on safe routes to school was brilliant but we must do more. I am thinking of my area, west Dublin, and I want to put the idea of a Liffey Valley park back on the table. Hundreds of acres are available on both the Fingal and South Dublin County Council sides, with Waterstown Park and Palmerstown and the Strawberry Beds. There are linkages there. Businesses are sprouting up along the Strawberry Beds that offer something new to people in their community. Covid showed people what was under their noses and tapped into the change they were looking for to live more sustainably. We have to provide the infrastructure to maintain that behaviour. We are investing in transport and safe routes to school but this also means providing facilities on people’s doorsteps that they can see and be proud of. If we invest, there are opportunities for greenways along the Strawberry Beds, taking advantage of the Silver Bridge from Waterstown

Park over to Farmleigh. It is a special amenity order area and has a huge amount of potential.

In terms of localism, there is so much more potential to do more in suburban areas in respect of combining digitisation and remote working with supporting traditional businesses. Senator Boyhan referred to the Our Rural Future policy as a really good blueprint and I believe that needs to be replicated in suburban areas as well. I say well done on the research into a four-day week as well. This is all about opportunity and taking advantage of it. I am grateful to be able to say that I stood here today and gave my support to this Bill, for which my children will thank me.

**Senator Eugene Murphy:** I am not going to welcome the Minister to the House as I have done it before. However, I will compliment him on the N5 national primary route, which I have raised with him many times and he will know did not have a good safety record, and the bypass from Ballaghaderreen to Scramoge. Many people said to me that the Minister, Deputy Eamon Ryan, and the Government would not let the project go through but they did. He also added something significant, about which people are very happy. Provision was made for cycleways and walkways around the towns of Strokestown and Elphin, which is a really good thing to build into road projects like this.

The roads through the centre of County Roscommon had been neglected for some time. People were really concerned about safety issues and, unfortunately, many people lost their lives on the road over the past 35 years. I remember many people from my own area who lost their lives. The roads will be far safer now and environmentally the walkways and cycleways will be built in, which is great.

All of this work relates to the climate change Bill and is so important. The world has moved on and climate change is a fact. Nobody can stand in any Parliament in Europe or in the world and say that climate change is not happening. If one looks at the records for the increase in temperature over the past 80 years one will see a temperature rise of a couple of degrees Fahrenheit, which is very serious for the world in terms of water supply, wildfires and health issues.

The Minister has provided funding for projects on the Royal Canal, which is fantastic. Of course he is probably aware of the fact that we are developing, around the Royal Canal, a walkway from Clondra, County Longford to Strokestown, County Roscommon where the National Famine Museum is housed. I will probably knock on his door seeking more funds for that and we have got some already. Again, these projects are very important.

In terms of today's Bill, I agree with much of what many speakers have said. From the point of view of a rural constituency, I welcome a lot of what Senators Boyhan and Currie have said here today.

First, we should recognise that all of the farming groups accept that there must be environmental change. The farming groups have environmental committees and when one speaks to them they acknowledge that change must take place. That change is more of a challenge for them, however, and I believe that is understood by the Minister.

As for the Common Agricultural Policy, CAP, negotiations, a point the Minister, Deputy McConalogue, and the Government undoubtedly are highly conscious of is that we need to compensate farmers properly in respect of environmental issues, going forward. The Minister recognises the fantastic food production chain we have in this country. The amount of money generated each year from exports from our food chain is phenomenal and, as he well knows,

the sector supports many thousands of jobs. I agree that the expansion of cattle herds is not the best thing but perhaps we could hold the number where it is and perhaps some farmers could have the option to change to horticulture, for example. I initially came from a horticultural background before going into media. I would like the horticultural industry completely overhauled. Not alone would there be diversification for some farmers but it would really be good for the environment in terms of the amount of produce that we still import into country that could be grown here. In every supermarket I go into, I see blueberries from Morocco, Peru, Spain and Portugal, yet they grow very well on Bord na Móna lands or bog soil. It is a project we should get back into. I know that for some time, Bord na Móna in County Kildare had a very successful project. Maybe there might be an issue with how effective it would be financially in terms of diversification for some farmers, but would it not be great if we compensated or grant aided farmers or even had a pilot scheme to persuade some farmers to go into the production of blueberries?

We are importing quite a lot of potatoes, which is shocking. We have a great climate for producing potatoes yet we are importing them. The Minister knows as well as I do that when all this stuff is coming from all over the world in cargo planes and ships, it is not helping to keep emissions down. I think the Minister has the foresight to do this. We might not agree with him on everything but one thing we must say in all honesty is that he is so committed and dedicated to this, on which I compliment him. We need very much to take the farming sector into account and I think it will happen under the Minister. We must understand that farmers are in a difficult position.

Just transition is important. I have no doubt about the Minister's commitment but, again, in terms of re-wetting bogs in Roscommon, Longford, Offaly and Galway, we have still only taken back a tiny amount of Bord na Móna workers to do it. I think there were to be 300-plus people employed in that. The latest figures I have show that 120 or 130 people are employed. We need to ramp that up as quickly as possible and give employment back to those people who were promised it under just transition. We all know just transition had to happen but we now need the funds that have been made available to be put there. I do not know who is holding them up. It is not the Minister but I ask him to take that on board, have a look at it again and make sure those workers get back to their jobs as quickly as possible.

**Senator Marie Sherlock:** I thank the Minister for coming to the House. I am very glad we have been given sufficient time to speak on Second Stage of this Bill. Regardless of whether some of us are here for only one term or many terms over future decades in the Dáil or Seanad, this Bill will probably be the most important one with which we will deal. It is important to acknowledge that this is a very important moment for campaigners. The Minister has spent many years campaigning on this issue to get our country into a place where we tackle the climate crisis in this country and make our contribution to the global task that is needed.

I am conscious many things have been said so I will confine my comments to a small number of areas in the Bill. It is important to say there is an enormous leap in climate action policy in this Bill in the ambitious target to reduce emissions by 51% by 2030 and to be carbon neutral by 2050, but we need to look at tools through which the Government plans to drive down emissions. Ultimately, as the Minister knows only too well, we can have all the lofty ambitions in the world but it is about how we do it. In that context, it is about the timeframe for action and the penalties or correction mechanisms that are in place if Government fails to act.

When I look at the two together, I believe there is a paucity of ambition in this Bill with

regard to tackling climate change. I look at the Fiscal Responsibility Act 2012, which was put in place to set down specific targets and actions that any Government would have to take with regard to ensuring the sound management of the public finances in this country, and contrast that with the fiscal framework in this Bill. The Fiscal Responsibility Act had a very clear commitment to annual targeting of debt and deficit targets, a medium-term objective that was reviewed every three years and an explicit correction mechanism. This Bill does not have specific annual targets. We have the two-year and five-year plans and a target for nine years' time. There is, however, a very real and considerable concern that we are backloading the need for drastic action to the end of this decade. I appreciate that the Minister has said he believes it is being front-loaded but I believe, and I share the concerns of others, that it is being backloaded.

There is an absence of what I would call a correction mechanism. I take on board the point that there is a carry forward of provisions from one year to the next depending on performance. However, while the limiting of the liability is a welcome feature of the Bill in curbing the ability of any corporate body to take a case against the State in the event of a loss of earnings or business, that limiting needs to be carefully calibrated. None of us want the Government to be taken to court because of a failure to meet its targets, but we do need to put in place some sort of stick. Perhaps it needs to be some sort of automatic stabiliser whereby failure to meet a target will result in something kicking in. We have to be crystal clear that those who are best able to pay should pay. I am reminded of the definition put forward by the Mary Robinson Foundation in respect of climate justice to the effect that those who cause the most damage must shoulder the greatest responsibility. We could be mindful of that in how we approach that correction mechanism.

At the heart of this Bill there is a recognition of the necessity of the role of the State to intervene in the climate crisis and a recognition that relying on the market has not worked and will not work into the future. There are, however, two vital pieces missing. The first relates to the paltry reference to a just transition. I know many others have spoken about this issue, but we need to strengthen those provisions. I pay tribute to the trade union movement, which led on talking about the need for a just transition and about communities, workers and industry coming together. I welcome in particular the appointment of Patricia King to the advisory council. There is an opportunity in this Bill to get it right, not to kick it down the road to another piece of legislation, as has been committed to. The second thing missing is a commitment to climate justice. Phrases like "shall, in so far as it is practicable to do so, safeguard the rights of ... vulnerable persons" are the equivalent of motherhood and apple pie. We all want world peace and climate action, but unless we are willing to prioritise climate justice I do not think we will achieve the targets we need to achieve.

Regarding climate justice, the Bill could do an awful lot more to recognise that we have to change how we deliver housing and public transport. Of all housing stock in this country, 14.8% is F or G energy-rated, so it is no surprise that Ireland has the second highest rate of utility bills arrears among low-income households. That is because of how our houses are constructed and the failure to put in place proper State provision of housing.

The final point I will make is that we need a new way of thinking about public transport. I know this is a matter very close to the Minister's heart, but I need to express my outrage about the manner in which the DART south west project is progressing. The community in Cabra will be bypassed by this magnificent piece of infrastructure. This is a community of thousands of people commuting day in, day out. We cannot have communities in Cabra and similar areas being bypassed. I ask that the Minister to address that as a matter of urgency. I do not believe

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he can stand over it, or I should hope that he does not stand over it, but I ask him in his capacity as Minister to address that as urgently as possible.

**Senator Martin Conway:** I welcome the Minister and thank him for and commend him on the very hard work he has done in the 12 months since the Government took office. It is fitting that on the first anniversary of the formation of the Government, we are introducing this groundbreaking legislation, the Climate Action and Low Carbon (Amendment) Bill. As has been said, this is the emergency that existed pre Covid and it is the emergency that will exist post Covid. We showed how we could handle the Covid emergency, so let us do the same with this emergency. Although we are a small country, and some might say we are an outlier, with a population of 5 million, there is absolutely no reason we cannot be world class, why we cannot set the standard, why we cannot lead the way and why we cannot be an example to the rest of the world. That is what we need to achieve. To achieve that we must bring all the stakeholders with us because the green agenda is now mainstream and can only work when it does become mainstream. “Mainstream” means we are bringing a majority of the people with us and that we have buy-in from a majority of the people. We are in a situation where all the major political parties in this country recognise the need for this, along with the Minister’s own party which has absolutely led the way. It is a cornerstone of the programme for Government, a cornerstone of the two other parties in coalition with the Minister’s party and to be fair to the Opposition, it is a cornerstone of its commitment to the people of Ireland, to our climate and to our world environment. We may differ in some ways on how we achieve it but we certainly all have a common goal.

When I talk of bringing stakeholders with us I mean all stakeholders. Many stakeholders are already with us; the building industry and others are certainly doing their bit but we must also bring the farming community because it is considered the main cause of carbon. That is what we are told, rightly or wrongly. However, the farming community is very much dedicated to reducing carbon. It has proven this. Farmers in my county have done so, as the Minister knows well. I refer to the BurrenLIFE project in the Burren. It is farming for conservation, where the farmers are ambassadors for the landscape and the environment. It has won international and European awards. It was done by Dr. Brendan Dunford, working with people and engaging with them, not telling them what to do but agreeing what to do in collaboration with people. That is a model that can be emulated all over Ireland and throughout the world. It is one area I would like the Minister to comment on in his summation. The IFA is very keen to work with him on this Bill and I know the Minister agrees with the principle of a collaborative approach. I hope that approach will be reflected as this Bill moves through the Houses.

I travelled up from Ennis this morning by train. It is nice to see more people on the trains now. The Minister and I share a common commitment to train travel. I have spoken to him before about a possible link between Ennis and Shannon, and Limerick and Shannon. It is something that would cost a bit of money but were it to be delivered it would mean that Shannon absolutely has the commitment of Government by virtue of rail infrastructure being installed to connect it. I have also spoken about the need to put back on the table the stop at Crusheen in County Clare. It would cost €1 million to build a stop there. Crusheen is becoming a satellite town for Ennis. There is a huge community being built up there and I have no doubt that if the rail service was available to them, people would use it. Attention is similarly needed in Ballycar, between Ennis and Limerick, where flooding has always been a problem. It was only by the grace of God that there was not an issue before Christmas, necessitating the closure of the line for several months as has happened in previous years. I am a big believer in rail transport. We

have spoken before about a passenger link from Foynes into Limerick that would connect to the Dublin-Galway line. That is something that should absolutely be looked at, as should a rail link around Limerick. It just makes sense. Limerick is designed in such a way that a rail link would absolutely work. It would be of huge benefit to have a “DART for Limerick”-type arrangement.

What is happening with the just transition in Moneypoint is wonderful. The ESB is leading the way on it but we cannot take our finger off the pulse. Some of the money from the just transition fund must be used in west County Clare to mitigate the job losses of the people who traditionally worked in Moneypoint over the years and to support them and their families in education, redeployment and seeking re-employment, educational and training opportunities. One could not but be proud of this Bill. We are 90% of the way there in what we want to achieve. The other 10% is about bringing the stakeholders with us. The Minister has always believed in collaboration. This Bill should be grounded and founded on collaboration. I wish the Bill every success in passing through the House.

**Acting Chairperson (Senator Gerry Horkan):** I thank Senator Conway. I welcome the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, to the House.

This is my first time back in the Chair and it is very fitting, but purely by coincidence, that the first person I welcome to speak is my fellow re-elected Senator, Senator Maria Byrne.

**Senator Maria Byrne:** I thank the Acting Chairperson. I thank the Minister for being here today for this very important debate.

I get worried when I hear Senator Conway talk of Limerick and light rail and so on. I am thinking, “Is he moving to Limerick?” I certainly welcome his comments. I will speak a little about that too.

In 2018, Ireland was ranked seventh worst out of 28 EU member states in terms of its total greenhouse gas, while our UK counterparts have been rated with the best performance. While Ireland may only contribute to 0.1% of the global emissions, this does not mean we should hold back. Rather, we should lead by example.

The Covid-19 pandemic has seen the decline of greenhouse gases. This is the biggest annual fall since the aftermath of the 2008 financial crisis. The reduction of 50% by 2030 to meet the EU targets is difficult and will require significant determination to meet this target, but we must start now. In the reflections of meeting targets, we must ensure all expectations are realistic, reasonable and pragmatic.

A group of us Senators met with the Irish Farmers Association this week. I was elected to the Seanad off the agricultural panel and I have had a lot of contact with agrifood businesses, with small farmers and with large farmers over many years. They have a number of concerns, which I will raise, one of which is the carbon budget. The carbon budget is the total amount of greenhouse gas emissions less removals that are permitted during the budget period. When preparing the carbon budget, the Climate Change Advisory Council should be required to take account of the specific economic and social role of agriculture, similar to the requirement placed on the Minister and the Government when preparing the climate action plan and national long term climate action strategy.

There are two further concerns. The IFA calls for clarification on the issue of biogenic meth-

ane and for a distinction on this in the Bill. They are also asking for separate emissions targets for biogenic methane with a recognition of its lower climate warning. There are also concerns around carbon leakage as referred to in the Bill. Will it be possible for the Minister to accept that the reference to carbon leakage under subsection 6(8) should be removed and amended to: “the risk of carbon leakage as a consequence of measures implemented by the State to pursue the national climate objective”?

What are the removals being considered by the Government with regard to the national long-term climate action strategy? The Bill states: “The national long term climate action strategy shall specify the manner in which it is proposed to achieve the national climate objective and shall include — (a) projected reductions in greenhouse gas emissions ... in each of the relevant sectors.” Are any removals being considered that have more efficient reactions to carbon removal other than increasing forestation, which takes the time to kick in?

The University of Limerick was recently involved in a €5 million project with other universities. They found that afforestation and planting trees is certainly something we should look at. The new study shows the vital role that planting new commercial forests can play in climate action. A major finding in the new research is that the future development of carbon capture and storage technology that extracts CO<sub>2</sub> from exhaust gases during energy generation and locks it away in old oil and gas wells transforms wood bioenergy into a negative-emissions technology capable of removing CO<sub>2</sub> from the atmosphere in the long term. The study, involving researchers at the University of Limerick’s Bernal Institute, contains in-depth research. The researchers have shown the key role afforestation can play by including new accounting of greenhouse gas mitigation achieved from future use of harvested wood. The study applied a novel, time-dependent assessment to capture the complex dynamics of carbon uptake, storage, and partial eventual release back to the atmosphere.

I would like to mention the Fridays for Future movement. There are two key leaders in Limerick, Saoirse Exton and Iona Logan. They have so many students out on a Friday. We have an awful lot to learn from the likes of these students.

Senator Conway talked about a light rail system and connectivity. A light rail system between Shannon Airport and Limerick is needed. I realise there is rail in Ennis but Limerick is the third largest city. I acknowledge it has a ring road and thank the Minister for allowing the last part of that road, the Moyross link, to go ahead a couple of months ago but I believe we deserve a light rail system and connectivity. Whenever the Ryder Cup comes to Adare, a light rail link to that location will be crucial.

**Senator Pippa Hackett:** I welcome the Minister. I have four children and want the world they and their children live in as adults to be one that renews, refreshes and reinvigorates itself, not one that continues to degrade, decay and destruct. That, quite simply, is what this Bill is about. Life as we know it must change; otherwise, we will condemn our children and grandchildren to a bleak future with greater inequality, increased injustice and a natural world devoid of meaningful life and incapable of growing the food we need to survive.

Food, of course, is something we in Ireland produce in abundance. Unfortunately, however, we have pushed things too far in the wrong direction and need to address that. Like all of society, agriculture must change to. How we use our land and farm it are central to this. When agriculture and climate change are spoken about in the same conversation, polar opposite views are often expressed. Common ground disappears and common sense evaporates but we should

be careful with the rhetoric. While noisy exchanges make for good radio or television, they do little to move the debate on, and this serves no one. We need to keep this simple. What this means is accepting that farming must work within the ecological limits it is bound by. We have pushed against those boundaries for too long and we see the effects in our water, air and natural world. Interestingly, the climate action plan and the Common Agricultural Policy share the same acronym but the similarity should not end there. I cringed when I heard a recent comment that the objective of the first CAP, in 1962, was to produce cheap food. No doubt, anyone defending such a view would have said it was what the people wanted, but we should just look at what we have created as a result: a race to the bottom, with ever-increasing input costs, decreasing returns and the natural environment pushed to the brink. When, in the design of the upcoming CAP, the citizens of the EU were consulted on what they wanted their money to be spent on, cheap food did not get a mention. The three most pressing issues were delivering a fair standard of living for farmers, removing pressures on the environment and dealing with climate change.

“The consumer won’t pay” is a frequent chant, yet when consumers have access to higher-quality food with a lower carbon footprint that is biodiversity and habitat friendly, they will pay. Those are the consumers we in Ireland should target. We are not obliged to feed 40 million or 50 million people, but we are obliged to clean our water and our air, protect habitats and meet our climate targets. That is what we must do.

The world does not need Ireland to feed it. The world needs Ireland to work for justice. Climate justice is a big part of that. As we know, most world hunger and poverty result from war, political unrest, breakdowns in supply chains and greed. The effects of conflict and war are exacerbated by a changing climate, with even more people displaced from their homes, making life-threatening trips from their home countries not just to escape oppression but also increasingly unlivable land and climate.

We talk a lot about climate justice and just transition. I understand them as a commitment to deliver justice to those who are left helpless in the face of climate change and to provide a just transition to those who find themselves exposed to the impact of the adaptations that we need to make as a society to mitigate climate change.

In my area of the midlands, there are many people whose livelihoods have been linked to peat extraction. For generations, it was the central activity in the area, but we now understand the huge damage such extraction has done to our atmosphere. There are also many whose livelihoods are impacted by flooding. Once upon a time, such flooding occurred once every 100 years. Now it occurs several times a decade. We cannot turn our back on these lives, people and situations. That is why I wholeheartedly welcome this Bill. I believe that it commits us, in law, not to just meeting targets, but to a human-centred approach, safeguarding the rights of the most vulnerable and sharing the impacts of climate change in an equitable way.

The time for avoidance and kicking that famous can a little further down the road is gone. Those who want to believe that we can shirk our responsibilities for a few more years, because Germany still has coal mines or because we are minuscule compared to China, need to face reality. The fact is that we are one of the highest *per capita* emitters in the world. We need to do something about that not just for targets or for the EU, but for ourselves.

I was honoured once to share a stage with Mary Robinson at the Tipperary International Peace Award ceremony in 2019, when she was the righteous recipient of the award. We both

spoke that day about peace and climate justice. I ended up musing that at the end of the day, Mother Nature will come out on top. Like it or not, she is the one who is really charge here. Therefore, we need to start asking her for her help, learning from her, working with her and not believing that we can dictate to her. If we lose the battle with climate change and biodiversity loss, we will ultimately cause our own destruction and possible extinction. Let us not create a situation in which Mother Nature breathes a big sigh of relief that we are finally gone. Let us instead work with her and help her get back to what she does best: healing and repairing and nurturing and propagating in her own wonderfully balanced way. Let us work with her to sustain life on this planet in a way we have not yet managed to do.

**Senator Paul Gavan:** I welcome the Minister of State. First, it is important to state for the record that Sinn Féin will be supporting this Bill. I want to pay tribute, in particular, to the Joint Oireachtas Committee on Environment and Climate Action for beefing up this Bill, and to my colleague, Senator Boylan, for the leading role she played. It is important to acknowledge that the language has been amended to ensure obligations are clearly stated and the relationship between the various mechanisms is more explicit. Key principles such as just transition, climate justice and the protection and restoration of biodiversity are matters to which the Government and the Minister for the Environment, Climate and Communications are now required to have regard when preparing the plans and frameworks that are required by the Bill.

The transition ahead is about more than just reducing greenhouse gases. It is about transforming our society and economy for a better life for everyone. One of the basic principles of a just transition is to leave no people, communities or sectors behind as we transition away from fossil fuels. We need to rural-proof any climate policies to make sure those communities benefit as much as urban ones.

We will achieve a low-carbon future not by punishing people with taxes, but by investing in positive low-carbon alternatives. This means an ambitious retrofitting scheme to make homes more energy efficient and comfortable. It will reduce energy bills, saving households money and keeping more money in rural economies instead of going to energy companies. However, current grants leave too much burden on homeowners. There must be more generous grants and greater assistance with the upfront costs. We need a legal framework to allow people to sell electricity from solar panels on their roofs. We need to see significantly more Government investment. That investment must be underpinned by a just transition strategy. In County Offaly the local community was rightly outraged when a local man was overlooked in favour of a big company when contracting for bicycle rental at the Lough Boora Bog amenity.

I want to raise the issue of community wealth building which is very relevant to the aims we are discussing. We need to reform our investment strategy so that it works for communities and not against them. Sinn Féin has a plan to do that with community wealth building. This approach would result in the benefits of Government spending being spread more evenly across regions and communities, and address the regional imbalance. Community wealth building has proved successful in other countries. For instance, through the major spend every year on public procurement by the State these moneys could be directed back to communities, keeping jobs and services local, lowering emissions and lowering waste.

This sort of investment will deliver good quality, low-carbon jobs. It will create regional jobs, such as in my county, Limerick. However, unfortunately the Government is drawing all the wealth away from the regions to the capital. There is also great opportunity for the Shannon Estuary and Foynes Port into the future with the growth in offshore wind energy. The enormous

potential to develop world-class and innovative facilities aimed at growing the floating offshore renewable energy sector highlights the manufacturing potential in the Shannon Estuary.

We further need investment in: home retrofits and energy efficiency; research; lifelong training opportunities; the caring economy like childcare, out-of-school care and healthcare; the circular economy and recycling; natural capital and parks; and clean physical infrastructure in transport and energy. This sort of investment will not only make the regions in this State more environmentally sustainable but help them to thrive.

Data centres represent the big elephant in the room regarding the Bill. At a time when we are supposed to be reducing emissions, the data centres of tech giants will add at least 1.5 million tonnes of CO<sub>2</sub> to our carbon emissions in the coming decade. According to EirGrid, enormous demand for electricity over the next ten years will come from data centres, not electric cars or increases in population. This week we got some very good correspondence from Michael Eversen. I would really like the Minister to respond to this. He stated that current Government plans and policies will allow data centres to take 29% of the energy consumption by 2030. By comparison, the entire domestic energy and street lighting energy consumption of the State is approximately 20%. The plans for these data centres seem to be glaringly wrong. As usual, Fine Gael is thwarting real climate action to support its friends in big business. However, the public will pick up the fines if we miss our EU targets and the public will deal with ever-increasing energy costs.

Under the previous Government Ireland earned the mantle of “climate laggard”. Now this Government is doing everything in its power to ensure we keep that title. We need a new strategy that develops renewable energy for the benefit of the population.

I very much support the call for a rail spur to go to Shannon Airport. Regional balance in flights from this country would help to combat emissions. It makes no sense for people in the west of Ireland to need to travel to Dublin for flights. As the Minister knows, 95% flights go through Dublin. We need that rail spur, but we also need urgent action by the Minister to ensure a new reintegrated national airport authority. In his year in power, the Minister has consistently avoided this issue. An all-party Oireachtas committee has now called for a new reintegrated national airport authority and the reintegration of Shannon because the separation of Shannon has been an absolute disaster. The Minister needs to tackle that issue.

He also needs to take urgent action to develop a light rail system for Limerick. Sinn Féin has championed that for a number of years. Unfortunately, it seems that the Government does not intend to act on that call.

**Senator Joe O'Reilly:** It is very apt that I am speaking on this matter this morning. Earlier this morning I was proud to be online when a group of young Irish people, members of Foróige under the leadership of Sandra McIntyre, Mr. McKiernan and others, spoke to the Council of Europe on climate change and on their perception of what should be done with the just transition, etc. I was proud to facilitate that and proud of the brilliance of their performance. I recommend that the Minister listen to them online. It is easily accessed. As an Irish Minister, he will be proud of them too. It would be great if he let Foróige know of his pride. It is an amazing achievement. They flew the Irish flag and put us in the vanguard this morning. They started very early this morning because European time is an hour ahead.

I welcome the Minister. I sat on the Joint Committee on Communications, Energy and

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Natural Resources with him in the past and am aware of his passion, commitment and integrity in this matter. It was always a joy to work with him and is a pleasure to welcome him to the House.

There are no climate deniers now, so we will avoid all that. We have had the evidence recently in the storms, and they are nothing like what is to come if we do not cop on. There are ambitious targets here of 51% by 2030, neutral by 2050 and 7% per annum. The big thing is they are enshrined in legislation and that is good.

I turn to the need for a just transition. I know the Minister is a champion of this. We have to avoid energy poverty. Nobody wants our poor people to be the victims of this. That is why, with retrofitting and everything else, they need support.

Our farmers are the custodians of the earth and very proud of it. They have bought in to this project, and I think the Minister knows that. There are a few things we can do such as in the context of carbon removal or sequestration, forestry, hedgerows and, later on, grasses, through the good work of Teagasc. Carbon sequestration is implicitly recognised in the legislation. Given that those responsible are measuring the impact of forestry in this regard and will progress to measure other forms of sequestration, I appeal to the Minister to put specifics into the Bill to encourage farmers and give them reductions based on that sequestration, monitor it and allow it to be part of the agricultural input, both explicitly and implicitly.

Biogenic methane emissions have a ten-year lifespan. If we stabilise the herd, we would reach a neutral position in ten years. We could have a separate target of reductions for biogenic methane. That does not preclude any other exercises in sustainability but it would allow farmers to see a just transition for them and it would be a fair measurement. I appeal to the Minister to look seriously at that in the final draft of the legislation.

We need to support sustainability in agriculture. We need a support system so farm incomes do not fall. We need to preserve family farms, our food and our rural way of living. It will be counterintuitive and ruin our efforts if we do not do that.

The Minister should put much more emphasis on delineating all the green jobs that are available. That is the positive side of this. Each Department should set targets for retrofitting, solar panels, alternative crops, wave and wind energy and all the areas that can provide green jobs. I ask the Minister to respond on that later. We should have targets and measurements there.

The co-operative movement regenerated rural Ireland at the end of the 19th century and early in the 20th century. I ask the Minister to use a local model to solve the climate change problem. The Minister heard me speak on this at committee when we sat together. I mean that we need communities to have a local generator or a wind turbine in their area, so they can sell their electricity to the grid and power their enterprises and homes. That promotes jobs locally, commitment and buy-in.

I have always pioneered the idea that we need to encourage first-time drivers - as in the case of first homes - into buying electric cars. We should reduce or eliminate vehicle registration tax in order to incentivise them to buy electric cars as their first cars.

*11 o'clock*

If they use an electric car, they will buy into the sustainable and green energy project. Young people are the custodians of the future. Not only will they have that buy-in, they will continue in electric cars, start having an eco-friendly house and lifestyle and go back to an anti-consumerist and more holistic, green way of living, if they get their electric cars and have pride in them. I ask the Minister, as the Minister for Transport, to look at that.

This is a good day's work. I appeal to the Minister to look at the just transition for farmers because they are the custodians and the people we need on board. I support all the other elements. The big thing is this will be enshrined in legislation. That is how it should be and there will be no opting out.

**Senator Rónán Mullen:** Cuirim fáilte roimh an Aire. It is always nice to see him in this House. I want to say what I have been saying a number of times recently, in that I hope there will be no guillotining of this Bill on Committee Stage next week. It is a problem the guillotine is being overused, especially in this House. It is bringing our politics into disrepute. It is not consultative. It is not healthy and because the Government has a strong majority, we are seeing increasing recourse to the guillotining of legislation. I am concerned about that and other people are too.

We cannot talk up our politics at home and abroad and our healthy democratic system, if people can have amendments down to legislation which do not get considered, because the guillotine is being deployed with the support of a strong majority in Parliament. I ask the Minister to set an example on that issue. I am making it my business to oppose the Order of Business - for whatever good that will do - when it is proposed there will be guillotining of legislation, especially on Committee Stage.

I have quoted a phrase before in this House, which I am fond of, from my parents with regard to the climate: "We need to live simply, so that others may simply live." I have always said and believed we need to change our habits for the better, because our innate human dignity is linked to the health of the planet on which we live. A clean environment is vital to the full enjoyment of basic human rights, including the rights to life, health, food, water and sanitation.

This is a spiritual as well as practical issue. I read an interesting essay on this topic a number of years ago by the Minister's former party leader, Trevor Sargent, who drew on the ecological and environmental messages from the Bible. Pope Francis has also written an encyclical on the same theme, *Laudato Si' : On Care For Our Common Home*. It is because of this connection between how we view our environment and the question of human dignity, I have always supported reasonable measures to protect the environment and seek to change human habits and behaviours in ways which will not unduly penalise people for living their lives in a responsible way.

It is a question of intergenerational solidarity across time and international solidarity across space, in being concerned for the less fortunate people of this world who struggle to deal with the effects of climate change more than we do and for the next generation, so we do not cripple them as a result of our choices now. However, I am always worried by a lack of realism in debate on this issue and sometimes there is too much gesture politics, virtue-signalling and a desire to be seen to be doing something.

At the core of this Bill is the latest set of climate objectives, which sometimes seem to have been arbitrarily chosen. This time, it is that Ireland should be carbon neutral within 30 years,

which is a mammoth task requiring massive and radical changes in agriculture, transport, industry and all aspects of our lives. However, the Government has not engaged in any discussion of whether we ought to be more realistic about what we can achieve on our own and whether we should be taking radical action when much larger countries with vastly greater emissions, both per capita and as a portion of the global total, are not doing likewise.

We generate just 0.1% of global emissions. It is one tenth of 1%. It is such a small fraction, it is difficult to visualise. Huge changes in this Bill will have a vanishingly small impact on the global situation, so they must not be presented as any kind of world-changing measures. It seems to me we have two options. We can accept no matter what we in Ireland do, climate change will have a serious impact on the lives of many people in other parts of the world in particular. We should therefore focus resources on improving our habits and helping and protecting those who are least able to protect themselves from the impacts of climate change. Or we can take a punt on massive, radical changes to our society and our economy, and devote immense resources in doing this, irrevocably changing the lives of many ordinary people, all on the off-chance that this will make a small difference in the grand scheme of things internationally. The Irish political and policymaking establishment has long since bought into the second option. We aspire to or, at least, pretend to make radical interventions in our society, in the vain hope that it will make an international difference. It might be noble of us, but it is not practical or realistic. It sometimes leads to absurd outcomes. For example, the Government has said it will demolish two perfectly viable power stations in the midlands, both of which are less than 25 years old. Meanwhile, China opens two new coal-driven power stations every week. We have stopped manufacturing peat briquettes in Ireland but now we import them from abroad. This is tear-your-hair-out stuff. It has gone far beyond head scratching. Where is the logic or consistency in these positions, on a national or international level?

I worry about the possibility of the occurrence of groupthink and a lack of critical thinking when all the main parties, as well as the various hard-left micro parties, supported this Bill in the Dáil uncritically. The only political party to oppose the Bill was Aontú. Just 12 Deputies voted against it, 11 of whom are Independents. Sometimes, on the Continent, that consensus is a sign of progress and political maturity. However, in Ireland, it often signifies something more negative, that we are dealing with bad legislation that has been pushed through by a political establishment with the help of a compliant media for the purposes of gesture politics and grandstanding. It usually means that some sector of society is losing out badly, and that sector is often voiceless. I refer to the case of the unborn in recent times. In normal times, the unborn would have had plenty of protectors in the Green Party, which talks about care of the Earth for the vulnerable. However, in these constrained times, everybody has to obey the command from on high and a whole sector of Irish society is not represented as a result. Children are now losing their lives, with the protection of the law. I fear that, in this case, it will be ordinary people, particularly those working in agriculture and industries connected to the generation of power, who will bear a disproportionate brunt.

I share the desire for a better world but I am worried about the reasonable practicalities and the impact on ordinary people. If I can be permitted, I will say two further things. First, is it really conceivable that bungalows and older houses in rural Ireland, such as the one I live in, can be retrofitted in the future, and that this is the best way to go? Second, do we need to have a conversation, even a tentative one, about whether nuclear power is part of our future in terms of reaching our carbon targets without devastating whole sectors of the economy and community life? I am asking the question; I am not making a statement. I know the Minister, to his credit,

is open to discussion on this. I thank the Acting Chair for his indulgence.

**Senator Niall Ó Donnghaile:** Climate action, or more particularly, climate inaction is probably the most pressing issue facing humanity. Prior to the arrival of the pandemic, the debate about climate action had the status of a college debate especially for those not closely involved in it and whole positions of authority in Government or influence in business - swot up on the facts, make an impressive and passionate speech, wipe one's brow, take a deep breath, feel good about one's comments and carry on as before, until the next time one is called on for a repeat performance. That approach was never acceptable but it is even less acceptable now.

A friend of a friend, who has spent his entire life protecting and enhancing nature and the natural world, gave his view of the pandemic that nature perceives humans as being out to destroy it and it is fighting back. He might be right or he might be wrong, but there is something profoundly wrong in the relationship between humankind and Mother Earth. The pandemic is symbolic of that dysfunctional relationship. We need only note the wildfires that swept through Australia and California last year, that hurricanes and storms increase with record-breaking speeds and frequency, as have scorching temperatures. Scientists are telling us that these are not freaks of nature but are a reaction by nature to climate change induced by humans.

My colleagues have and will respond in detail to the climate action Bill before the House today but in my contribution, I suggest we lift our gaze beyond this State, which this Bill is designed to influence. Let us look at how we, as a nation with two governments, one here and the other in the North, are handling our collective responsibility when it comes to protecting the Earth through decisions taken which affect Ireland, North and South. All politics on this island are affected by partition and all solutions to those problems are bound up in ending partition, and that is the beginning and end of how republicans approach politics. We are also realistic and know that, while we endeavour to bring about a united Ireland, there are actions we can take now to improve the quality of peoples' lives, whether that is in relation to housing, jobs, the Irish language and health, to name a few. There are actions that can rightly be described as being neutral on the question of this country's independence but are not neutral on providing people, irrespective of their political aspirations, with the best quality of life available to them. That is how I believe that both Governments must approach the issue of climate action within their respective spheres of influence on this island. We need actions which might be deemed as neutral on the constitutional question but which are not neutral on the question of saving the planet and protecting the earth from damage by humans. If the pandemic has taught us anything, and by now it should have taught us a hell of a lot, it is that for the virus there are no borders, here in Ireland, between here and Britain and, indeed, in the rest of the world. To combat the virus there can be no borders. That is also true of the crisis we face of our impact on the climate and the earth. The Irish Government and the North's Executive should agree to jointly plan their contribution to protecting our planet. The key elements of that plan should be the restoration and preservation of the rights of nature, to recognise the integral value of the natural world, the right of citizens to clean air and water and protecting life-giving systems on earth. They should act in tandem when planning what is called the just transition from where we are now to where we need to get to in order to prevent an ecological breakdown and a degradation of the biosphere, that is, the earth's environment in its totality. They should act in unison and swiftly towards a net-zero carbon society while continuing to provide good quality employment, stimulate the economy and addressing inequalities in our society. Both Governments can take a positive message out of the integrated single electricity market which operates on an all-Ireland basis and which is sold and distributed throughout all of Ireland. The experience of

generating electricity on an all-Ireland basis should be extended to the transport network and heating systems with a focus on renewable technologies and energy sources across the country. There is no doubt that we require a profound shift in how we live in all spheres of our lives to avoid what scientists are calling an ecological disaster. We do not have an option. Given what we have been through in the last 18 months as we responded to the pandemic to stay alive and protect humanity, we can no longer say we cannot fundamentally change our ways because we did and we can do it again, and I am sure the Minister will agree that we must.

**Senator Mary Seery Kearney:** I very much support the Bill and everything it contains. It is time Ireland was no longer a laggard and that we become leaders in climate action, in the decisions we make at macro and micro levels. The strategy in the Bill brings together all the key players in the country and obliges them to take action, placing obligations on them with regard to their plans and targets, particularly the local authorities. I really value that engagement. My experience from being on South Dublin County Council is that it would embrace the obligations on which they have already moved ahead with in so many ways. I am proud to have been a member of that council. The Bill coming into law will further accelerate their plans.

I also really welcome the opportunity for new enterprises, for a new economy. That very much came home to me in the pre-legislative scrutiny of the Marine Planning and Development Management Bill. So many people came in and spoke to the committee about the future economy, the future pillars and industry that will be there that arises out of our sensitivity to climate action and carbon neutrality at the very least. It gave me great confidence in the future. I also admire that we have so much innovation coming through the Department of Higher and Further Education, Research, Innovation and Science with regard to education. I am concerned whether our secondary schools are equipping our young people for the courses they will apply for at third level which will be available and the skills they will need in circumstances where we still have quite gendered subjects in schools. Someone who wants to study mechanical drawing is more likely to need to go to a boys' school than a girls' school and *vice versa* with home economics. It is not the Minister's Department but we need to have that conversation and for the implications of this Bill to transfer across to education and into a review of what is happening in secondary schools, in particular to ensure that all genders have the skills to ensure they can play their part and that they are ready for the new industries that will emerge. I am very encouraged in that regard.

We have a problem with regard to communication and understanding. In my humble view, when one talks about climate action and naturally we are all out on the hustings in Dublin Bay South at the moment, I am struck at times by the difference. Depending on what demographic of society one is in, I am struck by how relevant climate action is to people. If one is on a minimum wage or lower base, and this is something that is out there, one might put things into the proper bin and take whatever action one can but one does not have the luxury plus there is a perception of elitism around this issue. Therefore, we need an information campaign that reaches everybody where they are at not that this is an elite group who are leading the charge on climate action but across all stratas of society, all levels of education and all backgrounders. Otherwise one will end up with a fear and an othering, and a perception that there is an elite group in here seeking to impose change on communities. All of that does is bring resistance when in actual fact our respectful meeting of people where they are at and eliciting their views and fears but respecting them is very necessary.

We talk about just transition and have great plans for the very obvious industries that are going to change, many of which have been spoken about by my colleagues. There are areas like

taxi drivers where in the hear and now we need to be sure and confident that we support them. We have come through the Covid period where taxi drivers have had their income and way of living fall yet we still issued taxi licences while supporting the existing taxi drivers who are in receipt of the pandemic unemployment payment, PUP. For those whose cars will hit the ten-year period in 2022, we have not issued an extension to them in recognition of the fact that they are not going to get finance to replace their cars in 2022 so we need to take a step. The Minister has put out a really good package recently but I do not think it addresses the real needs of some of the taxi drivers who have come through the crisis, been on the breadline yet receive PUP and now in 2022 will have to change their cars. Who is going to give them finance? Have tentative discussions taken place? While wanting and moving towards the introduction of an electric fleet we could give these drivers an extension and make it conditional on the type of cars that they change to thus, as a consequence, bring them with us rather than be perceived to be imposing and othering the conversation. That is an important sensitivity that we need to have.

**Senator Micheál Carrigy:** I welcome the Minister. I pay tribute to the members of the Oireachtas Joint Committee on Climate Action and thank them for the huge amount of work that they done over the last nine months. I also acknowledge the work of my party colleague, the current Minister of State at the Department of the Environment, Climate and Communications, Deputy Hildegarde Naughton, who chaired the committee during the term of the previous Government.

The passing of the Bill is a great day for the Minister and his party colleagues who put this Bill and its targets at the centre of going into government. This is, without doubt, one of the most transformative Bills to go through the Houses of the Oireachtas for a long number of years.

I pay tribute to Pauline O'Reilly for the work that she has done on this Bill and for saying the following last Monday: "The actions we can take for climate change are the actions that will make all our lives better". That is what this Bill is about. It is about improving the lives of our children and, indeed, future generations. It is our collective responsibility to deliver this plan and ensure that we meet our targets. There will be many challenges over the years so it is important that we inform society about the changes needed and do whatever is necessary to bring society with us. I concur with the comments made by Senator Seery Kearney and think that we need a communications campaign across society to make sure that everyone fully understands the concept of climate change.

The agricultural sector is the backbone of the rural economy. It is our largest indigenous industry. It generates 173,000 nationally and accounts for 10% of Irish exports yet the sector is very poorly represented on the Climate Change Advisory Council. We are a world leader in food production and that must be protected. The sector understands climate change better than most. Farmers see it every day with flooding and other climate changes so it is important to identify long-term solutions that do not reduce the capacity of those who live and work in rural Ireland but allow them to earn a decent living. Livelihoods are at stake in farming and the wider economy. I met recently with the local farming organisations in my own county of Longford. They asked me to point out a number of asks. Carbon sequestered by farmers is not recognised in Government budgets. Carbon leakage is another issue. Less food produced in Ireland results in these markets being filled from countries with higher carbon footprints. If we cut back on our production of food, particularly milk or meat, and the shortfall is filled by some other country with higher emissions, there is no gain. Biogenic methane needs to be treated differently in setting carbon budgets as per the programme for Government and the Bill but this remains unclear.

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Longford has been seriously affected by the closures of operations at Mountdillon and Lough Ree power station in Lanesborough. I welcome the supports heretofore and the need for a just transition for the midlands. We need to see these supports at first-hand on the ground. In particular, I thank the Minister for the announcement of the €1.4 million to further develop cycling and walking throughout the boglands of south Longford. The Government might need to get a plumber as it was leaked by a Deputy in Longford a number of weeks ago before it was sanctioned by the Department. The Deputy tried to claim credit, although he was not involved in it nor does he have much to do with it.

**Senator Rónán Mullen:** The Senator might as well name names.

**Senator Micheál Carrigy:** I am delighted it was announced. As chair of the County Longford tourism committee, I have supported the Mid Shannon Wilderness Park for years and will continue to do so. However, we may need further funding to complete the project. I thank Longford County Council, our regeneration team and in particular, Donall Mac An Bheatha, who has driven this project for a long number of years. I am delighted this funding has come through. The just transition commissioner Kieran Mulvey asked the ESB to provide €500,000 each to Lanesborough and Shannonbridge to develop community facilities. I ask the Minister to contact the ESB to make sure this funding is delivered on. I support the comments of Senator Murphy regarding the low number of former Bord na Móna employees who have been re-employed.

The Access for All project to bring people of all abilities on trips on the Shannon and Lough Ree has received funding from the just transition fund in 2020. However, over the past 12 months, costs have increased by up to 25% on what was granted to deliver that project. Could the Minister visit Longford before the recess and look at these projects? They just need a bit more support.

I will touch on the road network. If the Minister comes to Longford, he will see at first hand the need to continue the N4 project from Mullingar to Roosky. It is back in the consultation stage to identify an emerging preferred route, which I hope will be similar to the original preferred route, which has seen no development over the past 12 months.

Covid has made us more appreciative of our outdoors with the numbers engaged in walking, cycling, canoeing, etc., increasing. Luckily, significant investment to develop these facilities has been allocated, particularly in the past by the former Minister for Rural and Community Development, Deputy Ring, and the current Minister through the outdoor recreation infrastructure scheme but there has been increased funding at the insistence of the Minister and his colleagues in the Green Party with regard to active travel and safe routes to school, which are necessary. This must be welcomed so on behalf of those who have received funding, particularly the two schools in Longford who received in the past week, I thank the Minister. We look forward to continued investment in this much-needed and welcome project.

**Senator Fintan Warfield:** I welcome the Minister to the House. This Bill is a recognition that we need to balance the relationship between human beings and the natural systems on which we rely. The destruction of our earth, the land and sea, is imperialist- and capitalist-led. The current model of our society based on elevated consumption of fossil fuels is unsustainable on environmental and social grounds. If we do not stop it, it will lead to human misery on a scale never before witnessed. The climate crisis is a result of a stage of capitalist development that uncontrollably devours absolutely everything in its path. We are literally destroying the

earth that sustains us. That destruction is imperialist- and capitalist-led.

I spoke recently - and I will say it again since I think of it - about the need to lift the patents on Covid vaccinations. The rest of the world, millions of people, is without a vaccine. The rest of the world, by which I mean the global south, will view this as a betrayal, and it will do nothing for the challenges we face in this area.

Addressing the climate crisis will require action from every facet of our society. I will touch on a couple of areas, including housing and youth. I thank the climate protestors. They really helped enable the passage of our first real climate legislation. They are looking to us as legislators to make sure we deliver a framework that does justice to their effort. The climate policies introduced today will have a massive impact on young people and future generations. For that reason, it makes sense to empower young people to give them a say in the democratic process. Our response to the challenges we face has to be truly inclusive, allowing everyone, including young people, the opportunity to partake in the conversation, to take ownership of the narrative and to hold political leadership to account. That is critical.

I know the Minister supports lowering the voting age, but will he act on that in government? Climate action demands active citizenship. Lowering the voting age is an issue that needs to be led by the Green Party in government. We hear people say they are so proud of our young people and that young people are brilliant. They should be given the vote. They should be allowed to hold us to account on the work we do here.

The youth assembly on climate made a recommendation in 2019 that Ireland ban the importation of fracked gas, and Sinn Féin will table an amendment to that effect. The youth assembly also called on us to invest solely in renewables, with investment in industrial hemp processing facilities to provide a viable, sustainable and alternative land use for farmers as well as employment in rural Ireland. The assembly called on Ireland to outlaw acts of ecocide, being the widespread and systemic loss of ecosystems, including climate and cultural damage. It called for mandatory sustainability education from primary level to the workplace, including a new compulsory junior cycle subject and an optional leaving certificate subject.

On the issue of housing, the residential sector is responsible for 24% of emissions. Housing policy is climate policy. There are 183,000 vacant homes, excluding holiday homes, in the State. Vacant housing is antisocial and irresponsible and there is enormous untapped potential in it. Tackling vacancy is urban regeneration that is socially, environmentally and economically sustainable. These properties do not need new schools or new roads. They have services such as water. Their turnaround cost would be a fraction of the cost of the new builds. Rebuilding Ireland has failed miserably to tackle vacant homes. The policy has a target of bringing back into use 5,600 vacant homes by the end of this year. However, the latest figures show that just over 1,600 homes have been delivered to date via three Government schemes: the repair and leasing scheme, the buy and renew scheme and the Housing Agency fund.

In the minute I have remaining I will talk about the arts. In any movement artists have always pushed the envelope, shown deeper meaning and given expression to complex ideas, and the climate crisis is no different. This State has a role, and plays a role, in supporting creative industries to find solutions. We need more investment in the arts on this front, and I know the Minister will agree with that.

I know amendments were not accepted in the Dáil; I hope amendments will be accepted

here. We will engage constructively via our lead spokesperson, Senator Boylan. I thank the Minister.

**Senator Jerry Buttimer:** Cuirim fáilte roimh an Aire go dtí an Teach. The old political cliché is that one day in government is better than any day in opposition. Today is the proof that government is where it matters. The Minister is in a position not just of privilege but of driving real profound change for the people of Ireland, for Europe and the world. The legitimacy of the Government is contained in this legislation today. I commend my friend and colleague, Senator McGahon, on his role as one of our party's representatives from the House on the climate action committee and on his steadfast commitment to the pursuit of what is entailed in this Bill. I thank him and Deputies Bruton and Alan Farrell as well. Some of our colleagues in the House today were talking about members of the Minister's own party. I am not going to create a political row but we can all leave political parties and we can all try to pursue our own individual agendas. However, as I said at the outset, today is about Government delivering and leading the change on how we act and are perceived. Covid-19, in conjunction with this Bill in a parallel world, has shown us how we can transform and reimagine how we live in terms of the use of space and our rural and urban landscapes, but it also poses significant questions to us that we must answer in a different way. These questions concern the use of space, how we live, how we recreate and about our environment. I am thinking today of Cork city with the 17 pedestrianised streets. I am thinking about how we can, and how the Minister has, as part of Government, increased investment in supports to the city. Contained in section 15 of the Bill is how we can work with the local authorities in the context of the provisions in the proposed new sections 14B(1) to 14B(3) about the enactment of the Bill and the role of local authorities. It shows how we can engage with them and how we can drive change and make life better.

I have one concern from a peripheral point of view. I must be honest that I am concerned about quangos and the Climate Change Advisory Council part of the Bill. I would like the Minister to explain again and address the concerns some of us have regarding the power of the council. My concerns come from a very simple viewpoint and philosophy, which is that I believe in the primacy of Parliament. Moreover, as a former Chair of an Oireachtas committee, I believe in the importance of and structure of our parliamentary committees. I would not anything to undermine either of those. I accept it is an advisory committee but I hope the Minister will come back to me on that.

The number of farmers in the Cork South-Central constituency is quite small. A number of them, who are not climate change deniers and are not in any way against climate change and moving farming forward, have expressed concerns. I ask that the Minister continue to engage with the farming community to reassure it and move with it.

The national planning framework has an important role to play with regard to climate change but also in developing our cities, and Cork and its metropolitan area in particular. The Government has provided for €3.5 billion in a 20-year programme aimed at improving public transport and mobility within the city and to it. We should all embrace and welcome this. I must be fair to the Minister that in his short time in post, he has driven that investment and that change. The role of the National Transport Authority, NTA, together with the Minister, in developing the Cork metropolitan strategy is very important. All of us support the investment in walking, cycling, public transport, road infrastructure and rail. As an aside, I have an appeal to make to the Minister about the Lee to Sea greenway. It is a new one that is being developed. It is a project we should all support. It has huge potential and I commend those involved in it. In the context of the Cork metropolitan strategy, I ask that the Minister, together with the NTA and Cork city

and county councils, create a new NTA office in Cork. We need this to drive the change, to implement the vision the Minister has put on paper, to align the policies and to deliver, whether it is on housing, environmental services or transport, community or social services. For the promised investment to be delivered, for the investment in the modern bus company that is now Bus Éireann in Cork, for Irish Rail to deliver and to continue the work it is doing - Irish Rail is doing huge work in Cork, as the Minister is aware - and for putting in place the final pieces of BusConnects, then I believe an NTA office in Cork that is driven and dedicated to the projects involved and to overseeing and implementing change is needed.

These are exciting times for Cork city. The city development plan is being drafted. We have seen Government commitment with the urban regeneration fund and with Project Ireland 2040. A framework has been put in place to improve the quality of life of the citizens of Cork, and by extension of Ireland. I note that the Fine Gael by-election candidate, James Geoghegan, has the concept of a 15-minute city for Dublin. I hope that we can develop this into Cork and other parts of urban Ireland too.

I commend the Minister on the work he is doing. I thank him for his commitment. I hope that we can deliver for Cork together.

**Senator Sharon Keogan:** The Minister, Deputy Eamon Ryan, is very welcome as always to the Chamber to discuss this highly impactful legislation. I wish we had more time to discuss it, but we are where we are. I admit that I am slightly worried by the legislation. The far-reaching implications of carbon budgets, the sectoral emissions ceilings and the myriad other mechanisms we must employ to achieve climate neutrality by 2050, are things that should give everyone pause for thought. If the planned transition is indeed a just one with no one left behind, that would do much to reassure me. The execution will be key.

The fear, of course, is a valid one. This legislation will demand a drastic reorganisation of Irish life. It is possible that certain industries and sectors could be fatally damaged in the move if the people involved are not sufficiently protected. There would be no justice in having our rural communities bearing the brunt of any economic hardship, or held responsible for the damage done by others who are much farther afield.

As well as a just transition, we must also have a common-sense transition. If emissions and climate change are really what we are concerned with, then our measures to combat such must not be confined to our borders. It would make zero sense, for example, to cull our beef herds if Irish and EU demand for beef instead becomes satisfied by Brazil, which would add thousands of kilometres of sea and air miles to the carbon footprint of the product.

On the topic of common sense, could the Minister please examine the role that nuclear energy could play in reaching a zero-emission economy? France's move towards nuclear power in the late 20th century saw that country massively reduce its use of fossil fuels and reduce its greenhouse gas emissions. While historically Ireland's power system has been too small for a conventional, large nuclear plant, the technology in this area is rapidly evolving. The dual advent of smaller modular reactors and the ability to almost eliminate spent nuclear fuel could be our best hope of achieving climate neutrality.

If we are to demolish perfectly functioning power plants in order to reach the targets, we need firm sources of power generation to replace them. They can provide electricity on request and help other generation sources like wind and solar power. This is not an argument against

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renewables; we need more renewables but we also need to make sure our energy system is secure and reliable. If this climate emergency is as serious as we are told, then we need to look at every possible solution to stop it, even the solutions we may not like.

I wish to address environmental protection. There is no mention in the Bill of corporate responsibility. We can all agree that environmental policy and legislation are vital to protect the environment, not just for the sake of the 7 billion to 8 billion people inhabiting this planet of ours, but also to protect our children and the generations to come. Rigorous implementation of environmental policy and legislation is certainly good and it is arguably an ethical and moral obligation. A clean environment promotes and maintains the health and well-being of communities and individuals, consumers and workers. It is also important for the aesthetics and reputation of Ireland's tourism industry, a vital part of our economy that provides employment for approximately 265,000 people. In such circumstances, it is imperative that we protect the environment to ensure long-term, sustainable economic growth.

We all have a part to play in protecting the environment in our daily lives, choices and actions but the statutory role of environmental protection lies with a range of Departments, 34 local authorities, An Garda Síochána and several agencies. The principal regulator and enforcement body is the Environmental Protection Agency, EPA. Does the Minister believe the EPA has all the powers and resources it needs to implement and enforce environmental law in Ireland? I have my doubts. Every year, we pay tens of millions of euro to the EU to avoid harsher fines for failing to comply with our environmental obligations as a member state. This could become billions of euro by 2030 if we continue to breach our greenhouse gas emissions limits.

Every year we see reports that our lands and waterways — the lands that feed us and the water we drink — are being polluted with untreated sewage and effluent from industry and agriculture. The principle that the polluter pays is at the heart of environmental law. However, are those who pollute in Ireland paying to the same extent as polluters in neighbouring countries? Airlines, for example, have been hit with fines of €132 million for failing to adhere to emissions-trading rules. I understand airlines in Ireland are now struggling with Covid flight restrictions but Covid has been with us only since January 2020. What has the EPA done to ensure airlines are complying with the rules? The Minister needs to consider this and address the issues of pollution and the EPA's effectiveness in combating it immediately.

I broadly welcome the Bill although I have some reservations. I thank the members of our climate action committee for their work on this Bill.

*Sitting suspended at 11.42 a.m. and resumed at 12.15 p.m.*

**Senator John Cummins:** I welcome the opportunity to contribute to this debate. I thank the Minister for coming to the House today. I wish to compliment the very significant work that was done by colleagues across both Houses on the Oireachtas Joint Committee on Environment and Climate Action, with around 50 hours of discussion at pre-legislative scrutiny stage. I believe 78 recommendations were made, many of which have been incorporated into the Bill. I compliment the Minister for that.

There is no question that many of us have been on a journey in respect of the need to implement radical changes to reduce our carbon emissions. While I believe the majority of people now accept the principal of climate change and are saying that they want to embrace all that is involved in it, I am not at all convinced that the public at large are willing to accept many of

the actions which will be required to meet our ambitious climate change targets. I am from an urban area in Waterford. Some people, particularly in urban areas, believe that the burden of responsibility lies with our rural farming communities. That would be a wrong assumption to make. As politicians, we should not be trying to divide society or scapegoat any sector. It is vitally important that we bring everybody along with us.

It will require every citizen, sector, Government Department and company in this State to work together to implement the changes in our daily lives in order to have the impact required. I have no doubt that we will have many difficult debates in the years ahead when the sectoral caps are put on the amount of carbon dioxide that can be emitted through the carbon budgeting process. However, if we do so on the basis of fairness, collaboration and mutual respect of one another, we can make the changes required to safeguard our environment for future generations.

I am someone that has the greatest respect for those in our agrifood sector. The long hours and hard work they put in and dedication that they have to the land that they farm results in Irish society having some of the finest quality food products in the world. From speaking to farming organisations and individual farmers in Waterford, it is safe to say that there is fear among the community of the impact that this climate Bill will have on them, their families and their communities. It is not because they are unwilling to change - they are and they have already done so. It is because they believe that there is a fundamental unfairness in them not receiving credits for carbon sequestration, particularly in respect of hedgerows and trees.

My wife is originally from Slovakia and I consider myself fortunate to have visited many countries across Europe. One thing that sticks in my mind everywhere I travel is that there is not a hedgerow or a tree as far as the eye can see in the countries of central and eastern Europe. That cannot be said for Ireland. We have an abundance of hedgerows and trees which promote biodiversity. I would like to know whether individual farmers or the State will be credited for them, particularly as our ability to measure these things consistently improves.

In that context, I believe that the definition of “carbon budget” in the Bill must take account of removals as well as emissions. It makes no sense to me that the definition of a climate neutral economy on page 6 of the Bill reads: “‘climate neutral economy’ means a sustainable economy and society where greenhouse gas emissions are balanced or exceeded by the removal of greenhouse gases”; whereas the definition of a carbon budget reads: “‘carbon budget’ means the total amount of greenhouse gas emissions that are permitted during the budget period”. I ask the Minister to consider the inclusion of an amendment to reflect what I believe is an anomaly.

I am aware that other Members have raised the issue of biogenic methane and its distinct characteristics. It needs to be fully considered by the Climate Advisory Council. I know it is being strengthened. I ask that the agricultural sector is represented appropriately on the council.

Turning to transport, I commend the work being done by the Minister, particularly in respect of public transportation across the country. I ask him to intervene in the metropolitan transport strategy for Waterford, which has taken far too long to be developed, notwithstanding the pressures that have existed with Covid-19. It is vital that we create a sustainable public transport system across Waterford city that serves our emerging residential areas and not just our existing estates. I am thinking, in particular, of the Kilbarry area, which has seen a massive growth in houses but the public transportation system has not developed alongside that.

With the development of public transport, we cannot forget the importance of an appropri-

ate road network, particularly between major urban centres. In that context, I mention the N24 which is one of the worst national primary routes in the country. It has a higher than average death and accident rate. The average speed limits are well below what is set out in the national planning framework. Its poor quality is impacting the growth of the mid-west and the south-east regions, particularly given the added importance of Rosslare and Waterford Ports as a result of Brexit. Preliminary studies are being carried out in respect of the two sections from Cahir to Waterford and Cahir to Limerick. I ask the Minister, notwithstanding his preference for short bypass options, to allow those to progress. The long-term solution is for a new N24 route between Limerick and Waterford that will link all our urban centres Dublin, Cork, Limerick, Galway and Watford via a new N24 and the M7 between Cork and Dublin.

**Senator Gerry Horkan:** I welcome the Minister. I was local councillor when he was a Deputy for Dublin South and we know each other well. It is not today or yesterday that he was talking about climate change or getting involved with things. He does not just talk to talk but he walks the walk. When I attended UCD in the early 1990s, he ran the bike shop at a time when bikes were not as fashionable as they are now. I often cycle to Leinster House and I cycle through the Minister's constituency, Dublin Bay South. We probably share the same cycle lanes in and out.

We have made good progress in getting people to do what the planners and engineers call modal shift. I pay tribute to Dún Laoghaire-Rathdown County Council for all it has done, not just with the coastal mobility route, which has attracted considerable attention and conversation, but throughout the Dún Laoghaire-Rathdown County Council area. I remember discussing a development plan in 2008 or 2009 when a particular councillor suggested we should rip up all those cycle lanes because they were only taking up space that nobody was using. Now, however, they are very busy and we are widening them. They are getting a great amount of use and have become incredibly popular.

The Bill is very important for Ireland and it is important that we play our part. We have a whole generation of people who are really involved and want to play their part and bring other generations, who may not have taken it so seriously in the past, with them. There is great activity in schools and among our young people. While canvassing, not just in the by-election but in local elections or general elections, we find younger people in particular are really interested in what we are doing about climate change. In all our activities and everything we do, including the light bulbs we use, the packaging we buy, the type of products we buy and the origins of those products, we must consider how we are generating a carbon footprint.

Much of what is in the legislation before us relates to carbon budgets. Any budget involves an income side and an expenditure side. On one side, it is how much were using carbon and, on the other, it is how much we can generate in terms of afforestation, offshore and onshore wind or other energy that can be regenerated from the planet rather than using fossil fuels. We must ensure that everything we do is proofed against it. I am frightened and surprised that we are still using polystyrene packaging which we all know was phased out in many restaurants and takeaway outlets many years ago, but some butchers and supermarkets are still using it.

We need a whole-of-government approach. We need to ensure that we do not leave it to the Minister for Communications, Climate Action and Environment and his Department. Of course, Minister is responsible for two Departments, the other being the Department of Transport, which is very much involved with carbon consumption.

We need to look at our settlement strategy which frightens people who believe they are not being allowed to build anywhere. It is not about that. For the benefits of being able to walk and to have protection from Neighbourhood Watch against crime, people want to live closer to a village, rather than in the more traditional ribbon development we are all used to. That is not to say some people cannot or should not live in those areas. They need to live in those areas. Agriculture is a vital part of our economy and our agriculture sector is, relative to many other countries, very energy efficient and consumes less carbon. At the same time, it is fearful of the change. The midlands, particularly, having been so involved with Bord na Móna, peat generation, peat briquettes and power generation, needs to be convinced there is a future post carbon consumption.

I congratulate the Minister on getting into this Government. I congratulate the whole of the Government and the Parliament that has adopted this. There are few votes in the Dáil Chamber where it is a 129 on one side to ten on the other. Let us try to bring the ten with us as well. Some of them are fearful and reluctant to take on some of the challenges but, equally, they have genuine concerns which need to be listened to. We need to talk it through with everybody. It makes little sense for us to be paying fines for not reaching our emissions targets while we are not helping people insulate their houses or attics, get new windows or get wrap-around installation on their houses. Much of our housing stock, unfortunately, is poor historically in terms of energy efficiency.

Everything we do has to be more carbon efficient and less demanding of energy. Many people I know who have done renovation jobs on their houses are amazed how little energy they need because they have put in the investment. Many other people do not have the ability, finances or resources to do it. Work has been done by many power companies to bring people with them, encouraging insulation and putting various schemes in place that allow people to pay back in their ESB or power bills over time.

Every step of this journey we take is positive but we cannot delay. The sooner we start, the more we can achieve. I thank the Minister for all he is doing.

**Minister for the Environment, Climate and Communications (Deputy Eamon Ryan):** I could not possibly do justice to the debate by responding to each Senator but I hope Senators will not mind if I do not refer back to every contribution. I will share a few thoughts.

I think Senator Horkan is absolutely right that we should listen to everyone. Every place and person matters. We will only make the scale of the leap we need to make if we listen with respect, including to those who do not agree and those who voted against this for whatever concerns or reasons they have. They represent people with concerns. To get as much consensus and political and public support for this as possible, we must do it in a listening and respectful way, particularly for the agricultural sector.

Senators Cummins, Murphy and others have raised concerns about the impact of this on the agricultural sector. It will impact that sector. The agricultural sector is as involved in this as every other sector. First, it is affected by climate change like no other sector. Second, energy will completely transform. It will be a 100% change. Industry will be 50%, 60% or 70% changed in the next decade and the same for transport. Agriculture will have to play its part. If Irish agriculture does not, it will be in deep trouble. It will get the reputation internationally for not being green and that would be a killer at a time when there are challenges from the MERCOSUR deal and the UK–Australian trade deal. We have cheaper products coming in which

do not have the same environmental standards. Our opportunity in agriculture is to stand up for environmental standards. It is an exporting sector so if word goes out internationally that Irish agriculture is not playing its part, it is finished. Therefore, we will work together with the Irish farming, forestry and land use communities to make sure this works for farmers and for the environment. The two can and will work together.

I have listened to a number of Senators make the valid case that we must look at sinks as well as sources. We have to account for that. I believe the Bill does so and it consistently goes back to the international agreements that govern everything here and which recognise sinks, as well as sources, are important. Central to our response will be the land use plan we will need, which looks at all these variables. The first key metric for success or otherwise is getting a whole new generation of young farmers involved and paying them properly. The second is that we store carbon in how we farm, run our forests, manage wetlands and restore nature and biodiversity. These have to be nature-based solutions to tackle climate change, because we have a biodiversity crisis as well as a climate crisis. We also, at that time, must stop the polluting of our waters that has occurred in the past 30 to 50 years, whereby we have gone from 500 pristine river systems down to 20. That has to be reversed or else we cannot go out there and claim we are origin green.

We also have to tackle the ammonia, nitrate and phosphate pollution endemic in our country and must increase incomes for Irish farming as we do so. That can and will be done, including the likes of what Senator Murphy said about horticulture on our peatlands. There is huge controversy in terms of importing peat. We have to stop the industrial extraction of peat. That is an absolute certainty. Legally, we have to do that. However, that does not mean we do not start using our bogs in the way Senator Murphy suggested. They are exactly the sort of opportunities Bord na Móna is starting to see and that will create jobs and opportunities in the midlands in particular.

Numerous Senators mentioned the transport issue. At the same time as we pass this Bill, we also have to carry out a national development plan review and the two go together. We must start to align our capital investment in particular with our climate plans. As for the key changes, in respect of roads we will be switching to large numbers of bypasses, because that helps us on the climate front. The more bypasses of towns we have, the more those towns can revive. We will bring life into the centre. Having people living in the centre of the town is not only good in terms of addressing the housing crisis, it also means we do not have to build ever further out and do not have pour the cement for the new pavements, water management systems, schools and everything which goes out and out and out, while the centres of our towns - including Dublin town - are dying. That does not make sense. The climate-clever way is to bring life back to the centre, whereby one can walk to school, church, the pub and the shops and can use the existing buildings.

We have stunning 19th-century market towns, large numbers of which are being allowed to dilapidate and remain vacant. Senator Cummins mentioned the N24 in recent contributions. Tipperary town is one example of a town on that route. It has 30% vacancy. There are 245,000 vacant houses in the country. In tackling the housing crisis, we can get families back in to buy and refurbish those houses and support them in using those houses and use all the existing infrastructure to have a much more attractive community public realm. This applies to every town. It is Carrick-on-Suir, Clonmel, Bansha, Cahir and Tipperary town. I could keep going right up through the country. We all know the towns throughout this country that could benefit from that kind of approach. Many bypasses are what we should focus on now.

However, the switch is being made. It is agreed in the Government that 20% of funding is going to active travel, with a public transport to roads ratio of 2:1. As well as the bypasses, we need investment in sustainable active travel and bus and rail, particularly in all five of our cities - Dublin, Cork, Galway, Waterford, Limerick. We need metropolitan rail networks and bus connections for each of those cities, because we need more balanced regional development. We will have a difficult choice to make in that because it will cost a lot of money. The cost of construction, as we all know, is going up. I was just talking about that outside the Chamber with Senators, in terms of the cost of construction going up. We will have to make difficult choices. I understand the case for a station in Cabra. I understand the case in Limerick of possibly using the four existing rail lines. It is not that we need to build a new light-rail line for Limerick, we have a rail infrastructure in Limerick. What we need to do is put electric trains on those lines. We need commuter, metropolitan, battery powered electric trains that can stop and start with the same speed as the Luas, and run on the old heavy-rail lines. That is the direction I think we will go in, particularly in the likes of Cork and Limerick. That is much easier on planning because of the existing lines, and much easier on cost because building new lines is very expensive.

In many cases, taking the example of Moyross, it is relatively cheap to put in the station when the line is already there. The way it works is that we build around the station. County councils throughout the country are doing their development plans now. If we are going to do that and are serious about doing it, we can make the case for investing in, for example, Limerick versus wherever, Cork or Dublin, one could pick any other town or city. Limerick City Council will have to make the decisions whether it will support this sustainable transport future and steer its development plans around these stations. I can think of eight or ten stations in Limerick where we could do this on existing lines. Or the city council will not do this. If it does not, then perhaps Cork will do it, or Dublin is certainly ready and able to do it.

Much of this will be worked on with local government. What is important in the Bill, is the need for local government - this must come from the bottom-up and be at the centre of local government plans - to have a central role in deciding whether they do the town centre first, whether they reuse existing buildings and build hubs in them, and whether they build around their public transport infrastructure and make a 15-minute city or town. Many places have started doing this and they find that this is where the jobs and young families are going. That is what we should do - it is not a negative.

I refer to energy. The Taoiseach has said on numerous occasions that this Government has three key priorities in its legislative programme - the climate Bill, the Land Development Agency Bill, which compliments what I have just said about transport, and the maritime area planning Bill. The maritime area planning Bill is of critical importance because it will help regulate the development of the offshore industry that has the potential to power our future as a country. It is the Ardnacrusha investment of our time to the power of ten, and more. To get it right, we need to get the planning right. Senator Boyhan is familiar with and very experienced in this planning area. He knows how we could completely tar ourselves in glue if we do not get the planning right. In the south side of Dublin city, this will be a very contentious issue as wind farms come into Dublin Bay and all along the east coast. We must, absolutely, make sure that the environmental standards are proper and correct, if we are to get public support. The advantage we have in that is that offshore wind is the cheaper fuel now. I agree, we should look at nuclear options. Senator Mullen referred to this earlier. I would not rule out anything because the climate crisis is so severe. We must look at every option. In truth, I do not see modular small-scale nuclear energy developing in the way solar and wind energy is developing, with the

costs coming down. It will never be competitive now - nuclear versus renewable - in our country because we have such a wind resource. At scale, our sea areas are ten times the size of our land area. This is a significant energy store that we have and it makes sense for us to tap into it, use it for our own needs, export it, convert it to hydrogen and ammonia fuel, run other systems, bring industry and jobs here. However, it will not work, if we do not get the planning and the public consultation engagement right, and the environmental aspect to that planning done right

Senator Gavan, and perhaps others, mentioned data centres. Agriculture will have to change, so will transport, energy and industry. I do not see that it would be impossible for us to go to the data centre companies, which are large multinationals, by and large, which know that their customers around the world will insist that they emit zero carbon by the end of the decade. We should go to those companies and say that we want to work with them. We want data centres here for a range of reasons, one being that we have to pay for everything. When we produce the national development plan in the coming months, we will have to balance all the investment requirements, which are massive, in the areas of water, transport infrastructure and housing. We all agree that we have to spend billions on housing but we must also spend billions on transport infrastructure, water and agriculture. I could go on.

We have to have an honest discussion. If we are going to have a real discussion, we have to ask where the money is coming from and how will we pay for it all. That is a real question. Yes, we can borrow, but at some point the borrowing has to be backed up with income. We are a successful country at foreign direct investment and digital industries and those data centres are part of that industry. We cannot have data centres which are burning gas and which makes it impossible for us to meet our climate targets. This Bill is telling all sectors that they have to change their ways so that they fit in within this zero carbon strategy we are going on. I will sit down with the data centre companies and ask them if we can use Ireland as a test location for the use of back-up hydrogen, back-up ammonia - whatever is zero - back-up batteries, back-up balancing or back-up district heating so that data centres will be part of the solution and not part of the problem. I do not think that is impossible. While the companies might not like it because it is a hassle or because they will have to change their ways - just as those in farming will have to change their ways - I think they will understand that we have reason and logic on our side when we ask for this and set out this challenge. It is about learning by doing, and going to Science Foundation Ireland and setting this as one of our challenges. Just as Bandon is the example of going a zero carbon farm, let us have zero carbon data centres. The benefit of that is that it keeps the industry here and from that, with the new corporate tax rules and so on, it means that we have an income to pay for the water services, public transport and housing. We have to pay for it, and I think we can.

I am in danger of using all the time I said I would not use. I apologise for that. I will respond to some of the broader points. Senator Buttimer expressed concern about quangos. I very much understand his point. We live in a democratic constitutional Republic and it is the Oireachtas that should decide. However, the complicated structure we will set up from the Bill is the correct one. We should be honest that it is sometimes difficult for us to think 15, 20 or 30 years out while the likes of the Climate Change Advisory Council can and will bring in the real expertise to do so and to guide us and allow us to frame our debate. We need that independent and far-sighted council to use its expertise and present us with options. I hear the Senator's concerns but I do not share them in this instance.

Senator Mullen asked, as many do, about why we should do this when China is not doing it. In the next breath, he rightly referred to a document which, in my mind, was truly inspirational

and informs much of what I think on the whole climate side, Pope Francis's encyclical *Laudato Si*. There is something within that from a secular point view, not only a spiritual one. Going back to what I said about how every place and person matters, it is the understanding of the sense of nature and the importance of place here which inspires us to do this. It is the beauty of the natural world and of creation us that requires us to protect it regardless of what China is doing. It starts here at home. It is in protecting our own environment, farm, park and river. It is something that enriches us as we protect our home here.

There is a second wider economic reason because, in reality, this is where the new economy is going. If we decided to hold off because others are not doing this we would miss out on the new economic opportunities that will come from those who do it but there is more than that. Coming out of Covid, everyone realises that we are not separate but that man, woman and nature are combined. There is that almost spiritual sense of connection to community and place and the natural world is what should inspire us to connect so I absolutely agree with Senator Mullen on that. That argument overcomes his earlier concern as to why we should do this when it is not being done by someone else.

I hope it is not a problem if I finish by referring to one of my party colleagues, the Minister of State, Senator Hackett, who said that mother nature will restore, return and nurture us as we come back. That is absolutely true. All of the evidence that we have seen in the destruction of the natural world that has taken place in the last 50 years is that if we give mother nature any space to come back then she comes back very strong in that nurturing way. We need to work with mother nature to allow her restore our natural world, which restores and protects us.

**Acting Chairperson (Senator Emer Currie):** I thank the Minister.

Question put and agreed to.

**Acting Chairperson (Senator Emer Currie):** When is it proposed to take Committee Stage?

**Senator Gerry Horkan:** Next Tuesday.

**Acting Chairperson (Senator Emer Currie):** Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 29 June 2021.

*Sitting suspended at 12.48 p.m. and resume at 1.04 p.m.*

### **Residential Tenancies (No. 2) Bill 2021: Second Stage**

Question proposed: "That the Bill be now read a Second Time."

**Minister for Housing, Local Government and Heritage (Deputy Darragh O'Brien):** I am grateful to the Leas-Chathaoirleach and indeed to all Senators for facilitating the debate on this urgent legislation in Seanad Éireann before the recess. I also wish to record my thanks to the Chief Whip and the Oireachtas Joint Committee on Housing, Local Government and Heritage for enabling this Bill to be moved and read a Second Time today.

In light of the prolonged challenges facing the most vulnerable tenants, I am asking the House to pass this Bill to enable its early enactment to provide technical amendments to the

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Planning and Development, and Residential Tenancies, Act 2020 to extend the application of its enhanced tenancy protections for a further six months to 12 January 2022.

The Bill contains a number of other significant permanent amendments to the Residential Tenancies Act 2004 that I will cover quickly. They propose to restrict any upfront payment in respect of any deposit or advance rent required to secure a tenancy to a total value that does not exceed two months' rent and to restrict any ongoing advance rent payments to cover the forthcoming month only. That change has been sought for some time and we are providing for it now in the Bill. Within that, though, we also provide for an opt-out from the upfront rent payment restrictions for students residing in student-specific accommodation should they wish to avail of it, purely for budgeting reasons. A further amendment in the Bill will require a student residing in student-specific accommodation to provide a minimum of 28 days' termination notice to the accommodation provider or to provide a longer notice period should he or she wish to do so. That has come directly from the Union of Students in Ireland, USI. I am happy to bring that change in and make a very significant positive difference for students.

Subject to the conditions and the procedural requirements, the Planning and Development, and Residential Tenancies Act currently protects tenants in rent arrears due to Covid-19 and at risk of losing their tenancy from eviction or rent increases during the period 11 January 2021 to 12 July 2021. It is considered that the ongoing threats and impacts of Covid-19 and its emerging variants necessitate this Bill to extend protections for a further six months, until 12 January 2022. The six-month extension is a proportionate response which balances the rights of the tenant and the property owner. While the numbers directly invoking the enhanced tenancy protections have been small to date, some 475 tenants have made the necessary self-declaration between August 2020 and May 2021. The emergency rental measures have provided a very strong safety net to vulnerable renters and send a clear signal to the rental system that the State will protect tenants. In this context, and because of the strong direct financial supports, we have prevented turmoil in the rental sector during the course of the pandemic.

Approximately 1% of all tenants have been issued with rent arrears warnings since last August. This means that 99% of tenants are meeting their rent, some with the benefit of State supports. Crucially, State supports are available to renters. These include the pandemic unemployment payment, rent supplement and the supplementary welfare allowances, including exceptional needs payments. I encourage anyone struggling with paying rent to avail of these protections available through the legal mechanisms and the direct State supports. I am considering what other provisions might be introduced by way of amendment to the Bill on Committee Stage in the Seanad. I advise Senators that I intend to come back with a couple of amendments next week.

It is important to note that the Planning and Development, and Residential Tenancies Act protections are separate and distinct from the permanent protections under the Residential Tenancies Act 2020, which provides for a moratorium on evictions, with very limited exceptions, during a period of 5 km travel restrictions. That moratorium would kick back in if those travel restrictions were reintroduced. Obviously, none of us wants to go back there, but those protections are on the Statute Book. As previously stated, significant and enhanced State income supports continue to be available through the Department of Social Protection. Again, I encourage any tenant who needs assistance to reach out early to the Money Advice & Budgeting Service and seek every State income support available.

As for other permanent protections under the Bill, during the Second Stage debate on a

Private Members' Bill which was introduced in the Dáil recently and which the Government did not oppose, I advised that impending private rental reforms to restrict the level of upfront payments by tenants in respect of deposits and advance rent would equally apply to and benefit students in student-specific accommodation. That Bill was brought forward by the Opposition in the Dáil. It sought to restrict the amount paid upfront in deposits for students only. I thought the measure should apply to all tenants, so that is in this Bill. The maximum upfront payment proposed is the equivalent of two months' rent. We have allowed for an opt-out should students wish to pay more. Some, particularly visiting students, pay semesters in advance, so we have left that option. The Bill would restrict the total amount that anyone could be obliged to pay to a landlord by way of a deposit to two months' rent, as I said. The measures in this Bill will certainly greatly reduce any financial exposure to tenants, including students, on foot of paying much restricted upfront payments.

I will briefly outline the main provisions of the Bill. The Long Title and recitals of the Bill describe our policy aims and the policy context in which the limited restrictions on constitutionally-protected property rights will serve the common good for a further six months, up to 12 January 2022. That will mean we will have had additional tenancy protections in place since March 2020, a period of 22 months.

Sections 1 and 12 contain standard provisions dealing with definitions, the Title and collective citation of the Bill.

Section 2 provides for a number of amendments to the Planning and Development, and Residential Tenancies, Act by updating various dates to reflect the extension under this Bill of the emergency period to 12 January 2022. The proposed amendments to the Planning and Development, and Residential Tenancies, Act provide, subject to conditions and procedural requirements under that Act, for its enhanced tenancy protections to continue to apply from 13 July 2021 to 12 January 2022, where tenants have been economically impacted by Covid-19. Rent increases and tenancy terminations will be prohibited for tenants who are protected by these measures until 12 January 2022 should this Bill is enacted.

Section 3 is intended to remove, in the context of student-specific accommodation, the legal possibility of tenancy agreements requiring a termination notice period of greater length than those provided under table 1 to section 66 of the 2004 Act, or than the minimum 28 days' notice required to be given by students.

Section 4 amends section 16 of the 2004 Act to provide for a new reference to a deposit a tenant might be obliged to pay.

Sections 6 and 7 are technical amendments to reflect that student-specific accommodation falls within the remit of the Residential Tenancies Acts. Section 8 provides that a student can provide more than 28 days' termination notice to the student-specific accommodation provider, should her or she wish to do so. Section 9 proposes to require a student residing in student-specific accommodation to provide a minimum of 28 days' termination notice to the accommodation provider. Section 10 is a technical amendment to provide that a dispute can be referred to the Residential Tenancies Board, RTB, regarding a landlord's compliance with the new restrictions on the total amount that anyone can be obliged to pay in respect of a deposit.

I have covered the main provisions of the Bill. In short what we are doing here is extending protections against eviction or rent increases for those tenants who need it most right up to

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January of next year. We are restricting permanently the amount that can be asked by a landlord of any tenant to a maximum of the equivalent of two months' rent, that is, one month's advance and one month's deposit. Then we are reducing the notice period a student would have to give to 28 days. Again, these are measures we have worked very closely on with students' groups, tenant advocacy groups like Threshold and indeed political parties within Government and Opposition. The Bill passed unanimously in the Dáil this week. For the benefit of Senators who may have missed the earlier part of my contribution, I will say again I intend to leave open the possibility of bringing a further amendment to the Bill to this House next week.

**Senator Mary Fitzpatrick:** I welcome the Minister, Deputy Darragh O'Brien, back to the Seanad. I thank him for bringing this legislation forward. I hope there will be unanimous support for the amendments the Minister is bringing forward.

The proposal we are considering today is to extend the emergency protection periods for renters who have been negatively impacted by Covid. I commend the Minister and the Government on the supports they have provided. While I accept that only 1% of renters have fallen into arrears over this period, it is still 1% of the almost 1 million people in our population who live in rented accommodation now. It is very important that the State and the Government provides those protections.

This is the fourth time the Minister has extended the protections. While none of us wants to think that by next January we would still be struggling with Covid restrictions, it is a very important measure to put the extension to that longer date, so those who are negatively impacted will have the comfort and security of knowing they are protected from rent increases and from evictions.

I commend the Minister and the Government on the permanent changes being made in restricting the amount of deposit and rent that can be required by way of an upfront payment. The Minister is aware that while we are all working hard to tackle and defeat the housing crisis, there have been some isolated incidents where unscrupulous activities were taking place. Thankfully they were isolated and not a general problem. It is very welcome that the restrictions in this regard are being made permanent so that the amount that can be provided upfront will be limited to two months' rent. I also commend the Union of Students in Ireland, and others, on their campaign in this regard. The Bill will provide for a 28-day notice on student accommodation. This is a practical and important measure. For parents and students, access to education is a life-changing and empowering event, but accommodation is hugely expensive. It is an important facility that they would have the flexibility to terminate within 28 days.

I also thank and commend everybody who has worked to support renters during the pandemic, including the staff in our local authorities, Threshold, the Residential Tenancies Board, the Money Advice & Budgeting Service; Intreo offices right around the country; the citizens' information services; and all our local authority members and public representatives. We are all battling this together but it is very important that renters have been supported.

I welcome also the Minister's recent announcement of €75 million funding for the State to lead in the provision of student accommodation. This is very welcome. The Minister has heard me talk about this many times. We need the State to support proper, purpose-built student accommodation at our third level campuses. The €75 million is a very welcome development. It comes on top of the historic €3.3 billion housing budget, which is the biggest in the history of the State, and the ground-breaking legislation the Minister is bringing forward on affordable

cost rental.

The Minister understands the precarious nature of our rental market, and that is why he is bringing forward the legislation on affordable cost rental. Rental accommodation has been a market because it has largely been privately delivered. That has been the historical position here, apart from the State's provision of social housing. The introduction of the affordable cost-rental model has the potential to change the residential rental landscape. I commend the Minister and the Government on being ambitious with that affordable cost-rental model.

Reference was made to the balancing of rights between the landlord and the tenants and of the Government support for a proposal, unanimously supported by this House, on a right to housing in an amendment to Bunreacht na hÉireann. This will ensure that going forward, we can have a real balance in our Constitution of the private property rights, but also of the essential right to secure, affordable accommodation and housing. We talk about the residential market and the 365,000 residential tenancies. It is a privately controlled market. There are some issues I would like the Minister to consider as he finalises his housing for all plan and as the Government reviews the national development plan. I have mentioned the affordable cost-rental model. It is game-changing and can deliver secure, affordable rental accommodation. The LDA is being set up on a statutory basis to deliver 150,000 homes over the next 20 years. The Government has committed to 50,000 social homes but I would like the same ambition to apply to affordable housing in the housing for all plan. It is important that we ensure our rental properties are affordable and sustainable and that people have secure tenures for an indefinite period.

I commend the Minister again on the work he has done to tackle the vacancies in local authority and State-owned properties. The moneys he provided, in respect of which there was oversubscription by the local authorities, are turning vacant boarded-up city council flats in my constituency, Dublin Central, into inhabitable accommodation. I thank the Minister for awarding more money, €5 million, only yesterday. It will mean 100 additional flats will be put back into use in Matt Talbot Court, Botanic Avenue, Constitution Hill and Dorset Street. This represents a really welcome and pragmatic use of existing built infrastructure that has been lying vacant shamelessly and negligently. I commend the Minister on providing the funding to ensure they can be reopened.

I also welcome the Minister's commitment to regeneration projects for the inner-city complexes that will have genuine ambition. It is in that context and the context of the national development plan and the housing for all plan that I want the Minister to push the Government to be really ambitious. The economic circumstances are right for it to be ambitious and radical. The suspension of the European Stability and Growth Pact constraints is conducive to ambition. The economic environment is conducive to borrowing by the Government to invest in sustainable social infrastructure. That is what housing is. I refer to social and affordable housing that can deliver for generations to come.

When the Minister is finalising the plans, he should examine the build-to-rent model and the standards of build-to-rent housing. I acknowledge he is already considering these. We understand why the build-to-rent model existed historically but we need to re-examine it. Most important, the issues concerning leases of indefinite tenure and rent pressure zones have to be tackled. We need policies that will ensure sustainable, affordable and secure rental ten years into the future.

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I plead with the Minister again on the strategic housing development, SHD, process. I am aware the Government has committed not to extending the SHD arrangements beyond the expiry date. That is a welcome and pragmatic decision. It actually speaks to the fact that the SHDs have failed. They have failed to deliver an increase in housing and, at the same time, they have alienated communities from what should be a democratic process.

I ask the Minister to consider asking An Bord Pleanála to stop engaging in consultations on SHDs. The vast majority of them are being appealed for judicial review. Ninety percent of those cases have failed in the courts. On top of that, the model is not delivering housing. It is delaying the process. Worse still, it is costing the State an awful lot in that it must fund An Bord Pleanála to engage in the judicial review process.

**Senator Sharon Keogan:** I welcome the Minister. The Residential Tenancies (No. 2) Bill is another Government effort to patch up the pandemic-sized hole in the tapestry of this country. For patchwork, the Minister is doing a decent job. The pandemic has left our already compromised housing market with a stream of tensions and issues. It is important to recognise that. It is also important to recognise that some of the legislation that has been passed during the pandemic is effectively gloss. We are passing amendments and provisions that will not fix anything but admittedly ease hardship and assist those who need assistance. However, will the Bill fix the problem renters face in this nation? Will it fix the issues tenants face? Will it solve or improve the crisis in our housing market in any meaningful long-term way? No, it will not.

For the most part, I welcome the Bill and many aspects of it. I welcome the fact that the Government is extending protections for tenants who, through no fault of their own, have found themselves in rent arrears thanks to Covid. I welcome the fact that the Government is extending protections for tenants who, through no fault of their own, have found themselves in rent arrears thanks to the Covid-19 pandemic and never-ending lockdowns.

In a briefing note provided to Senators, it was claimed that low-income tenants are disproportionately employed in sectors severely affected by the Covid-19 pandemic. They need the assistance the Bill will provide. I welcome the fact that the Government is offering specific protections for students renting student accommodation. Several of the protections are those called for by the Union of Students in Ireland. Students will only be required to give 28 days' notice if they need to terminate their residency. Students will also not be required to provide upfront payments to secure their accommodation. For students in third level education who have suffered through a year and a half of educational uncertainty and who continue to live in limbo as regards their college experience and life, these are positive steps.

However, I do not welcome other aspects of the Bill that bring change. This is not the first short-sighted Bill that we have enacted in recent weeks. Unfortunately, I do not think it will be the last. Renters are not suffering solely because of the Covid-19 pandemic. Renters suffered before the pandemic and they will suffer long after the it if this Government refuses to address the issue of supply. I spoke previously on the issue on Second Stage of the Affordable Housing Bill 2021. I remarked that the Bill was an expensive and ineffective solution to the housing crisis. Now, we are again adopting legislation that only patches up holes in the tapestry. It only glosses over the gaps. It kicks the problem further down the path.

In Covid times there is a certain element of patching required and a certain degree of glossing needed. Of course, problems have had to be kicked down the path to deal with the major problems at hand. It is vital that we realise that this Bill does not fix or solve and it does not

serve any long-term change. Under section 2, certain tenants are protected from rent increases and evictions until January 2022. It is much-needed and provides protection of which many will be glad. However the protection is only in place until January 2022. What happens after that? Can the Government ensure that we will have an open-ended and functioning economy, free of stresses and strains and without lockdowns being imposed? Can the Government ensure that those in rent arrears because of the Covid-19 pandemic be positioned to get themselves out from under these arrears by January, or it continue to extend, enhance and endeavour to avoid effective and everlasting solutions?

On that note, what about those who do not benefit from the enhanced protection provided in this Bill such as those who are in rent arrears because rents are too high, as opposed to pandemic-related reasons? The Bill overlooks them. No Bill that we have passed of late serves them in any meaningful way. We provide subsidies and myopic solutions; we do not provide houses or affordable houses. We do not facilitate our landlords, planning developers and builders to provide them. According to the Central Bank of Ireland, 34,000 new dwellings will be required every year for the next ten years to meet demand. The ESRI has predicted that we will build only 15,000 houses this year. It is safe to say that our supply requirement will not be met. Supply is the elephant in the room.

Under section 5, provisions will permanently enact a ban on upfront payments to the value of more than two months' rent when securing tenancies. However, this does nothing to bring down monthly rental costs, so it does nothing to benefit renters in the long term. In addition, this change makes the life of landlords more laborious. I heard an interview with Margaret McCormick of the Irish Property Owners' Association a few weeks ago. Ms McCormick outlined the impact of the deposit-related restrictions on landlords. As she pointed out, landlords are the ones taking the risk. If it becomes unaffordable for them to rent property then they will stop letting property. If that happens, supply will tighten. While demand remains high, prices will continue to rise. What does it matter, then, how much the landlord can ask for in an upfront payment?

I welcome the Bill. Students need protections, which they are getting. Those struggling in the face of the pandemic need protection, which they are getting, but there are very few solutions in this Bill. It is a temporary measure of indefinite solution. I welcome the Bill and I invite discussion about the longer-term plan. Infinite extensions of emergency restrictions are getting less effective by the second.

I wish to highlight something outside the scope of the Bill. The Minister increased the grant to renovate vacant homes from €40,000 to €60,000. Between 2017 and 2020, only 247 people availed of that scheme. In light of the ever-increasing costs of renovating homes, the Minister might need to review that and increase the amount from €60,000 to €80,000. I would appreciate his comments on that.

**Senator John Cummins:** I welcome the Minister to the House. He is a regular visitor at this point, which shows the urgency the Government has placed and will continue to place on this area. At the beginning of the pandemic, the Government acted quickly to protect renters by introducing emergency legislation to freeze rents and temporarily ban evictions. We extended that prior to Christmas and, in March, we extended the temporary legislation to ensure that those who had lost their incomes due to the Covid-19 pandemic and needed the protection and support of the legislation would continue to receive it.

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When I spoke in the debate on the previous version of the Bill, I said that the Minister had stated that if we were still in the same situation by July, the measures would be reviewed by Government and he would consider introducing further protections if necessary at that point. Unfortunately, we are now at that point and we need to extend the protections. I welcome that he is now extending them by six months until January to give that comfort and provide certainty over that period.

During the debate I also appealed to the Opposition not to present or distort this legislation as something that would take rights or protections away from tenants. I echo that call today. The Bill before us seeks to further enhance and protect the most vulnerable tenants, those who have been negatively affected through no fault of their own by the Covid-19 pandemic until 12 January next year. Despite the progress that has been made with the vaccination programme, it is vital that we protect the renters who have been negatively affected as a result of the pandemic.

As Senator Keogan said, supply is key and everybody acknowledges that. That is why the Government is introducing two groundbreaking Bills - the Affordable Housing Bill, which has passed all Stages in this House, and the Land Development Agency Bill, which will come before us in the coming weeks. That legislation will mean that affordable purchase schemes will be provided by local authorities on publicly owned land. We have an innovative shared equity scheme, which will assist first-time buyers in owning and bridging the gap between what the market is providing and what they can afford under the macroprudential rules. It was the first ever cost-rental scheme in the State. It increases Part V provision by 10% for affordable housing. That is a key plank of Government policy and will deliver affordability across the country. I commend the Minister on his work in that regard.

The Bill will also introduce measures to ensure the deposit or advance payment a tenant pays to a landlord is limited to two months' rent. I welcome that, in extending the legislation, the Bill will provide for students who live in student-specific accommodation. They will be covered by the new deposit measure and will not have to give more than 28 days' notice when terminating their tenancy.

In dialogue with the Minister's officials, I stated in response to concerns raised by the Opposition that we could look at inserting that this provision only applies to third level institutions providing packages of tuition and accommodation. It would ease some fears that this could be a way of slipping in by the back door a way around the legislation for other landlords. If the Minister could look at an amendment on that on Committee Stage, it would be useful.

I commend the Minister and his officials on the speed with which they have brought this legislation before us. It is welcome that we are extending the protections until 12 January. I look forward to the debate on this legislation in the coming days.

**Senator Marie Sherlock:** I thank the Minister for coming to the House and bringing forward this legislation. We will support the Bill. We have significant concerns about some of the drafting in the Bill and the way it stops short, as we see it, of providing real, urgent and substantial protections for tenants. Nonetheless, the protections included in the Bill represent progress and we are happy to support it.

Any of us in this House, whether as councillors, Senators, or, in some cases, former Deputies or Ministers, know that housing issues such as access to housing, substandard housing, mistreatment by landlords, rent increases and evictions are the hardest issues to deal with. Any

improvement for tenants has to be welcome. Section 5 of the Bill with regards to amounts legally payable is important, as are the provisions for students regarding the notice period and the limit on the deposit payable. However, as I believe Senator Keogan noted, it is about the actual amount tenants are having to pay. Rents in this city are 35% higher than at the height of the Celtic tiger. That is the real issue.

I pay tribute to the campaign by Union of Students in Ireland, USI, to ensure these provisions are in the Bill. They are a step forward for students, notwithstanding the fact that in certain parts of the city we have a number of expensive student accommodation developments that were primarily targeted at international students, although a small number of Irish students live in them. There are real issues as to whether those student accommodation facilities will remain as such, given the number of planning applications to convert them to short-term use over the past 12 months. I am referring in particular to Dublin Central, where I am based.

We have a real concern with section 2, which contains the extension on the eviction ban to January 2022. The extension is welcome. However, only 475 persons have made a declaration since the provision was introduced, when every Member of this House and the Dáil could attest to the fact that the true magnitude of the problem with regard to evictions is many multiples of that. Having to go through that bureaucratic process of having to self-declare is a cumbersome process for many struggling and disadvantaged tenants, especially those who have difficulties with regard to language skills.

As my colleague, Deputy Duncan Smith, said in the Dáil, this Bill does nothing with regard to the 8% rent increases being forced on tenants by some landlords. The exploitation of that loophole which exists, arising from the lack of a rent increase from last year, has put some tenants under enormous pressure. The queries to me have been distressing, from people who do not know how they will afford that 8% and are in a situation in which they are trapped in their tenancies. They cannot move to get another tenancy because they cannot afford it. Perhaps they have been in that tenancy for a number of years and their rent is slightly below market average at this point.

The fact we are still within the pandemic and are forcing these provisions on a cohort of people who have lost income arising from the pandemic, but not to all of those who are facing evictions, is to be regretted. Colleagues of mine and others put forward amendments, but the Minister did not accept them in the Dáil. We hope he will accept them here.

With regard to where we are now, we can do more. When the Labour Party was in government, it froze rents. There is a recurring theme from the Government that because of constitutional property rights, there is an inability to freeze rents in this country. The Supreme Court decides on the Constitution, not the Government or the Attorney General, so the Government can be bolder.

Last week, we brought a Private Members' Bill forward in the Dáil, to implement the 1973 Kenny report. The recommendations are around that long, in terms of making it easier for the compulsory purchase of development land. We seriously need to look at that now, because unless the cost of land is cheaper and unless we make it harder for landlords to evict tenants and put in place a system in which there is more affordable supply, we will end up having these conversations about a housing crisis for many years to come.

I share the concerns of Senator Fitzpatrick with regard to the strategic housing develop-

ments, SHD, process, notwithstanding it is due to expire at the end of this year. The newspaper reports from yesterday seem to relay a thinking within Government that an initiative will have to be taken to find another mechanism to fast-track planning. What is the point in letting the SHD process expire, when the purpose of its establishment was to fast track planning, to replace that with something else?

We need something different. We need to look at An Bord Pleanála as a whole. I share the concerns about it. We need to look at its design and how it is structured, but we need to allow communities a say in their planning and we need local authorities to have a say. However, we also need to look at a number of the planning regulation decisions made by Government, especially the regulation on the establishment of the build-to-rent model of housing in this country.

The reality of the area Senator Fitzpatrick and I are in is that due to the tax and planning arrangements in place for developers in this city, we will not see conventional apartment blocks being built. We will see build-to-rent. We are seeing some co-living, which got in just before the ban was introduced last December. However, by and large, the incentive to build conventional apartments will not be there because with build-to-rent, one can have a more dense form of development. It is on expensive land, so developers need to make a return. In many cases, it is a much poorer form of housing for residents and often at artificially inflated prices. We know the financial clout of investors to offer rent-free months or to keep rents artificially higher. I urge the Minister to look at the build-to-rent planning regulations and ban these developments because a ban is what we need in this city. Otherwise, we will be left with a rake of white elephants - unaffordable developments that people will not be able to access.

**Senator Vincent P. Martin:** As has been stated, the purpose of this Bill is to extend the emergency period specified in the Planning and Development, and Residential Tenancies, Act. That makes perfect logical sense. It would be impossible, I hope, for anyone to oppose an extension of the emergency period. The aim of the extension is to further assist tenants who have been financially impacted by Covid-19, while recognising and balancing the constitutionally protected property rights of landlords. That is a challenge because there are judgments from superior courts that state that this cannot be a one-way street. While we may not like it that we have property rights in the Constitution, the Government and Minister must act according to the best legal advice. There are countervailing rights and the balance that one must strike is very important.

I note this opportunity was not wasted by the Minister, and he has made some permanent amendments to landlord and tenant legislation. That is of interest. The first of the main amendments is to restrict upfront payment of rent or a deposit to secure a tenancy to a total value that does not exceed two months' rent. That will make it more accessible for tenants. Second, the Minister is also providing an opt-out from the upfront rent payment restrictions for students residing in student-specific accommodation. Third, there is a requirement for a student residing in specific student-like accommodation to provide a minimum termination notice of 28 days to the accommodation provider or a longer period, should the student wish to do so. We have many former student leaders in both Houses of the Oireachtas and I proudly count myself among that number. This is a very good day for the Union of Students in Ireland and what it stands for. I caution against people trying to circumvent the Act by dressing things up and calling the agreements licences rather than lease and tenancy agreements, simply to remain outside the remit of the RTB. This raises the bigger question of having a consolidation of the legislation. It is a matrix of different amendments and far more complicated than it should be. It ought to be simplified for both landlords and tenants.

One issue, if I may mention it on Second Stage, which I hope the Department will consider, is a deposit retention bank. There is often a great difficulty in getting money returned when the RTB makes a determination that a landlord has unjustifiably retained a deposit. This money was never the property of the landlord and is held in trust as it is the tenant's property. This would be a significant bank of money that would gather interest and returning a deposit would be done efficiently and promptly. If there is no further appeal to the RTB, as there should not be given that its decision is final and binding, barring a procedural challenge to the High Court, once the appeal period of time is spent, the tenant could use the determination order to have the deposit returned immediately. Tenants would not be at the mercy of landlords who drag things out by holding back the deposit until they are forced to return it. I know this applies to only a small minority of landlords.

There is much at stake in RTB cases. Recent legislation allows for one-member tribunals. This is a significant responsibility for members of the tribunals. I prefer three-member tribunals because there is so much at stake. The home enjoys a pre-eminent position, and rightly so, in our Constitution and the collective wisdom of three people is better than one when the stakes are so high. The private rental market is a vital cog but it cannot on its own resolve the housing crisis. People have to accept that and appreciate that while it is vital, it is only one part of the jigsaw. It is important when we balance those constitutional rights as much as we can in favour of tenants that we do so in a way that does not scare more landlords to run to the hills because many landlords are trying to get out of this business. I mean accidental landlords, the big hedge funds.

Housing is the greatest challenge facing our country but once the Minister continues to adopt his inclusive approach, on which I commend him, and continues to listen so attentively as he has done, and once we almost take the politics out of it and put people, their safety and a roof over their head first, Ireland has a chance of beating this and winning and our people will come first. One aspect of that is the cost-rental model, which is a matter for another day. Landlord-tenant disputes will arise. I hope the legislative remit of the RTB will cover those. It is a wonderful dispute resolution mechanism that is accessible to all. People get two chances, the adjudication in private followed by the appeal to the tribunal, a *de novo* hearing. The cost-rental model is the future. It is an exciting week for the Green Party. The Minister took on board core Green Party policy, which has been repeatedly and consistently championed by Deputy Duffy and many of us for years. Just like our view on climate change, we welcome people adopting and coming on board with such established Green Party policy. No one owns policy. It has been tried and tested in Vienna and is a roaring success. It will not solve everything but all parties should take it on board.

The Minister addressed the Fine Gael parliamentary party and that of the Green Party, and we hope to have him back soon. He brings all the Members supporting the Government with him on this testing journey.

The strategic housing development process has been mentioned today. It has been an unmitigated disaster. The number of times decisions by An Bord Pleanála have been overturned by the High Court has been an unintended consequence. We must be so careful in our next move. We took two steps backwards with that. I acknowledge that there is a commitment in the programme for Government to phase it out but I am concerned that for some years to come it will clog up the system because they are in on time and still getting in on time. We will have to put up with this where it will have to be litigated in the High Court, which is not the way to do housing.

Maybe every so often there should be a publicity campaign on behalf of the Department. The RTB is open to all. There is no prohibition on it. It is private in adjudication level disputes the first instance. No tenants should feel they have to put up with a dreadful situation. They will get a fair hearing from the board but they must know it is there for all to create fairness, equality of treatment and, most of all, to be a voice for those who would not otherwise have one.

**Senator Fintan Warfield:** The rental market in this State is dysfunctional. Many monthly rental payments in urban centres are higher than mortgage repayments. The rent pressure zone legislation has failed and the Government has failed to articulate a plan for the disorderly exit of landlords from the market. We have said time and again that we need a three-year ban on rent increases. We need a refundable tax credit to put one month's rent back in the pocket of every renter in the State and we need tenancies of indefinite duration. We need to remove terminations on the grounds of the sale of property, renovation of property, use by a family member and use by a landlord for all new and renewed tenancies.

This Bill is welcome, however small the number of tenants that it protects. The problem is that too many people are excluded. We need the kind of protections that we see in the Bill to be extended to every renter in the State until at least the end of the year. Why? It is because the Residential Tenancies Board has said that since August, over 1,000 eviction notices have been issued and 3,800 rent arrears notices have been issued in the same period. I take this opportunity to remind the House that 475 renters have availed of the Covid-19 declaration that we are discussing today, so just 12.5% of people are being protected. That says to me that the protections are too weak and that the policy is weak so we and the Government need to do better for renters. We need to re-introduce the original ban on rent increases, notices to quit and evictions until the end of the year at least.

I welcome the permanent changes in the legislation that limit deposits to one month's rent. This is a good legislative amendment. The changes to notice periods for students in student-specific accommodation is also extremely welcome. I commend the Union of Students of Ireland, USI, and the Opposition in the Dáil who campaigned for this reform. The idea that students paid either three months' rent, six months' rent or more in advance was brought into very sharp focus when students could not get their money back when they did not avail of their accommodation during Covid-19. I commend the Minister for listening and acting on those calls. In the upcoming budget and legislation there needs to be a sea-change in terms of helping tenants, protecting them and ensuring that they have security and certainty.

**Senator Lynn Boylan:** I commend the USI and the Opposition in the Dáil for the improvements that they have made to this Bill. We in Sinn Féin support the Bill but it is disappointing that the Minister has not taken this opportunity to help renters even more. The problem with the protections that he is extending, through this legislation, is that many vulnerable tenants, including those affected by Covid, do not fit the criteria for the protections and will be excluded.

Now that level 5 restrictions on evictions, relating to the 5 km travel limit, have been lifted since 1 April, notices to quit will start working their way through the system. This could see a slow, steady and deeply unfortunate increase in the number of evictions but also of presentations to and entry into emergency accommodation. I urge the Minister to reconsider expanding these protections to ensure that anybody affected by Covid, irrespective of whether he or she gets a Covid-19 payment or has submitted a written declaration, will get Covid-19 protections from both rent increases and notices to quit, until at least the end of the year.

It is disappointing that the Bill does not deal with the 8% rent increase that was always possible under the original rent pressure zone legislation but are particularly relevant now because many landlords did not increase rent last year. Since the ban on evictions was lifted in April, tenants are now being hit with two years' worth of rent increases rolled into one. An increase of 4% is bad enough but 8% is unconscionable. I thought that this legislation would have been the time that the Minister could have addressed the issue. Again, I urge him to reconsider and support the Sinn Féin amendments that seek to address this issue.

The constituency of Dublin Bay South has some of the highest density of tenants and, unfortunately, thanks to the policies of this Government rental costs have gone through the roof. We need to find a way to reduce rents. Sinn Féin believes that the simplest and quickest way to do that is through a refundable tax credit worth up to one month's rent. The rents are so high that it is impossible for anyone to save for a house. House prices are up 5% in Dublin city and there has been a 99% increase in prices in Dublin since 2012. The latest figures published by the Central Statistics Office, CSO, for median house prices in Dublin Bay South show it costs around €1 million in Dublin 4, €415,000 in Dublin 6, €720,000 in Dublin 2, and almost €600,000 in Dublin 6W.

*2 o'clock*

We see more and more reports of houses going for way over the asking price. The chronic lack of supply means competition from prospective buyers - driving the price up by more than €530,000 in one case in Rathmines. The asking price for the home was €685,000 when it was put up for sale just one week ago but by Friday, bidding had pushed the price up to €950,000 and on Tuesday, two new offers saw it move past the €1 million mark. How are ordinary people supposed to compete in this housing market? Young people are literally putting their lives on hold and feel they will never have the opportunity to own their own home.

The Minister also needs to do much more in terms of the level of investment in genuinely affordable cost-rental accommodation. A few hundred units per year will not cut it. We need to see thousands of genuinely affordable cost-rental units delivered annually by local authorities, approved housing bodies and others starting from next year. While the cost-rental equity loan is welcome, it is far too small. The 390 units it will provide this year and next year are welcome but the scheme is too limited so we need much more ambition.

**Senator Martin Conway:** I welcome the Minister to the House. It is appropriate that this legislation is coming before us to extend the protections for people who find themselves in financial difficulty on the PUP, have difficulty paying their rent and are in financial difficulty in general. At least this protection is now here until January. Please God, this pandemic will be somewhat behind us in January. Hopefully, by then, the population will be vaccinated and we can return to some level of normality.

Post-pandemic, we probably need to look at what long-term protections we can put in place for renters because evicting people from their home should be the last possible action. It should be the final leg of the journey. I know there are times when this just happens and it has to happen for various reasons but it should be the final step. From our experience with the pandemic, we should reflect on how we can put further reasonable protections in place. I know the protections in place in this country are probably among the best in the EU but we should always strive to do a bit better.

There must be protection for landlords in the case of antisocial behaviour, violence, drug dealing or vandalism. Most landlords in this country are accidental landlords. They are people who bought a property after being advised by financial institutions that it was the right thing to do in terms of having an income when they retire and are now in negative equity. Those people want to do the right thing. In 99.9% of cases, they do the right thing but we need protections there. We must remember them because often accidental landlords in particular feel they are forgotten about and have no rights. This is not and should not be the case.

The proposal in this legislation relating to the deposit and one month's rent for students is long overdue and should have been done years ago. What went on in the on-campus accommodation at some of our State-funded universities was nothing short of disgraceful. I can remember how when I was in college in the mid-1990s, it cost €3,000 to live on campus in UCD and one paid it twice a year. I struggle to think what it costs today. I do not know but I am sure it is much higher than that. It should be one month's deposit and one month's rent and that is that. They are the conditions most other people benefit from and it is only right that this should be done. What happened in UL last year in terms of students not getting their money back and the lobbying that had to take place to rectify that situation was disgraceful. When we review the tenancy legislation, when there is a little more time and a little more calmness to do so and when we are not in the midst of a pandemic, we may look at strengthening further the rights of students. I believe in the concept of on-campus accommodation. I myself benefited enormously from it as somebody with a disability. I was able to get involved in college life and political life in college and all the benefits of living on a campus. It helped my overall development and I have no doubt it also benefits the thousands and thousands of students who live in on-campus accommodation.

We are looking also at short-term lets, an area I wish to raise with the Minister. We need to look at the density of short-term lets in some of the seaside resorts and some of the cities around the country. We do not want to return to that. Short-term lets have a very important place but they cannot just dominate.

We have a lot of work to do on housing, but 50,000 houses have been built since 2016. That is often forgotten. I have no doubt we will reach the target of 35,000 to 40,000 houses per year. When we reach an equilibrium in housing, it will be when supply and demand are reasonably well matched. That is the equilibrium we will have to achieve and reach. That is how we will deal with rents. Once there is supply, the market will control the rents, but until then we have responsibilities in that area.

**Senator Lynn Ruane:** I welcome the Minister. Students have faced a litany of challenges over the past year as they have had to adapt to learning away from their friends and peers. Many of them have continued to work throughout the pandemic on the front line in retail, as student nurses and doctors or as apprentices on building sites. On top of all these stresses students have been faced with a number of accommodation challenges. It is simply not good enough that students and their parents have been put into positions where they have been expected to pay up to nine months' rent in some cases in advance of taking up accommodation. On top of this, the notice periods they have been expected to provide in the midst of what is the biggest national health emergency in the history of the State beggar belief. I am therefore happy to see these two significant issues addressed by this Bill. With that, I thank the USI for the work it has done in ensuring that these provisions have been brought forward today. They protect not only students but also the larger renting public. I also commend the Minister on fast-tracking these amendments to ensure they can be put into place ahead of the next academic year.

While I welcome these two amendments, which it is to be hoped will begin a process of levelling the playing field, student accommodation remains a constant and significant financial strain on many. As students begin to return to on-campus classes, this strain is set only to grow. Much like Senator Martin, I have concerns about, for instance, the so-called opt-out amendment, although I am sure I am not adopting core Green policy by quoting Senator Martin in my contributions. I recognise that certain student-specific accommodation bodies offer packages to international students which would mean paying more than the new regulations' cap of a deposit and a month's rent in advance. As alluded to by housing charity Threshold, however, we have been shown time and time again over recent years how unscrupulous these landlords can be. In this sense I fear that if the opt-out provision were to remain within the Act, it would be far too broad and could be subject to abuse by landlords looking to exploit a loophole in what is fundamentally strong legislation for student renters. I am also fearful the opt-out amendment could potentially open up the door to students being charged management fees or top-up payments in lieu of deposits. In this regard it is important to stress the importance of the language used within the Act, and I am disappointed not to see a legal definition of what constitutes a deposit. I hope to see this amended to ensure the envisioned protections have the weight of legal surety behind them.

I suggest that the Government explore further protections for student renters, such as placing restrictions on rent increases for student-specific accommodation or putting in place provisions whereby rent can be increased only by a set amount for the duration of a student's course enrolment. For example, rent might be increased only by 2% or 3% over the course of a student's three- or four-year studies. These protections would go a long way in offering students peace of mind and the security they deserve, allowing them to focus on their education and plan ahead for their futures.

Speaking more broadly, the practice of landlords demanding multiple months' rent, which this legislation looks to restrict, is inherently discriminatory against those on lower incomes and the working class who rely on social housing support to pay those deposits. Even with the new provisions restricting landlords to requesting a deposit worth a month's rent, plus a month's rent, there are many families across Ireland who struggle to overcome this financial barrier. These are vulnerable families that face a massive power imbalance between themselves and landlords. This power imbalance leaves these families vulnerable to landlords looking to circumvent the legislation by demanding charges such as management fees and top-up fees. The Government needs to ensure that these families are protected and that a communication campaign is in place informing them of their rights under this new legislation.

The financial barrier renters face is one which we have seen grow over the past number of years, with rents almost doubling in the past decade alone. I call on the Minister and the Government to commit to ensuring that financial protections and rent allowances are put into place to allow working class families to clear this financial barrier and access the housing market. Renters need, and deserve, surety in order to allow them to plan ahead.

Turning to the deposit itself, I refer to the lack of protection afforded to renters. The latest homelessness data available from the Department found that there were 925 homeless families living in emergency accommodation in the State in April. More than half of these were single-parent families. Many families rely on recouping the deposit paid for a property in order to put down the deposit on their next home. However, time and again renters have been faced with situations where they have been unable to recoup the deposit which they have paid and are relying on to move. Essentially, this leaves many families in limbo and, effectively, homeless as

they struggle to pay down the deposit on their next home due to them not being able to recover the deposit from their previous landlords.

A provision for a deposit protection scheme managed by the Rental Tenancies Board was included in section 61 of the Residential Tenancies Act 2015. However, this section has yet to be commenced, and awaits a commencement order under section 1(4) of the same Act. A similar deposit protection scheme has been effectively used in Scotland and has led to the protection of renters within the Scottish market. The scheme would see the deposit held by a third party, and should the return of the deposit come into dispute an independent assessor can be sent to the property to check whether the deposit should or should not be returned to the renter. Such a scheme, if implemented, would remove much of the anxiety faced by renters as they seek the return of their deposit, a deposit which represents more than just money, but peace of mind and a chance to move forward with their lives.

I welcome the Government's Bill, which will put in place the first much-needed protections for student renters. I encourage the Government to use this as a starting point to go on and work with the USI and student representatives to explore further protections with regard to accommodation. I also take this opportunity to urge the Government to move forward with the rental deposit scheme offered in the Residential Tenancies Act 2015, which has the potential to not only offer renters peace of mind but to stop the limbo between properties which opens the trapdoor of homelessness for so many vulnerable families.

**An Leas-Chathaoirleach:** I thank the Senator, and thank her for her understanding and co-operation earlier. I thank also Senator Malcolm Byrne, our next speaker, who similarly co-operated to allow Senator Conway to get his train.

**Senator Malcolm Byrne:** Go raibh maith agat, a Leas-Chathaoirligh. I thank the Minister for yet again coming into the House to debate housing legislation. Senator Keogan was right in one respect, namely, that the crucial issue is supply. The major issue in the context of the whole debate on housing relates to supply and accelerating supply. Senator Keogan was certainly wrong to state that the Government is not addressing the issue because on a weekly basis the Minister has been coming in here with legislation to try to drive this forward and address the problems within the housing sector. The measures in the Bill relate to supporting tenants but it is important that we enhance supply. That supply will not be achieved by opposition to the private sector and to builders actually being involved in providing that housing, or by opposition to home-building in Dublin Bay South or any constituency. That is a crucial message this Government must communicate.

I will focus on the issue of student accommodation. I agree with Senator Martin's concerns about universities using the "licence to reside" provisions rather than a lease. We must try to ensure they will not use that legal mechanism to avoid any of the very welcome provisions within this legislation. We need to address the broader question of student accommodation. I take the view that perhaps there would be a specific section of the Housing Agency with, I hope, a focus on that, and that the new commission on housing would look at the whole area of student accommodation. The dramatic growth in the number of higher education students in Ireland is welcome, but we must ensure we have places to accommodate those students. Equally, for international students and for Erasmus students who want to come into the State, we must ensure, ideally, there is a greater amount of on-campus accommodation or student accommodation available.

The Higher Education Authority had estimated that we would need in the order of 75,500 additional new student beds by 2024, and that pre-pandemic we were on target to reach some 55,000 additional new student beds. Pre-pandemic we were going to struggle to meet the additional number of student beds required. I am concerned about student accommodation units as opposed to beds. There has been a fall-off in their supply. Some 3,500 were completed last year, with about 1,600 units forecast for this year. That presents a lot of problems if we do not start to address the supply issue.

It is very welcome the Government is strongly committed to the development of technological universities. We are looking forward to seeing one in the south east quite soon, including a campus in Wexford. We must ensure the new technological universities have the borrowing capacity and the capacity to be able to develop on-campus accommodation. The institutes of technology were not able to do this. In addressing the student accommodation issues, broader questions are required also.

I welcome this legislation. I am aware the Minister has listened to the Union of Students in Ireland and to other student representatives on the protection of students. We are expanding rapidly the higher and further education sector. This means we must address the supply. If we can take students out of competing for other accommodation and if we can provide the on-campus accommodation, this would free up supply in other areas.

I agree with Senator Fitzpatrick that an ambitious, affordable cost rental model is a twin-track approach that can address some of the problems. The specific measures in this Bill around protecting students are very welcome. We do need, however, to look at the broader question of enhancing the supply of student accommodation and giving students certainty. The cost of student accommodation in many cases is outrageous, and I am especially shocked with some of the student accommodation fees to be charged this year at my alma mater, UCD, although that is not just a supply issue. It needs to be a priority.

**Senator Paddy Burke:** I welcome the Minister back to the House and I wish him well with this legislation. It is very welcome and it will give some certainty to people who find themselves renting. It also has safeguards for students. I agree with Senator Byrne on student accommodation and the need for campus accommodation. I would hope new campuses would be built in all of the new technological universities. It is important, as Senator Byrne has said, that those technological universities would have the power and the money to build on-campus student accommodation.

I do not envy the job the Minister must do in housing. I was listening to “The Pat Kenny Show” today discussing horrendous housing problems also in Sweden. Not long ago they built 1.6 million housing units and they still have a crisis. There is a crisis too in housing in Germany. You have to wonder how some of the greatest economies in the world have problems with housing. It may be a shortage of housing or a shortage of accommodation for renters. We are not unique in having a problem with housing. The late Brian Lenihan said in 2010, when he was Minister for Finance, that 25,000 houses per annum would be required, even after the crash. That target has not been reached in any year since and that is why we still have a major shortage.

We have to consider why so many small landlords are getting out of renting houses. Why is the accidental landlord or the person in the business in a small way, who may have one or two houses bought with the intention of providing a pension for himself or herself, getting out of

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renting? Why are some moving into the Airbnb market and why are some selling? An auctioneer on the outskirts of Dublin told me that all bar one of the 60 houses he sold in the past year and a half were second homes. Only one was a house owned by a person moving elsewhere. All bar one had been rented out. We have to ask why all the landlords are getting out of the business.

There will always be a need for rental properties. People who get their first job may need to rent. After getting married, couples who may not know where they are going to settle down rent. Where are they going to get the accommodation? Who is going to provide it? This is a matter that the Minister has to consider. I believe the problem is taxation because more than half of the moneys taken in from renting, be the rent €1,000 per month or €2,000 per month, is lost on taxation alone, never mind management fees and fees for repairs. I would love to see the breakdown for accommodation rented out by people with second homes to see what they are really getting from renting them. People who may have their property paid for are getting out of renting. They may not have any capital repayments to make. This is not just the case in some areas but throughout the country. In every city and town, people are getting out of renting property.

I welcome the Bill and wish the Minister well with it. I wish him well in the task of solving the housing crisis. He is doing a magnificent job in that regard because it is not easy.

**An Leas-Chathaoirleach:** Before I call Senator Eugene Murphy, I congratulate him and his family on the elevation of his brother today to the chairpersonship of Roscommon County Council.

**Senator Eugene Murphy:** I thank the Chair for his very nice comments. They are very much appreciated. I will pass on the remarks to my brother.

Like others, I welcome the Minister to the House. I do not know whether this is the fourth or fifth occasion on which he has come in here to protect tenants. It is clear from his effort and work that he is concerned and will look after people in a particularly bad situation because of Covid. I also pay tribute to my colleague, Senator Mary Fitzpatrick, who has done Trojan work in the House and who is doing Trojan work on the Affordable Housing Bill, as the Chair knows.

We all accept we are in the middle of a crisis. Not only do we have the housing crisis but we also have the pandemic. The Bill represents a clear statement by the Government that the Minister will support those tenants who need support. That is acknowledged. It will remain the case until Covid is out of the way.

Acknowledging there are problems in the system, I believe there are tenants who are unaware of the protections available. Only recently, I met people in the part of the country in which I live who had rental difficulties and I found to my amazement that they were not fully aware of the protections they have from the State. These are quite considerable. That has not been mentioned in the debate. The rent supplement, supplementary welfare allowance and exceptional needs payments are available. Significant support is available. Of course, some people can get caught in situations and perhaps they fall through the cracks in that regard. However, the reality is that we are dealing with emergency legislation today. It crosses my mind that at times there is criticism of emergency legislation in this House, and it is asserted that the Government interferes too much. Some of those people will be very slow to acknowledge what is being done to support tenants.

In the overall debate on housing, I welcome the enthusiasm of the Minister and his energy and work rate in trying to solve what is a massive problem. No party in the State has a silver bullet with which to resolve it. The Affordable Housing Bill, with its four clear elements, is going to revolutionise housing in this country. I acknowledge that some of its provisions will take a while. The local authority direct build scheme for affordable homes will be the first built on State lands in more than a decade. There is also the cost-rental scheme, the expansion of Part V and the shared equity scheme. Apart from that, I know that the Minister is examining other options. He is constantly talking to local authorities and CEOs. The Minister and the Government are determined to solve what must be solved to ensure that people have a roof over their heads.

As I have stated previously in this Chamber, all of us as politicians, no matter what side of the political divide we are on, have a big responsibility. The responsibility does not lie with just one group. It is down to us all to try and solve the issue.

I acknowledge that more people who are renting are looking over their shoulders. In that respect, I return to a point that I made recently. In the Ballinasloe area, people are now paying €1,200, €1,300 and €1,400 per month in rent. If they had affordable housing, they would be paying a mortgage of €500, €600 or €700 per month. I believe that is where the Minister is going. The actions that he is taking, supported by this Government, will get us there. Of course, it is not going to happen over two or three months. However, I believe that come next year, we will see improvements in the housing situation. It will gradually improve over the coming years.

I very much welcome the fact that the Minister is here today. I wish to quote from a previous speech he made. I hope it is correct. He stated: “We are in the middle of a national housing crisis and faced with such an emergency we need to use all the tools at our disposal to address this challenge”. I believe genuinely and honestly that that is where he is coming from. He will achieve his goal.

Irrespective of where one stands in Irish political life, and I know from talking to the public out there, he is to be commended for the effort and energy he is putting in to try to resolve the issue. I want him to know that. It is important. We need to support the Minister in his efforts, given the fact that it is a difficult portfolio. I hope that everybody, irrespective of their political views, acknowledges what he is trying to do, and his genuine concern to try to ensure that people end up with a roof over their heads without having to look over their shoulders.

**Senator Mary Seery Kearney:** It is testament to the Minister’s work rate that I have probably seen him more in this House than I have some Members. I thank him yet again for another innovation and provision of support and protections for tenants. I welcome the extension of the protections for tenants in respect of Covid-19 hardships. It is to be supported. To be fair, low-income families have been disproportionately affected by Covid-19, working in the hospitality and retail industry. Therefore, it is particularly reasonable that we extend the supports in that regard.

I also very much support the provisions in this Bill relating to students. It is correct that only one month’s deposit and one month’s rent, up to a ceiling of two months’ rent, should be required upfront, unless the tenant, perhaps by virtue of their circumstances, chooses to waive that. We must remove any barriers that may become an impediment to someone accepting their position in a university that is not close to their home. Those of us living in Dublin have the luxury of not having to worry about accommodation for our young people, but certainly it has

been an impediment in the past.

As Senator Ruane said, the time has come to review the provision under section 61 regarding a deposit protection scheme, not just for students but for all tenants. I have appeared before the RTB with tenants who are trying to get back their security deposit which is being withheld for unreasonable reasons. At the same time, I am cognisant of the concerns of landlords who believe that one month's security deposit is not enough if they have a rogue tenant who leaves chaos behind them. Some years ago, I assisted a friend who became an accidental landlord and walked into an horrific scene at the end of a tenancy that cost thousands of euro to fix.

The vast majority of tenants carry out their tenancy respectfully and normally. It is very much their home and prized as their home. At the end of the tenancy, it is not reasonable that they need to get into a row to get their deposits returned. Ideally, we should have a system whereby it is banked with an independent entity so that an independent arbitrator could go out and adjudicate over whether it is due to be paid back. Auctioneers run such a system with security deposits. Many agencies hold deposits in trust for third parties. Therefore, there is no reason this could not be put in as a safeguard. In some cases, it may not need to be paid back but carried forward to the next tenancy.

I welcome section 11, which provides for a sanction for landlords who breach the section 19(b) provision. I believe we should have a whistleblowers provision relating to money sought from tenants under the counter. We hear anecdotally of people who are afraid to report it because they are afraid of losing their security of tenure. We should have some provision, similar to that in employment law, whereby somebody breaching these sorts of provisions will incur a double penalty. It is important we have some sort of whistleblowers provision that brings down a full audit or something equally frightening on a landlord who breaches that.

Senator Byrne spoke about the need for student accommodation. I slightly raised my eyes at that because in Dublin South-Central we have had a disproportionate amount of student accommodation built, disregarding the needs of local tenants.

Senator Boylan expressed her concern regarding the high rents and house prices in Dublin Bay South. I urge her to speak to her colleagues in Dublin City Council, South Dublin County Council and Fingal County Council who since 2011 have voted against 6,000 homes, based on research carried out by Councillor James Geoghegan. Perhaps she might acknowledge the social and affordable housing planned for the Poolbeg site which would provide 900 affordable and social housing units and which is being championed by Councillor Geoghegan. Perhaps she might be unequivocal in her support of that if she is really concerned about prices in Dublin Bay South.

**Minister for Housing, Local Government and Heritage (Deputy Darragh O'Brien):** Gabhaim mo bhuíochas do gach Seanadóir a ghlac páirt sa díospóireacht inniu. Is plé an-úsáideach agus an-dearfach a bhí ann. As my colleague, Senator Murphy, said, there are many aspects of the housing issue we can agree on. The one thing we should all be able to agree on is that we understand there is a crisis and a major problem. We need to address it and I am working hard with Senators and colleagues to do that.

In relation to the Bill, a number of matters have been raised which I will address briefly and maybe come back to on Committee Stage next week. I acknowledge the cross-party support from Opposition parties, Independents and my Government colleagues from Fianna Fáil, Fine

Gael and the Green Party for this fifth piece of tenancy legislation that I have brought forward in just less than a year as Minister.

Issues were raised around the area of the opt-out. It is optional for the tenant. I will keep it under review. If any landlord or institution thought this was a mechanism to get around the two-month provision, they would be acting illegally. It would be punishable. Complaints can be made to the Residential Tenancies Board. I gave a commitment in the Dáil that we would keep a close eye on it. We provided an opt-out for the student partly because many international students, with the way the courses are structured, are paying more than two months and sometimes the first semester up front. I responded to requests in that space but we will watch it. No one should abuse it. Anyone who does will be acting illegally and will be in breach of this Bill when enacted. All of the penalties that should apply will apply.

I turn to the measures in the Bill around deposits. I thank the USI for its engagement. I wanted to go further than the students wanted to. They have been an important part of it. I wanted this to apply to all tenants, not just students, and we would not make a distinction. The Bill brought forward in the Dáil by the Opposition, while useful, would have just had the two-month provision for students. That was good, but I thought we should go further. I have done it in this legislation. It applies to all tenancies. The 28-day notice period is absolute. A lesson that should be learned from Covid is that, unfortunately, a significant number of students ended up having financial difficulty and rents being withheld. We did not want to see that and many good providers of accommodation in that space did not want to see that either. These measures have been broadly welcomed.

On the extension of additional protections, I will say two quick things. We have about 300,000 registered tenancies in the country. That has dropped about 14,000 in the space of just over two years and continues to drop. I am acutely aware that measures we take have to be proportionate. Other measures put forward like three-year freezes and blanket bans, while I understand and respect that people can have that view, can have an unintended consequence and will have an understood consequence of reducing supply further in a constrained market and, basically, the mom and pop landlords continuing to leave.

The Government and I want, through the Housing for All plan and budget provision, to increase output and housing supply and to bring forward cost rental, which we are doing, for the first time. Senators opposite talked about the levels being quite low, but we are starting it. I wanted to start it within a year of the Government being formed, to build that capacity and offer proof of concept. That is what we will do. We will have 440 tenancies in place in the coming months and will build substantially on that. Cost rental, as Senator Martin said, has been a core belief and policy of the Greens. There is no question about that. I negotiated the programme for Government with colleagues in that regard. There is massive opportunity to expand this further. That is for another debate. We have had that in detail on the Affordable Housing Bill but we will move on with that. We will not just talk about it. The first cost-rental pilot project was announced in 2015. That was fine but those units have not been tenanted yet. We cannot wait six years so we wanted to move it on from there. The opt-out will be looked at. I am working on potential amendments for next week, as I have said. I cannot go into any more detail at this stage, but they could be significant. I will coming back into the Seanad to do that.

What I was saying about tenancies was that less than 2% of the 300,000-plus tenancies end up in dispute. We need to put that in context in that 98% or more of tenancies operate well. Less than 1% of tenancies are in arrears or arrears notices, which means 99% of tenancies are

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not. That also points to the Government's supports through the pandemic to the tune of billions, with €11.9 billion having been spent on social welfare supports, and rightly so, especially in the area of ensuring we have proper pandemic payments, emergency rent supplement and all of the other items.

We have not had the rent arrears crisis predicted quite vociferously by some last year. We did not have the tsunami of evictions predicted by some last August when we exited the unsustainable blanket eviction ban. It was not legally sustainable. We did not do it for fun; it just was not sustainable. We could not continue. That is why we put in permanent protections, which were not based on public health support, and additional changes, such as the rent arrears changes we brought in last August, on which we did not get unanimity, although I am glad others have now got in behind the extension of this legislation. That means the first time arrears are flagged and a landlord issues a rent-arrears letter, it must be copied to the RTB and the tenant must be told what assistance he or she will get. MABS is involved, and for the first time we have those data. The data quoted by a Senator opposite about the number of rent arrears letters issued are only available because of the legislation we brought forward last July, which legislation, on a point of information, the Senators opposite opposed at the time. However, that is in place now and is working. We have the information and we know the scale of arrears, which we did not before. That is good and is everyone working together.

I thank all Members for their contributions. There are elements we can improve on further. I have flagged I will be bringing forward a tenancy reform Bill in the autumn. I brought forward the student tenancy pieces and fit them into this legislation because I wanted them to be in place before the new academic year. That was the reason for that, but there are further changes coming down the track, which we have been working on with stakeholders and colleagues in the Government and the Opposition.

I thank all Members for their input today and look forward to seeing them next week on Committee Stage, and then we can get this legislation passed and signed into law by our Uachtarán.

**An Leas-Chathaoirleach:** I thank the Minister for his comprehensive response to the issues raised.

Question put and agreed to.

**An Leas-Chathaoirleach:** When is it proposed to take Committee Stage?

**Senator Mary Fitzpatrick:** Next Tuesday.

**An Leas-Chathaoirleach:** Is that agreed by the House? Agreed.

Committee Stage ordered for Tuesday, 29 June 2021.

**An Leas-Chathaoirleach:** I thank all colleagues for their co-operation. We had a successful debate. The House stands adjourned until 10.30 a.m. on Monday, 28 June 2021 in the Dáil Chamber in accordance with the order of the Seanad of 22 June 2021. Bíodh deireadh seachtaine deas ag na Comhaltaí uile.

The Seanad adjourned at 2.44 p.m. until 10.30 a.m. on Monday, 28 June 2021.