

DÁIL ÉIREANN

AN ROGHCHOISTE UM CHOMHSHAOL AGUS GHNÍOMHÚ AR SON NA HAERÁIDE

SELECT COMMITTEE ON ENVIRONMENT AND CLIMATE ACTION

Déardaoin, 3 Meitheamh 2021

Thursday, 3 June 2021

Tháinig an Romhchoiste le chéile ag 9.30 a.m.

The Select Committee met at 9.30 a.m.

Comhaltaí a bhí i láthair/Members present:

Teachtaí Dála/Deputies	
Richard Bruton,	
Réada Cronin,	
Cormac Devlin,	
Alan Farrell,	
Darren O'Rourke,	
Christopher O'Sullivan,	
Pádraig O'Sullivan,+	
Eamon Ryan (Minister for the Environment, Climate and Communications),	
Bríd Smith,	
Jennifer Whitmore.	

+ In éagmais le haghaidh cuid den choiste / In the absence for part of the meeting of Deputy Christopher O'Sullivan.

I láthair/In attendance: Deputies Michael Collins, Michael McNamara, Denis Naughten, Thomas Pringle and Duncan Smith.

Teachta/Deputy Brian Leddin sa Chathaoir/in the Chair.

SECA

The select committee met in private session at 9.30 a.m., suspended at 9.49 a.m. and resumed in public session at 9.56 a.m.

Climate Action and Low Carbon Development (Amendment) Bill 2021: Committee Stage

Chairman: Members are reminded of the long-standing parliamentary practice not to comment on, criticise or make charges against a person outside the House or an official by name or in such a way as to make him or her identifiable. I remind Members that they are only allowed to participate in this meeting if they are physically located on the Leinster House complex. In this regard, I ask all Members, prior to making their contributions to the meeting, to confirm that they are on the grounds of the Leinster House campus.

This meeting has been convened to consider the Climate Action and Low Carbon Development (Amendment) Bill 2021. I welcome the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan. Subject to the agreement of the committee, where Committee Stage proceedings have not concluded by 11.30 a.m., it is proposed that the meeting will be suspended at that time. Is that agreed? Agreed.

SECTION 1

Chairman: Amendments Nos. 1, 153, and 167 are related and may be discussed together.

Amendment No. 1 not moved.

Chairman: Amendments Nos. 2 to 4, inclusive, 230, 231 and 239 are related and may be discussed together.

Deputy Jennifer Whitmore: Five of my amendments have been ruled out of order because of a money message or because they are outside the provisions of the Bill. Should we discuss those before we get into the amendments in this group? How I vote on the amendments which follow will be determined by the discussion we have regarding the amendments that have been ruled out of order.

Chairman: No, those amendments have been ruled out of order and that is the decision.

Deputy Jennifer Whitmore: We are about to discuss the Minister's amendment regarding the Petroleum and Other Minerals Development Act 1960. One of my amendments was ruled out of order because it relates to that Act. Is it within the scope of the Act or not? I ask that question because I imagine this issue will impact on the Minister's amendments as well.

Chairman: A committee motion was passed in the Dáil yesterday.

The motion reads:

That, pursuant to Standing Order 187, it be an instruction to the Select Committee on Environment and Climate Action, in relation to the Climate Action and Low Carbon Development (Amendment) Bill 2021, that it has power to make amendments to the Bill which are outside the scope of the existing provisions of the Bill, in relation to amendments to: Part II of the Petroleum and Other Minerals Development Act 1960, for the purpose of prohibiting the granting of new authorisations under sections 7, 8, 9, 10 and 13 of that Act while

also providing saving provisions to allow existing authorisations to continue to apply and to progress through the licensing stages, while maintaining the Minister's power to revoke authorisations granted under sections 7 and 10; and to section 4 of the Electricity (Supply) (Amendment) Act, 1954 which will introduce changes to the statutory governance of ESB's borrowings.

Deputy Jennifer Whitmore: Surely if my amendment was approved to extend this legislation to include the Petroleum and Other Minerals Development Act, it would not be outside the Bill's scope.

Chairman: The Deputy can take the matter up with the Ceann Comhairle, as it is a ruling of the Dáil.

Deputy Jennifer Whitmore: With all due respect, it was the Chairman who signed the letter ruling my amendments out of order. I do not understand how bringing the target date forward from 2050 to 2045 could be deemed to warrant a money message or to incur an additional cost on the Exchequer. Bringing the date forward by five years would not cost the State any more money.

Chairman: Again, I ask the Deputy to take this matter up with the Ceann Comhairle. I will proceed and invite the Minister to speak to amendment No. 2.

Deputy Cormac Devlin: Before we get started on that, I wish to ask about a procedural issue. I confirm that I am in Leinster House. What happens if the proposers of amendments are not present? Do the amendments fall or can they be discussed later?

Chairman: They are not moved, so they fall.

Minister for the Environment, Climate and Communications (Deputy Eamon Ryan): I move amendment No. 2:

In page 5, line 30, to delete "other than *sections 18 and 19*" and substitute "other than *sections 18, 19, 20 and 21*".

I confirm that I am in the Leinster House complex. I thank the committee for the work it did on this Bill at pre-legislative stage, which was more extensive than any previous pre-legislative process and was effectively akin to Committee Stage, given that there were so many amendments in written draft form rather than just the heads of a Bill. The amendments, most of which were incorporated in a revised draft of the Bill, that the committee proposed were beneficial in strengthening the Bill. The work that the committee did was exemplary in that regard and I thank its members.

The first of my four amendments reflects a commitment in the programme for Government to end the issuing of new licences for exploration and extraction of gas. A similar decision was taken by the previous Government in 2019 in respect of oil exploration and extraction. My Department is no longer accepting new applications for exploration licences for either natural gas or oil. The amendment in this Bill will implement that decision.

Subsection (1) in amendment No. 230 repeals the Minister's power to grant petroleum prospecting licences, licensing options, exploration licences, lease undertakings and petroleum leases under the Petroleum and Other Minerals Development Act 1960, subject to certain saving provisions to which I will refer shortly. This subsection is drafted to ensure that the Minister's

power to revoke licensing options and lease undertakings is maintained.

Subsections (2) to (6) provide for the limited situations in which further authorisations may be granted. Existing authorisations will not be affected by the repeal of the provisions of the 1960 Act, in that they will continue to be able to apply to progress through the licensing stages. This is necessary to allow existing authorisations, some of which have been in place for more than ten years, to reach a natural conclusion in accordance with their existing terms and conditions, given that the State and the companies involved entered into those agreements in good faith.

We have already seen the effect of recent changes in policy. At the end of September 2019, shortly after the then Taoiseach's announcement that new exploration for oil would end, there were 55 authorisations under regulation. In the latest quarterly acreage report published by my Department, which set out the position at the end of March 2021, there were only 29. I expect this number to decline further as authorisations expire or are relinquished, with no new authorisations for exploration and extraction replacing them.

The saving provisions also provide for petroleum prospecting licences, PPLs, to be granted to the holders of other authorisations. We are doing this because, as in the case of licensing options and lease undertakings, the licensing terms require the holders of those authorisations to also hold a PPL. Holders of exploration licences and petroleum leases may also require a PPL in certain special circumstances where it may be necessary for the authorisation holder to acquire data outside the boundary of its authorised area in order to inform fully any work directly relevant within its authorisation. In the case of a petroleum leaseholder, it is not uncommon during the lifetime of a producing field for new seismic data to be acquired for purposes that include monitoring changes to the field through time as a result of production. However, it is important to note that holding a PPL does not entitle the licensee to any further petroleum authorisation. It is also important to remember that any application for follow-on authorisation or applications to conduct activity in the Irish offshore under existing authorisations will remain subject to ministerial consent and will continue to be required to meet environmental, technical and financial standards.

These amendments will ensure that no petroleum authorisations for new exploration can be granted while allowing existing authorisations to apply to progress, with the applications remaining subject to assessment by my Department.

Deputy Darren O'Rourke: I wonder about some of these amendments in terms of where along the schedule they will have implications for existing licences. Do they apply to all existing licences or tentative ones? At what stage of the licensing process will licences be caught by these provisions or excluded?

We have discussed energy security in the Dáil Chamber in terms of ensuring that we do not have blackouts. The Sunday newspapers wrote much about the concerns in that regard at the weekend. This brings me to the issue of assessment. We have an energy review. It is important that we see that information so that there can be confidence in the security of our energy supply for the years ahead and that we are not facing a cliff edge, as some call it.

Sinn Féin proposed amendments to deal with future situations where this legislation, including the Minister's amendment, might be contested. They related to dispute settlement and the likes of the EU-Canada Comprehensive Economic and Trade Agreement, CETA. That they were ruled out of order was disappointing.

We did not get to discuss amendment No. 1, but a point that will run through this debate is people having confidence that we are making decisions based on sound and up-to-date information that is made publicly available and to which communities and different sectors can contribute. This is an important matter that relates to this amendment and will arise time and again during our discussions on this legislation.

Deputy Eamon Ryan: I will give the Deputy the details. Of the 29 existing authorisations, three are petroleum leases, only one of which is currently producing. That is the Corrib gas field. Four are lease undertakings, 18 are exploration licences, two are licensing options and two are petroleum prospecting licences.

The issue of energy security was debated extensively in recent years at hearings of previous Oireachtas committees. We must remember that, statistically, our success rate in terms of the number of offshore wells drilled has been very low, even if there are 29 authorisations. The strike rate in terms of discovering commercially recoverable oil or gas has been very low. Anyone who argues that we will be energy secure on the basis of oil and gas exploration is mistaken and promoting false security. The issue of security on our grid system is a completely different issue. The Sunday newspapers were correct that we have an issue with gas-fired power generation being out of commission at present. That will present a challenge for the coming winter. We will have to manage our supply and demand very carefully in the coming years. In many ways, that is a separate issue and it is not related to the issue of offshore oil and gas exploration.

With regard to the analysis of the switch away from oil and gas and the ending of new authorisations for oil and gas exploration, Mr. Fatih Birol, the head of the International Energy Agency, stated when presenting the agency's world energy outlook at recent conferences and in giving its assessment of what we need to do for climate that every country needs to acknowledge the need to stop exploration for new oil and start cutting off the supply line of new fossil fuels. The Government and that which preceded it have probably been ahead of others in doing this. I have met representatives of the very small number of countries, including Costa Rica and Denmark, that have taken similar policy approaches. The number is growing and will continue to do as I have described. The Danes will be continuing with extraction and production for quite some time but they are taking a similar approach in that while they are not stopping existing authorisations, there are stopping new ones. That is the approach we are taking. What we are doing is very much in line with the leading-edge countries in this area.

Deputy Bríd Smith: I confirm I am on the campus of Leinster House. This is an historic move by the Minister. It is exceedingly welcome. Ireland will be among a handful of countries across the globe that will be banning oil and gas exploration. I worry, however, why the Minister has felt the need to double down in this Bill on existing legislation, thereby allowing companies that have licences to move on to the next level. While it is welcome that the Bill will prevent future licensing, why does the Minister want to double down on what is already in legislation? I find that slightly worrying although it is very welcome news that several of the licences have expired and are not being renewed. Why does the Minister want and feel the need to double down on what is already written into legislation? Would enshrining it in this Bill, by way of a double whammy, not give reassurance to the fossil fuel industry that regardless of circumstances and if we failed to meet our targets and something awful happened on the planet, we would allow it to? I agree with the Minister that we do not want a native fossil fuel industry. We have moved beyond that. Time is running out. We need to move away from fossil fuel extraction.

I acknowledge the mass movement that pushed this issue. It repeatedly stated we need sys-

tem change, not climate change, and that fossil fuel should be kept in the ground. That was the main slogan. It is a great tribute to those people, mainly the young, who fought so hard to get us to this point. It is welcome but I have questions.

Deputy Eamon Ryan: I agree that it is a significant and positive development. The Deputy introduced legislation in this area four years ago. At the same time, almost on the same day, we had similar legislation. There was one variation or difference in that we accepted from the start that in any move of the kind in question, existing authorisations would work through to their conclusions. The Deputy's legislation sought to stop the authorisations at the point of enactment.

One reason for our approach is that the State acts in good faith in terms of abiding by contracts it enters into and meeting expectations. We do not have a stop-start approach to legislation and policy if we have initiated a process. That is important because we are now turning the Department's and State's resources for the issuing of prospecting licences and the regulation of the development of energy at sea towards the development in future years of offshore wind, tidal and wave energy. There are very similar mechanisms of authorisation, prospecting, licensing and planning. We need to provide very complex legal certainty on the environment for the development of that critical resource for us to tackle climate change.

The State has done well in the context of the integration of wind power. One reason for this, according to people in the industry, is that we do not change course. When we have set ourselves on a course, we try to stick to it. That is important because, considering the major investment required for the climate transition, we do not need a stop-start approach. For that reason, among others, we are allowing the existing authorisations to work through to their conclusions. I expect that my commentary will not lead to production but we will have to watch out for that. At the same time, we will have to ramp up the development of offshore wind energy in particular.

Deputy Bríd Smith: The Minister said he expects this will not have to happen. It is a bit like crossing our fingers and hoping it will not. It is a real shame that the provision is being included in the Bill because we have not, in fact, entered into contracts with any of the relevant companies. They have licences, which is quite different. What the Minister is saying is that, regardless of how circumstances pan out, we are the gentlemen of the industry and honour our agreements with companies in the industry. That is just not good enough. If, for example, Providence or the Chinese corporations were to find oil and started to drill for it, would that not leave us with considerable egg on our face and make a negative contribution to the battle to stop the overheating of the planet? I just do not regard this as necessary. The companies already have licences and the Minister has the right to stop the progression of those licences. He just admitted he will retain that right. Why, therefore, is he doubling down on existing legislation if not to reassure what must be a nervous fossil fuel industry instead of letting it know that we are very determined about this? I do not believe it is about gentlemen's agreements and it is certainly not about contracts because the companies are only owners of licences, nothing else.

Deputy Eamon Ryan: The reason is that I want to see those companies switch to using their skills in offshore energy engineering and systems to help us in the development of what will be the most secure energy resource for us. There is uncertainty in exploration and drilling for oil and gas but it is certain that Ireland is one of the windiest places on the planet. The wind, particularly in the north and west of the country, blows with consistency. I want to use the resources, expertise and capability of the companies to tap into that energy resource. Working with them in a predictable way is one of the most important ways of securing that investment,

particularly for our western, north-western and southern coasts. That is why it is important that we get this right.

Chairman: Is the amendment agreed?

Deputy Bríd Smith: I do not agree but I am not putting it to a vote.

Amendment put and declared carried.

Deputy Darren O'Rourke: Are we dealing with the group of amendments or are we going through them individually?

Chairman: We were just dealing with amendment No. 2.

Deputy Eamon Ryan: I move amendment No. 3:

In page 5, after line 32, to insert the following:

“(4) The Act of 1960 and *section 20* shall be construed together as one Act and may be cited together as the Petroleum and Other Minerals Development Acts 1960 to 2021.”.

Amendment agreed to.

Section 1, as amended, agreed to.

NEW SECTION

Deputy Eamon Ryan: I move amendment No. 4:

In page 6, to delete lines 2 and 3 and substitute the following:

“2. In this Act—

“Act of 1960” means the Petroleum and Other Minerals Development Act 1960;
“Principal Act” means the Climate Action and Low Carbon Development Act 2015.”.

Amendment agreed to.

Section 2 deleted.

NEW SECTIONS

Deputy Jennifer Whitmore: I move amendment No. 5:

In page 6, between lines 3 and 4, to insert the following:

“Objective of Act

3. The objective of this Act is to ensure that the State does its fair share, on the basis of equity and the principle of common but differentiated responsibilities and respective capabilities, to limit the global average temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change.”.

This amendment sets out the scene a little bit more on the objective of the Act. It is important that we outline that the Government needs to carry its weight, that it must do what it needs to

do and that it must do what needs to be done on the basis of just transition and equity. It is important to specify that at the start and within the objective of the Act. The amendment is as it is and it is relatively simple.

Deputy Thomas Pringle: I want to reaffirm what Deputy Whitmore has said on outlining the objective of the Act and it is important to put it in the context of the worldwide situation too. We all know that climate change is not an isolated situation in Ireland alone. The actions we take have worldwide consequences and it is important to recognise that. That is why it is important that it should be there in the objective of the Act and why the intentions of the Bill should be specified and broadened out.

Deputy Darren O'Rourke: I want to support the amendment. There are important principles in terms of fairness, equity, differentiated responsibility and respective capabilities that need to be explicitly outlined in the Bill.

Deputy Duncan Smith: I would be interested to hear if the Minister is going to support this. It should be supported. Broadening the objectives of the Bill and strengthening it in that way are very welcome. It would be a sign of good faith for the next 56 pages of amendments to if the Minister is open to the strengthening of the Bill in this regard. I look forward to seeing that and although I am unable to vote, I am supportive of the amendment.

Deputy Bríd Smith: I agree with Deputy Duncan Smith. It is important that we start and continue through the Bill acknowledging that the point of all of this is to limit the increase in global average temperatures by 1.5°C. It is important that is enshrined in the Bill along with a just transition so I support the amendment.

Deputy Eamon Ryan: While I understand the sentiment of the amendment, unfortunately I will not be able to support it. I want to cite where the objective is included in the Bill and is set out clearly in section 5, in the proposed section 3(3), which is probably the most critical section of the legislation:

The Minister and the Government shall carry out their respective functions under sections 4, 5, 6, 6B, 6C and 6D [of this Act] in a manner—

(a) that is consistent with the ultimate objective specified in Article 2 of the United Nations Framework Convention on Climate Change done at New York on 9 May 1992, and:

(i) any mitigation or adaptation commitments entered into by the European Union in response or otherwise in relation to that objective;

(ii) the steps specified in Articles 2 and 4(1) of the Agreement done at Paris on 12 December 2015 to achieve that objective ...

That is the overarching and most critical international legal course that we are set on and by committing Ministers and Government to carry out all their functions with respect to that, achieves the objective that is contained in this amendment. That is probably one of the most critical sections in the legislation.

Amendment put and declared lost.

Deputy Jennifer Whitmore: I move amendment No. 6:

In page 6, between lines 3 and 4, to insert the following:

“The target-setting criteria

3. (1) In this Act, the “target-setting criteria” are—

(a) the objective of not exceeding the fair and safe Irish emissions budget,

(b) European and international law and policy relating to climate change (including the United Nations Framework Convention on Climate Change and protocols to and agreements under that Convention, including the Agreement done at Paris on 12 December 2015),

(c) scientific knowledge about climate change,

(d) technology relevant to climate change,

(e) economic circumstances, in particular the likely impact of the target on—

(i) the Irish economy,

(ii) the competitiveness of particular sectors of the Irish economy,

(iii) small and medium-sized enterprises,

(iv) jobs and employment opportunities,

(f) fiscal circumstances, in particular the likely impact of the target on taxation, public spending and public borrowing,

(g) social circumstances, in particular the likely impact of the target on those living in poorer or deprived communities,

(h) the likely impact of the target on public health,

(i) the likely impact of the target on those living in remote rural communities and island communities,

(j) energy policy, in particular the likely impact of the target on energy supplies, the renewable energy sector and the carbon and energy intensity of the Irish economy,

(k) environmental considerations and, in particular, the likely impact of the target on biodiversity,

(l) the likely impact of the target on the achievement of sustainable development, including the achievement of the United Nations sustainable development goals,

(m) current international carbon reporting practice,

(n) the requirement for the State’s climate targets to represent its highest possible ambition and progression.

(2) In this Act, the “fair and safe Irish emissions budget” is the aggregate amount of net Irish emissions of greenhouse gases for the period 2021 to 2050 as recommended by the Advisory Council as being consistent with the State, in line with the principles

set out in Article 3 of the United Nations Framework Convention on Climate Change, contributing appropriately to the holding of the increase in global average temperature to 1.5°C above pre-industrial levels.”.

This is setting the scene again and being specific on what target setting criteria should be and what they should involve. It is fundamental that we base it on science and the technologies we know are relevant to climate change. I will not go through each of the elements but it is a matter of ensuring that each of those elements is recognised, addressed and acknowledged within this legislation and that when the criteria are being set, each of those elements is considered.

Deputy Thomas Pringle: The amendment lays out the factors that will apply in making decisions on the setting of targets. It is important that they are clearly laid out in order that everybody in the future will know what was taken into account and what decisions were made. It is important that people know what goes into making a decision, on every side of the argument. That is why the criteria are laid out so specifically in the amendment.

Deputy Eamon Ryan: I am not able to support this amendment. There are already target-setting criteria established in the Bill, which provide that any carbon budget plan or strategy the Government adopts will take account of a number of limited but crucial considerations, such as our EU and international obligations, including the Paris Agreement commitments, as well as the calculated national and voluntary projections. Those matters are clear and cannot be disputed. We need to be wary of introducing conflicting considerations that might make it impossible to reach agreement on what is a fair budget for Ireland. We do not want any conflict with the process of bringing forward carbon neutrality objectives by 2045.

The Bill already includes target-setting criteria and considerations when determining how to distribute the budget across relevant sectors and what actions and measures are necessary to achieve the budget and ensure it is economically and socially just. That is critical. Ministers must have regard to the extensive list of matters set out under section 4(8) of the Climate Action and Low Carbon Development Act 2015, as inserted by section 6 of the Bill, which is the more appropriate place to set out those criteria.

Deputy Thomas Pringle: Will the Minister identify specifically where the conflict arises in respect of this amendment?

Deputy Eamon Ryan: The three five-year carbon budgets are the broader view in terms of where we are on the path to carbon neutrality. It is more appropriate to deal with targets in section 6, which amends section 4 of the 2015 Act, where we get down to detailed actions and considerations Ministers must take. That is the place where we take into account the more specific criteria.

Deputy Darren O'Rourke: I want to put on the record that this Bill needs to be improved. However, the discussion thus far is not encouraging. We have all gone to the bother of spending time putting amendments together to try to improve the Bill. There is a huge amount of overlap in wording, in some instances, and certainly in the spirit of what is being proposed in the various amendments. Many of them have been ruled out of order and that is an issue.

I support this amendment and the other amendments coming forward that look and sound like it. They are all trying to do the same type of thing, which is to make the legislation more explicit in terms of targets and accountability for those targets, and ensuring the process of

getting to those targets is fair and equitable and that the voice of communities and sectoral representatives are heard. We need to see more from the Minister in this regard or we will have a problem with the Bill every step of the way.

Deputy Eamon Ryan: I mean no disrespect by not supporting the amendment. I am doing so on the basis of extensive advice from my Department. The Bill has been significantly scrutinised and redrafted on the back of this committee's engagement and it has gone through incredibly extensive legal analysis and further redrafting. It is a redrafting of existing 2015 legislation. It is not fresh ground we are going over; it is something that has been carefully examined. It is hugely significant politically, with huge consequences in terms of the roll-out and the structures of the public service. It is not a Bill that will be easily further amended.

I mean no disrespect to the committee in saying that. It reflects the amount of work that has been done and the balancing that has been achieved within Government and within Departments and elsewhere to get it right. I think we have a very good Bill. I hear what the Deputy is saying about trying to improve it further and so on, but I also have to take into account the many other considerations in terms of the broad agreement we have on what is already hugely significant and consequential legislation.

Deputy Thomas Pringle: I am a bit worried by what the Minister saying. It seems, in effect, that all these amendments are a waste of time because, as far as he is concerned, he has done an adequate consultation on the Bill. The advice he has is that nothing can be changed and he has gone as far as he can in terms of making the Bill work. It looks like we are going to have nothing more than a few days of banging our heads against the wall.

Deputy Jennifer Whitmore: It might be a good idea at this point for the Minister to indicate his intentions regarding the amendments we have yet to consider. Is he open to accepting any of them? If not, and if Government members are going to vote against each of them, I have other things I could be doing today and on the two days scheduled for this debate next week. It would be good if the Minister could clarify his position now.

I am absolutely baffled by the decisions regarding some of my amendments. I made the point earlier that writing to the Ceann Comhairle will not deal with the fact they were ruled out of order. I cannot for the life of me understand how bringing forward a target date from 2050 to 2045 will incur any additional expense for the State. At this stage, it would be really beneficial to everybody who is giving up their time today to this debate to have clarification as to whether the Minister is open to accepting any amendments.

Deputy Eamon Ryan: I do not want to give false expectation or show any disrespect to the committee. To answer Deputy Whitmore's question, this is critical legislation and it is critical that it gets passed quickly because we want to include this year in the first of the five-year plans. We want to go to Glasgow being as far advanced as we can be in terms of our climate action plans. The critical work for this committee, in my mind, will come in delivering the provisions that are already set out in the legislation. There is a real, significant and important role for the committee as we go into the sectoral analysis and review of the carbon budget, the strategy and the climate action plan. At every stage in that process, I would like to see as extensive an engagement as possible with members. The work published today by the committee on the transport sector, to give an example, is hugely significant and very well considered. We need to do more of that type of work. That will happen in the autumn, if we can get this legislation through both the Dáil and Seanad in advance of the summer recess, which is the timeline I am hoping to make.

There is no disrespect to the committee on my part, or lack of recognition of the important work it has to do. I am working on the basis of the advice from my Department and the Attorney General's office. We have considered every single amendment. I do not want to give false expectation that there is a strong likelihood of amendments being agreed. That is not the case. My approach is on the basis of an assessment of each amendment on its merits and considering, as I said, the balancing act we have to do in terms of what is already very well-amended legislation. I will refer to my speaking notes a lot because this is highly complex in many instances. There is no expectation within those speaking notes that we will be accepting the amendments. At the same time, we will listen and adjust if a compelling argument is made. However, as we set out I should be honest with members that this is the recommendation I am getting from my Department.

Deputy Jennifer Whitmore: I find that to be really disappointing. This is the first Committee Stage debate I have been through. When we started out in the committee, and started reviewing the climate Bill initially, the recommendation from the Minister and the Department was that we would not have pre-legislative scrutiny. We pushed back against that and had very extensive pre-legislative scrutiny. The Minister will agree that the Bill and the amendments were much stronger as a result.

We are now at another point where the committee has a role. We should be allowed conduct that role and the Minister should engage with us in good faith. I am disappointed to hear that does not appear to be the case and we will not have that opportunity. This is really just a listening exercise for the Minister where we talk and he listens, but he still goes ahead with the Bill as it currently stands.

Deputy Eamon Ryan: I will absolutely engage in good faith, will listen to every word and be open to any suggestion but I should also be honest. Good faith also means not giving a false picture. I will say to Deputy Whitmore that we are usually very open to accepting amendments. We were involved in legislation last year on the establishment of the carbon fund from the National Oil Reserves Agency levy. The Deputy may recall there was a provision in that, on Committee or Second Stage, where she made the case to amend that legislation to include investment in, and protection of, biodiversity and community investment for this transition. I was not able to make the amendment in that legislation but I committed to come back to it in this legislation and we have already adjusted it.

It is no lack of willingness to listen and adjust but, to reiterate the point I made, there has not been such significant legislation before the Oireachtas in my time, which goes back to 2002 with a short interval out. It has major implications for the operations of the State in every aspect of its work. The work done during pre-legislative scrutiny of this Bill was, to my mind, highly unusual. It is very unusual that a draft Bill goes for pre-legislative scrutiny where it is drafted line by line. In effect, what this committee did in the pre-legislative scrutiny process was akin to Committee Stage, in that line-by-line amended recommendations went back to Government. We listened and amended, quite significantly, the legislation to reflect that. There is no disrespect to the committee. I have engaged in this process very much in good faith, but part of that is being honest about the belief within my Department, and my own view, that the legislation as drafted is very well structured, thanks to the committee as much as anything else.

Deputy Duncan Smith: I had the same question as Deputy Whitmore, to which the Minister has since replied. It is because this Bill is so important that so much effort and dedication was put into these amendments. There are two streams of amendments to this Bill. One stream of people genuinely wants to take what we believe is a good Bill and make improvements. We

are coming to a section that will deal with climate justice and just transition. Much very good work has been done in preparation for this Stage. It is bitterly disappointing to think that none of the amendments will be accepted.

I am agnostic as to which climate justice amendments will be accepted, or what parts of them will be accepted but there is a very real need to improve that area and that language in this Bill. As groundbreaking as the pre-legislative scrutiny was for this Bill, we should not consider it an outlier and something that will not happen too often. It should be the basis for future legislation and not treated as something that happened this one time and probably will not happen again. It should be built upon through all Stages.

The danger is that the goodwill and engagement built up through pre-legislative scrutiny and carried through to Second Stage will be lost now. We could end up having quite a testy, negative experience when this returns to the Chamber. That is not something that anyone on the committee, any of the spokespeople or anyone passionate about this wants to see. I hope between now and the meeting this afternoon, and the scheduled meetings next week, the Minister might reconsider his approach and what is written in the speaking notes. He has the expertise and the experience, going back many years, to be able to judge what can and cannot be put in and what concessions and compromises can be made. I ask at this stage that he revisits that.

Deputy Eamon Ryan: I have listened to every line but I do not want to give false expectation to Deputy Duncan Smith. As I said to Deputy Whitmore, my assessment is that of my officials, the Office of the Attorney General and the whole of Government, which has paid razor sharp attention to this legislation as it affects every Department. I also have to listen to them and heed their advice. That is something I will do.

Deputy Bríd Smith: I hear what the Minister is saying, that he is here to listen, is willing to listen and he is hearing us and all the rest of it, but Deputy Pringle put it very well when he stated it is a bit of a headbanging exercise. That is not fair to us. We all have a lot to do and if the Minister is going to reject amendments we should know that from the outset, rather than go through these things one by one.

The impact of this will mostly be on activists. Many seasoned activists, people the Minister knows very well, will be very disappointed by the rejection of these amendments. The amendments are not coming from just anywhere. They are not frivolous or meaningless but are there to try to strengthen what the Minister states is very important, seismic and historic legislation. We agree with him on that, but seasoned campaigners and, indeed, eminent scientists are worried about the weaknesses in the Bill. They want to see issues like climate justice, just transition, carbon budgets and carbon capture and storage considered in more detail and done better.

The Minister is not just rejecting the representations of Deputies on the committee but also a huge tranche of the movement, who sat around for endless hours, as the Minister probably knows, scrutinising the Bill and suggesting amendments that will now be rejected. It that is what the Minister is going to do, it is important for us to know and he should tell us early on. As has been said, we can all have a big row when it gets to Fifth Stage in the Dáil but we are not really going to strengthen this Bill. It will be left with gaping holes and historic weaknesses.

Chairman: Those points have been made quite well by previous speakers. The Minister has given his response.

Deputy Darren O'Rourke: I will pick up on a couple of points. The Bill is not strong

enough and needs to be improved. I do not care whether the amendments come from the Opposition or the Minister. This process needs to be about taking the Bill back to the Minister's colleagues and partners in government, the Attorney General or whoever, and saying he is hearing, loud and clear, that we need to improve on this Bill. It was improved in the previous pre-legislative, PLS, stage and can be improved on again.

My concern is that the Minister sounds deaf to the deep concerns being expressed by communities throughout the country, which he surely heard loud and clear during the debate on Second Stage. There are deep concerns the Bill does not provide protections for our most vulnerable and those who will be worst affected by these climate measures. The Bill does not go nearly far enough in terms of definitions, commitments and the principles of just transition. They want, we want and I certainly want more explicit detail on this and commitments from the Government spelled out in legislation. This would serve two purposes. It would strengthen the Bill and provide protection for communities. It would also allay the fears of the detractors of the Bill. People are playing political games with this stuff. It is a significant problem for the climate movement generally if we are saying that there is no room for manoeuvre outside of what the Minister is putting forward. The Minister needs to leave the door open. He needs to hear what is being said on Committee Stage and come back with amendments based on what he hears. This needs to be a very important part of what we are doing.

Deputy Eamon Ryan: In response to both Deputies, I absolutely have been listening. I have listened to some of the scientific concerns. Amendment No. 107, which I have tabled, tries to address one of the concerns raised. With regard to the activists and others to whom we listen, the critical work we have to do now is in developing and delivering a climate action plan that is fit for purpose and allows us to use the provisions in the legislation to effect real change for a just transition to achieve climate justice. This work will not be easy. It will be hugely contentious. There are huge gaps in public support. There are different political views within the Oireachtas as well as outside on what we are going to do. The time to act is now to deliver this much more ambitious plan. The committee and Oireachtas have key roles. The legislation is strong and well structured. I will engage in this process with full commitment if there are flaws and changes that have to be made. It is better to be honest and upfront, however. The Bill as drafted, with some amendments which I have tabled, is what I expect to be progressed to Report Stage.

Amendment put and declared lost.

SECTION 3

Chairman: Amendments Nos. 7, 8, 41, 50, 52, 64, 65, 70, 71, 90, 95, 100 to 102, inclusive, 211 and 237 may be discussed together by agreement.

Amendments Nos. 7 and 8 not moved.

Deputy Denis Naughten: I move amendment No. 9:

In page 6, between lines 19 and 20, to insert the following:

“ ‘biogenic methane’ means all methane greenhouse gases produced from the agriculture sector;”

The amendment is self-explanatory. We are looking for a reflection of what the Climate Change Advisory Council has recommended, which is that in terms of targets biogenic meth-

ane coming from agriculture should be dealt with separately to other methane and carbon emissions. The argument has been put forward by the Climate Change Advisory Council that it should be dealt with separately because carbon and methane coming from agriculture are part of an overall cycle. As the Minister knows, the issue is the increase in the amount of methane coming from the agricultural sector rather than methane *per se*. As the Minister knows, it is part of a cycle. Methane emitted from animals goes into the atmosphere and converts into carbon dioxide. This carbon dioxide is then sequestered in the soil and grass and some of it is consumed by animals and goes back into the cycle again.

We are in a unique situation in Ireland in that we have substantial amounts of marginal land that is unsuitable for tillage. Globally, there is a big push to move a lot of agricultural land into other types of protein crops where there is not the same scale of emissions, particularly with regard to methane. If we look at many parts of Ireland where we have marginal land that is completely unsuitable for tillage, producing protein for humans from cattle is the only way the land can be productively used. It is part of a sustainable process. As the Minister knows, in the past we had a situation in the Burren where cattle were removed and had to be reintroduced because of the detrimental impact it had on biodiversity. We had the same with sheep in many upland and mountainous areas along the west coast of Ireland. A number of animals are required on land to be able to maintain it from an environmental and biodiversity perspective. The same is the case in many areas of marginal land throughout the country.

I accept that agriculture has to do its bit to meet the overall climate targets but my concern is that agriculture emissions are the soft option. The Minister knows from being in the Department, and from having been in the Department with responsibility for energy previously, how difficult it can be at times to get people to move and take the type of actions needed. I have given the example already of electric buses. We have to wait until 2023 for the first double-decker electric bus to be on the streets of Dublin even though the Cabinet took the decision in January 2018 to progress along this route and no longer buy fossil fuel buses. My concern is that when we start to meet the thresholds for 2025 and 2030, and when we have not retrofitted 500,000 homes by 2030 and do not have 1 million electric vehicles on our roads, in order to meet these targets the squeeze will be put on the most vulnerable sector in agriculture, which is our indigenous suckler beef sector. It produces very carbon-efficient beef on marginal land. It produces protein for humans on land that is not suitable for any other form of protein production and carries out a vital role in biodiversity. The evidence is already there in relation to that. It is not just me putting forward this argument. The Climate Change Advisory Council, in its 2020 report, strongly advocated that biogenic methane should be separated out, should be accounted for separately, and should have its own dedicated ring-fenced targets so that agriculture improves and reduces its emissions per kilogram and its emissions per hectare.

At long last we can see work ongoing, which is building on work I was involved with in respect of smart farming, to improve grassland management and to improve soil sequestration of carbon. There is an awful lot that can be done in that regard. There is no point in the agricultural sector carrying its burden, so to speak, on the 2030 targets and on targets beyond that date, if it all is to be nullified, come the eve of 2025 or the eve of 2030, when another scheme is introduced, effectively to reduce overall numbers of suckler cows in Ireland, as we have already seen in the reliefs and supports that have been put in place with Brexit. It is about putting in place a fair and transparent balance.

The amendment I put forward here clearly reflects the goal, objective and intention of the Climate Change Advisory Council. The Minister has already cited our international targets and

what we have signed up to internationally. The committee will be aware that all of these were drafted by industrialised countries. These are the countries that set the agendas and targets on it. Yes, they are challenging targets to achieve, but when one considers a country such as Ireland, where we do not have the heavy industry and where 37% of our population lives in isolated rural areas, our geography and our emissions profile is very different to that of other European countries. That needs to be reflected in how we actually design our targets here. Personally, I believe that our targets for biogenic methane emissions should be on a European Union level because the policy is developed in the context of CAP.

The reality is that the vast majority of food products we produce are consumed outside of Ireland. This should be reflected in the emissions profile of the countries where this food is consumed, and not where it is produced. This will cause a huge problem further down the road in the way the current system is structured. We have a perverse situation where the targets, as they are currently designed, will force the wind-down of beef exports from Ireland, where we are the most carbon-efficient beef exporter within the European Union. This will be replaced with beef coming from South America as part of the overall trade agreements we have. That beef, coming from the Amazon basin in Brazil, has a carbon footprint 35 times higher than the beef produced here in Ireland. Yet, in theory, from an accounting point of view, it makes sense. It makes sense from the point of view of reducing Ireland's emissions profile, which it will do, but it will compound the problem for our atmosphere, our climate and the planet as a whole. We will be replacing relatively carbon-efficient beef production in Ireland with beef production from South America that is disastrous for the environment and disastrous for the climate. While that is okay for the accounting mechanism under the agreements that are currently there for the climate targets we have set for ourselves at EU level, it is imperative that we do not go down the same road given the mistakes that are being made with European and global targets, or that we do the same thing here in Ireland. We should have a very separate and distinct target set for the agricultural sector.

I want to make it quite clear that I am not talking about agriculture getting a free ride on this. There is a substantial amount of work that the agricultural sector can do. The Minister of State, Senator Pippa Hackett, has a huge body of work to do around land use and land use change, which will be key to achieving our overall climate objective targets, and especially in the agricultural sector. It is imperative that this work is done within a sector specific area because biogenic methane is very different to the carbon dioxide used anywhere else in society and in the economy.

It is not just the Climate Change Advisory Council. Our colleagues in Northern Ireland have a very similar structure in agriculture that is also taking the separate approach to biogenic methane. The Climate Change Committee there has specifically stated that there should be a different target for biogenic methane emissions in Northern Ireland, and that this should be off-set against carbon sinks in other parts of the UK. Members will be aware that New Zealand has also taken a very similar approach on this. New Zealand has a very similar emissions profile to Ireland's, and it faces similar challenges to us. They have separated biogenic methane from other forms of methane and other carbon dioxide emissions. New Zealand has set separate targets on that. New Zealand is our direct competitor in dairy production and sheep farming. If we are serious about being fair to all sectors, and if we talk about taking the advice of the Climate Change Advisory Council and the scientists who are experts in this area, every single one of them, to a man and woman, has said there needs to be a separate mechanism to calculate biogenic methane and that it should be treated in a different manner. That is why I have tabled this amendment.

I hope the Minister will look at this fairly and reasonably. I have listened intently to what the Minister said earlier, and that there is broad agreement on the Bill. I accept that the Minister has gone through a tortuous process in securing the agreement on the Bill that he has already secured. I can understand the Minister's logic for not being willing to budge any further on this and in having to try to go back to the Cabinet to try to get agreement on further changes on it. I put it to the Minister, however, that we still live in a democracy. Under our parliamentary procedures the first step is in carrying out amendments to the legislation. We will also deal with it at a later stage in my amendments where I believe the way it is currently drafted is anti-democratic. It is important that if the Minister is giving such a role to the Climate Change Advisory Council, which will be enshrined in this legislation and put on a statutory basis, then this key recommendation in the council's report needs to be adopted, included and incorporated into the legislation.

Deputy Bríd Smith: Deputy Naughten makes a good case for the farming sector. We should start by acknowledging that the farming sector is challenged by our climate change objectives. However, I would make a distinction between the vested interests of the agrifood business and the family farm. The Deputy spoke about how we needed to deal with the increase in the herd over the past ten years. It has been incredible. Not only are we exporting to markets around the world, but we are creating those, too. An Bord Bia sent people out to the Middle East and China to get their middle classes interested in foods they never ate before, for example, dairy produce and beef. Those markets were created to fill the bank accounts of a certain cohort in our society who gain the most from doing so. It has not benefited our farmers. If it had, why would they be outside the meat factory plants or blockading the Dáil and why would the Beef Plan Movement have begun? Farmers have been left behind. Continuing with the same policy does not help them.

I will move on to the science and argue against what is being said. It is possible to treat biomethane as a special case in how we budget and plan for reductions. The Government addresses this in its Bill, but that approach does not deal with the science. In fact, there is no difference in impact on the atmosphere between methane from fossil fuels and biomethane. There is not a special place for biogenic methane in terms of what it does in heating up the planet and how nature reacts to it. It is the same gas. Two separate cases have to be made. One is for the carbon budget and not touching the beef and dairy industry, but the other is for nature and science. There cannot be a special place for biogenic methane in the Bill. One of the problems that arose during our earlier discussion with the Minister is that these matters are not being dealt with seriously. There are flaws in the Bill, and one of the most serious is that biogenic methane has a special place. Therefore, we are back to square one.

A key issue that needs to be addressed is being given an opt-out clause. This will be viewed through carbon budgets rather than in terms of the science. We can fool one another. We might even fool the EU about our emissions if we do enough offsetting and carbon trading, but we will not fool the planet, nature or the science. What bothers me about this approach is that we are viewing the carbon budget as something we must play around with to mask the reality, that being, there is no difference between biogenic methane and fossil fuel methane even though we are pretending there is to suit the industry. That is dangerous, and it only suits the high end of the industry, not the family farm. We need a just transition. That is why many amendments have been tabled on the centrality of the just transition. We need a just transition for farmers.

Chairman: We will stick to a discussion on this amendment for now.

Deputy Bríd Smith: I am shutting up now, which I am sure the Chairman will be delirious

about.

Deputy Darren O'Rourke: We have had a discussion. I take on board what Deputy Naughten has said about this matter. Deputy Naughten spoke about the issue of split targets and putting some meat on the idea of distinct characteristics of biogenic methane as provided for in the Bill. When I read this amendment and its related amendments, it looked as though biogenic methane would not be considered in the national objective or the Bill's provisions. One of our recommendations at pre-legislative scrutiny stage and in our report - I believe it was recommendation No. 36 - was that consideration would have to be given and meat would have to be put on the bone, for want of a better term, of what is meant by "distinct characteristics of biogenic methane" and the role of agriculture in society and what its implications would be for accounting and other requirements.

I have a question about this group of amendments, but I would also like to hear from the Minister about the prospect of split targets. Have they been considered? They are employed elsewhere. A reply would inform the committee.

Deputy Denis Naughten: Regarding the two questions-----

Chairman: No, I will go to the Minister. I will revert to Deputy Naughten.

Deputy Eamon Ryan: There is no opt-out clause for any sector of our society. That is critical in this legislation. How we do this will involve everyone and benefit everywhere. Under the draft section 6A(9)(a)(ii), the advisory council would take into account relevant scientific advice, including on the distinct characteristics of biogenic methane. However, I will not support the amendment in changing the definitions as proposed. We must be careful with definitions of biogenic and non-biogenic methane. According to the Intergovernmental Panel on Climate Change, IPCC, biogenic methane covers wetlands, agriculture, including the rearing of ruminants and growing of rice and other crops, landfills, forests, oceans and termites. Non-biogenic methane includes emissions from fossil fuel mining, biomass burning, waste treatment, geological sources, including geothermal and volcanic methane, and natural gas seepage in sedimentary basins. Differentiating between definitions right now would be highly complex.

Something else to consider is that the UN process imagines anthropogenic emissions versus natural emissions. We must differentiate between anthropogenic emissions – the likes of rice agriculture, livestock, landfills, waste treatment, biomass burning and fossil fuel – and emissions from natural sources, for example, wetlands, oceans, forests, fires and geological sources. The definitions in this regard are best managed within the UN and IPCC processes as they must be based on international agreement and international standards.

As set out in the Bill's wording, we must take into account the distinct characteristics of biogenic methane. The IPCC report from autumn 2018 recognised we would not reduce biogenic methane emissions or anthropogenic emissions from agriculture and other sectors to zero but we would have to do so in respect of fossil methane, which is the most critical step we must take. We will have to reduce anthropogenic and biogenic emissions, though. That is why there is no opt-out. Every sector must be involved.

I might refer to the international approach. Last autumn, the EU presented a new methane strategy. Critically, it differentiated between fossil methane – to simplify, the petroleum industry's methane – and biogenic methane. In this, there is an intimation of how differentiated the treatment could be. The EU does not set the rules in this regard, though. In an immediate sense,

it sets the rules through CAP and other mechanisms, but Europe will have to adopt international agreements like the Paris process and the UN Framework Convention on Climate Change, UNFCCC, process. We are working on that with the Minister for Agriculture, Food and the Marine, Deputy McConalogue, and the Minister for Foreign Affairs, Deputy Coveney. We have a seat on the UN Security Council, which is an opportunity for us to connect the security issue to climate, including the question of how we treat biogenic methane. In my contribution to President Biden's big event on climate last month, we referred to the approach we would like to see taken internationally on biogenic methane. The US climate envoy, former Secretary of State, John Kerry, referred to that in his contribution when he spoken in Dublin recently. The approach to be taken is to use the likes of the Climate and Clean Air Coalition, which is an organisation established within the UN system, to look specifically at the management of or approach to short-lived greenhouse gases.

Everyone knows that methane is a short-lived greenhouse gas. It is short-lived in the sense that it oxidises in the upper atmosphere into carbon dioxide in a way that is very damaging and climate worrying. There is real international concern about methane. The level of methane in the atmosphere is rising rapidly and is of great concern. I expect to see international scientific reports re-enforcing that later this summer, so we must address the methane issue. The approach will and should differentiate. It should take into account best science. In the measuring and monitoring of this, a recent development has been the establishment of an EU-UN environmental programme, a methane monitoring observatory. These are the sort of science sources which we will adhere to.

It is an international agreement which has different implications for different countries. In regard to the area of agriculture, we should be supporting, wherever possible, agricultural systems that support not just our climate objectives - that must happen - but also our biodiversity and other objectives. We should look to support the form of agriculture - pastoral and family farms - which is good at climate adaptation and resilience, as well as climate mitigation. I am sorry for the long answer, but this is the crux of the issue. In a global context, we should do that in our role on the UN Security Council, in particular, where climate has to be seen as a critical security issue in a way that supports developing countries in Africa and small island developing states, SIDS, and supports the form of climate-resilient pastoral family-farming which is small scale, less intensive and less feedlot-orientated agriculture in regard to ruminants. That would have knock-on consequences for our country. It would support the kind of family farming system of agriculture, which I think we are agreeing on here.

We will have to work on this internationally. It can be good for the type of farming we want, which protects nature as well as rural Ireland. We should take heart from this. I listened intently to the president of the IFA today when he said - I know from my experience that the head of the ICMSA, Natura 2000 and hill farmers, and the other farm organisations increasingly understand this - that the vast majority of Irish farmers are committed to climate action. They increasingly understand that what we will have to do is reduce our emissions and increase their income. That is why I come back to how we treat and manage this. It is to look at mechanisms, and not that agriculture will get an opt-out and will not play its part. Going back to what I said earlier, in the autumn this committee will have to consider what the various sectoral allocations will be. The truth is that if we reduce our ambition in one area, it may put impossible constraints or obligations on other sectors, which might have significant consequences for employment or other aspects in the quality of our lives. Therefore, every sector is involved.

A key question within agriculture is, how do we increase income as we reduce emissions,

including the reduction of the biogenic methane? We must recognise that this has to be good for Irish agriculture, and I believe it can be. That is the approach we will take on this. We have recognised that in the provisions of the Bill which state we take into account the scientific advice on biogenic methane. It is so complicated and multi-varied in its aspect that I do not think we can define it in the Bill. However, we have sufficient recognition in the Bill to connect those international developments I mentioned briefly there.

Chairman: I call Deputy Bruton, who has not contributed yet.

Deputy Richard Bruton: I apologise; I had to go to the Chamber for a few moments. I agree with what the Minister has said that we need a new vision for agriculture. Anyone who seeks to try to present the case that nothing should change in agriculture is doing farmers a disservice. In a decade's time when the price of carbon goes to well over a €100 per tonne, the farming systems that did not look seriously at carbon and its management will leave family farms with much deeper problems than if they had made an early move to make those changes. My only worry is that by setting very ambitious targets in a sector like agriculture, where the pace of change is not going to be easy given the age profile and mix of farming methods, we may be trying to force change faster than the system is capable of delivering.

We need to be thinking of paying for sequestration. In international inventories, sequestration through forestry or land management of one sort or another is not counted as part of the inventory and would not count towards the 51%. We must start to think differently because we need to start paying farmers to be farmers of carbon. This inevitably means that apart from CAP funds, other funds need to be introduced which farmers can earn, taking account of the likelihood that farmers will be much more efficient, in cost terms, in bringing down our carbon footprint than some other sectors. If one can relieve sectors of more expensive burdens, there should be scope to support farmers in delivering some of the changes that are available in the agriculture and land use sector. It must be done in the context of new policy tools to allow farmers to make this transition. If we rush to set targets and do not have those sorts of mechanisms, farmers will become frustrated. What we have to do is try to get people on the one page in terms of combining the challenge to farm carbon while also delivering food.

I worry that this debate is often pitched as one group opposing another, and that is a dangerous arrangement. We must find the space where a new vision for agriculture can be carved out and where people can see a decent family farm income coming in, albeit from doing different things compared to how things had been done before. It is a challenge for the Oireachtas and our committee, in particular, to design those mechanisms.

Chairman: I am mindful that we have less than a minute left before 11.30 a.m.

Deputy Eamon Ryan: Can I come back in briefly on that?

Chairman: Very briefly. We must suspend the meeting at 11.30 a.m. so you have 20 or 30 seconds. You can come back in on this at 3.30 p.m. if you want?

Deputy Eamon Ryan: I will come back in later. It is an important point which I was keen to come back to.

Chairman: Do Deputy Naughten and his colleagues want to press the amendment?

Deputy Denis Naughten: No, I want to respond to the comments that have been made.

Sitting suspended at 11.29 a.m. and resumed at 3.31 p.m.

Deputy Denis Naughten: I wish to respond to the Minister's remarks earlier and to the questions raised by my colleagues. I acknowledge the comments made by my two successors as Minister in this area, namely, Deputies Eamon Ryan and Bruton. They have both recognised the validity of the point I am making concerning the need for biogenic methane to be treated differently. The only point of disagreement between the three of us is how that aspect should be reflected in the Bill and that is why I submitted this amendment. I will return to that point shortly.

Moving on to answer some of the questions raised by colleagues, I made it clear at the start of my contribution this morning, as I did while I was the Minister and I will do so again, that agriculture cannot get a free pass when it comes to climate change. Therefore, I am not stating that agriculture should not be touched, but that it must be accounted for separately and that there is a good reason for doing that. Agriculture has a key role to play regarding the issue of land use. Substantial progress can be made in agriculture. However, with a deadline set for 234 weeks' time, the only thing that can be done in that short time that will have a real impact is herd reduction. The difficulty with herd reduction is that it undermines the type of farming that the Minister has expressly said that he wants to support, namely, family farms and pastoral grazing. That in itself is not good for biodiversity or overall climate emissions.

Physical constraints exist regarding the retrofitting of homes and in rolling out electric vehicles. I set up those plans and targets and they were to be in full operation now, but that is not happening. Even greater pressure is therefore being put on what I believe is the soft option of cattle numbers, instead of land use management. Some environmental zealots are trying to claim that methane from fossil fuels and methane from agriculture are the same, but they are not. They try to shut down any discussion of this issue. There is a big difference between the two forms of methane. Methane from fossil fuels comes from carbon which has been locked away in our planet for hundreds of millions of years. Methane from agriculture comes from carbon dioxide that was in our atmosphere a few hours ago, a few days ago or a few weeks ago. It is being converted into protein for humans to consume. It is part of an overall carbon cycle.

In fairness, that aspect was acknowledged by the Minister, Deputy Eamon Ryan, and the former Minister, Deputy Bruton. It has also been acknowledged by the Climate Change Advisory Council, the Government of the United Kingdom, the European Union and New Zealand. However, it is not yet part of the Intergovernmental Panel on Climate Change, IPCC, accounting framework. Having said that, though, I fully accept that CH₄, methane, in our atmosphere, regardless of the source, has the exact same warming potential and that is why agriculture has a key role to play in combating climate change. My issue concerns how this element is accounted for in domestic legislation and international climate rules. Internationally, this aspect should be accounted for through the consumption of food, which accurately reflects the impact that methane has on our atmosphere, and not where that food is produced. Taking the latter approach leads to perverse situations, such as the consumption of meat from the Amazon basin being incentivised.

Chairman: I am sorry to interrupt Deputy Naughten, but he has articulately and comprehensively addressed the issue and I want to move on.

Deputy Denis Naughten: I am just about to finish. I have only two substantial amendments to the Bill. I accept there are many more amendments but this is one of my two. If the Chair will let me finish my point in this regard, I will keep quiet after that. Turning to my

amendment, the Minister argues that there is sufficient recognition of biogenic methane in the legislation already. I argue this is tokenism and non-binding. The reality is that agriculture will become the fall guy for a failure to meet targets in other areas. I fully accept that setting a separate target for biogenic methane is not a trivial task. To answer Deputy O'Rourke's query, that is why I have not been prescriptive in this amendment. I do not have the required detail available and I do not think that anyone does now. I am just reflecting what has been recommended in the Climate Change Advisory Council's 2020 report. It is imperative that the recommendation is incorporated in black and white into the legislation and that is why I have tabled this amendment.

Chairman: I thank Deputy Naughten and I apologise for cutting across him. I call the Minister, Deputy Eamon Ryan.

Deputy Eamon Ryan: I will respond briefly to the contribution from Deputy Bruton and to the points made by Deputy Naughten. There will be sectoral targets for agriculture and land use, which will be different from the targets for other sectors and probably less onerous. However, the agricultural sector has to play its part too. I reassure Deputy Bruton that it will be necessary to account for sinks as well as sources. The Bill does that, and the definition concerning a removal of greenhouse gases from the atmosphere sets out that clearly. It includes the use of natural or technological solutions, nature-based solutions being centre stage in that regard.

My key point is that we must increase incomes and reduce emissions. Removal of greenhouse gases, in form of those sinks, could, should and will be the source of potential income for farmers, foresters and those involved in land use and reclamation management etc.. Critically, this should be a turning point for the better for agriculture. We want to redirect some of the income currently going to the processing and retailing side of agriculture to pay for nature-based solutions and the environmental services that will be provided by farmers. That is why many farmers are rowing in behind what we are seeking to do. That income must go up. We must have an Origin Green brand that is truly green in origin, in respect of protecting nature as well as stopping emissions.

It can also increase income in many different ways. As well as pasture-based family farming, we can also look at more secure incomes by having a diversity of income streams being derived from farming. Last, but not least, this aspect concerns not just methane but also elements such as nitrous oxides, in addition to greenhouse gases, such as carbon dioxide, from agriculture itself. There is also potential to derive income from the generation of energy on farms. Farm incomes could also be raised by reducing the use of nitrogen and nitrous oxide fertilisers. This endeavour, therefore, is not just focused on methane. It is about a variety of approaches, all of them centred on increasing income and getting a new generation of young farmers into the sector as emissions are cut. I am afraid I cannot support the amendment but I think we agree on the principle that farming must play its part and, critically, the old narrative of the environment versus agriculture must end. We work together.

Deputy Denis Naughten: My amendment specifically does not make reference to nitrous oxide because I accept the point the Minister is making, namely, that there is a big challenge there and that approximately one third of the warming effect of agriculture comes from nitrous oxide. Substantial progress needs to be made. I ask the Minister to look again at the issue of biogenic methane and to look at the recommendations of the Climate Change Advisory Council. We will revisit this on Report Stage.

Amendment, by leave, withdrawn.

Deputy Thomas Pringle: I move amendment No. 10:

In page 6, to delete lines 26 to 30 and substitute the following:

“ ‘climate justice’ is the concept that those individuals, corporations and societies that have contributed most to the problem of global warming must contribute most to its solution; this concept has four core principles, as follows:

(a) in accord with the commitment of the United Nations Framework Convention on Climate Change to common but differentiated responsibilities and respective capabilities, those individuals, bodies and countries which have contributed most to global warming must pay to protect poorer individuals, bodies and countries from its negative effects, and must also play the biggest part in halting and reversing anthropogenic climate change;

(b) measures to counter global warming due to human activities, and its negative effects, must decrease inequalities whenever possible, and must never increase them;

(c) the move towards net zero Irish greenhouse gas emissions should be a just transition, meaning that action is taken in a way which—

(i) supports environmentally and socially sustainable jobs,

(ii) supports low-carbon investment and infrastructure,

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

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

(v) contributes to resource efficient and sustainable economic approaches which help to address inequality and poverty, and

(vi) assists those whose livelihoods are affected adversely by the transition to a low-carbon economy to take up other work and to at least maintain their current income levels;

(d) the planning of responses to climate change should involve the greatest possible levels of public participation, including the participation of those who are most affected by climate change and of those who are most excluded economically, socially and politically;”.

The purpose of this amendment is to broaden the definition of climate justice issues in the Bill, particularly where it is stated that climate justice shall “adapt to the effects of climate change ... in so far as it is practicable to do so”. That is a catch-all get-out clause for the Department to ensure that it will not meet many of the targets because it will not be practicable to do so. We need to get away from that type of language in giving outs in the context of what can happen.

The amendment creates a definition of what is happening in just transition and why it is important. Everybody recognises that this Bill is vitally important and just transition is an important part of how we address climate change to ensure that it is reflective of everybody's needs. There is no point in having the people who are least in a position to deal with the effects of climate change being the ones who carry all the costs as well. There is a real danger of that happening in any society. This is important and I ask the Minister to give it serious consideration. In particular, it is vitally important to take that language of "in so far as it is practicable to do so" out of the Bill because it is not necessary at all.

Chairman: Amendments Nos. 10 to 15, inclusive, are related and may be discussed together. Amendments Nos. 11 to 15, inclusive, are physical alternatives to amendment No. 10.

Deputy Thomas Pringle: Amendment No. 11 is one of mine as well so I might speak to that. If amendment No. 10 is not accepted, maybe No. 11 can be accepted. The best thing would be to have No. 10 accepted.

Deputy Darren O'Rourke: I want to speak to amendment No. 14. Amendments Nos. 10 to 15, inclusive, seek to improve on the definition of climate justice contained in the Bill and they all do so. Sinn Féin is proposing amendment No. 14, which seeks to address what we would see as the weaknesses within the current definition of climate justice in the flexibility it allows. The Bill leaves the option to come up short and our amendment seeks to strengthen the language in the Bill on equity and fairness. The definition we are proposing is based on the Mary Robinson Foundation definition. I know it is a definition the Minister has supported and used in the past. It is one of the most important opportunities to build and improve on this legislation. I would call on the Minister to support, if not the Sinn Féin amendment, one of the other amendments, or to come back with a stronger definition, if not now then on Report Stage.

Deputy Duncan Smith: I am agnostic as to which of these amendments should be accepted. I know none of them will be accepted but they all speak to the glaring need to strengthen the definition of climate justice within this Bill. If the Minister was still just a Deputy and not a Minister, he would probably be making similar arguments to those that are being made by the previous speakers and by those who will offer their thoughts subsequently.

There are no winners when it comes to climate change. Everyone is a loser but there are those who are losing most, who are suffering most and who are most vulnerable. By improving the definition of climate justice within this totemic Bill, we would be sending out a strong message of solidarity, assistance and real energy in that regard. I ask the Minister to reassess his approach to this issue and to just transition by accepting the amendments. If he is not going to accept amendments, perhaps he could make a commitment to come back with an improved wording. Again, no one wants ownership over this and no one is going to win on this. We just want the Bill to be improved.

Amendment No. 12 is in my name but I will not be in a position to press it because I have to go and speak in the Chamber shortly. I will be withdrawing the amendment.

Deputy Bríd Smith: I agree that this is extremely important. There is a plethora of similar amendments here and it would be good if the Government could go back and change the Bill, which was originally peppered with the phrase "in so far as is practicable". There was a huge amount of comment on the matter and a request to change it. The Government did so in respect of most of the text of the Bill but not in this section. Perhaps the Minister could explain why the Government removed this language in other clauses but not in this one because it is a caveat

that gives the Government a get-out and makes the Bill look so poor.

What I have in amendment No. 13 that makes it slightly different from the other amendments is the suggestion that the Bill should reflect the UNFCCC commitment to the common but differentiated responsibilities in respect of capacities. In other words, wealthier countries have to do more than the poorer countries. That is a statement Ireland should be well able to make in the Bill and not omit it and then include a get-out clause such as “in so far as is practicable”. It is not acceptable and I hope the Minister can take that on board and change that language.

Deputy Jennifer Whitmore: Like my colleagues, I would ask that the Minister take all these amendments back and consider which one he is comfortable with. We are all saying the same thing. I saw earlier that one of the civil society groups wants the UNFCCC commitment mentioned in the Bill. Perhaps that is something the Minister can take on board.

My amendment is a simple addition, which emphasises that it will be the poor people globally who will be impacted most by climate change. When we talk about vaccinations we say that no one is safe until we are all safe and it is a similar concept when we are talking about global equality and climate change. Unless this is a global effort and unless we tackle it globally and take our responsibilities as a wealthy nation on board, it will not be solved.

I am not pushed as to which amendment is accepted. They all encompass what we need to see but I ask that the Minister consider them. This is important.

Chairman: Will the Deputy be moving amendment No. 15?

Deputy Jennifer Whitmore: I will be moving it.

Deputy Eamon Ryan: I agree. Our response to climate change has to be centred around climate justice and delivering just transition. The Bill recognises that. The definition is based on the definition that the Mary Robinson Foundation has set out and chimes word for word with amendments Nos. 14 and 15. It refers to the need to “safeguard the rights of the most vulnerable persons and endeavour to share the burdens and benefits arriving from climate change”. As I said, the text is taken almost word for word from the Mary Robinson Foundation definition and it is the right definition. The same is true of how just transition is defined and where it is included in the Bill. It is centred around an effort to “maximise employment opportunities” and “support persons and communities that may be negatively affected by the transition”. That is an appropriate definition and it is included as one of the issues that ought to be taken into account as we set out our strategy. The wording in the Bill is correct and appropriate. While I understand the sentiments behind these amendments, I do not support them. I prefer to keep the wording as it is.

Deputy Bríd Smith: Will the Minister comment on our proposed removal of the wording “in so far as is practicable”?

Chairman: I will take Deputies Whitmore and Pringle before reverting to the Minister.

Deputy Jennifer Whitmore: Will the Minister elaborate on the rationale as to why a reference to social and economic exclusion cannot be included? In order to define how people are vulnerable, we need to acknowledge there will be social and economic vulnerabilities globally and it will be the poorest people who are most impacted in that regard. If the Minister is not open to taking the more definitive amendments, he might consider the simple addition of the

words “social and economic exclusion”.

Deputy Thomas Pringle: Going back to what Deputy Bríd Smith said, the Minister indicated that his definitions meet all the requirements, but I did not hear any definition of “in so far as is practicable”. That is the problem with the definition in the Bill. It is a catch-all, get-out clause for the Minister and the Department. The definition is totally unacceptable without the removal of the words “in so far as is practicable”.

Deputy Eamon Ryan: The phrase “in so far as is practicable” refers to the fact that we on our own cannot completely address the critical climate justice issue of our time, which is that the poorest parts of the world, namely, the developing and emerging world, will be the most affected. We can play a part and contribute as far as we practically can but we cannot, on our own and single-handedly, address the entire global climate justice issue. We can contribute to a solution but it is not completely within our control. It requires an international effort, which is there at the centre of the Bill. It reflects our commitment to the Paris Agreement and its articles, which very specifically recognise that those who have done least to cause the crisis should not be put to the greatest burden in addressing it. Rather, those who have done most to cause it must do the most to seek to solve it. That is at the core of this legislation and the articles of the Paris Agreement, with which we must be consistent in the wording of the Bill.

Seeking to achieve social equality and justice should be central to everything we do. However, we must be careful not to put that whole responsibility on climate legislation, which is primarily about setting up the mechanisms whereby we can meet sectoral ambitions, targets and so on in addressing the entire social requirements of the State. We will have equality and fairness in mind in seeking a just transition but we cannot address the social inequality in our State solely through climate legislation. That requires myriad legislative measures.

Deputy Thomas Pringle: There is little use in labouring this point too much. The Minister gave one definition of “in so far as is practicable” and I expect the Department could come up with many other definitions that would not be as motherhood and apple pie as the definition the Minister has given. That is the crux of the problem. The definition is too wide open and, for that reason, it has to be opposed.

Amendment put and declared lost.

Deputy Thomas Pringle: I move amendment No. 11:

In page 6, to delete lines 26 to 30 and substitute the following:

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

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

(b) help to address inequality;”.

Amendment put and declared lost.

Chairman: Deputy Duncan Smith indicated that he would withdraw amendment No. 12.

Amendment No. 12 not moved.

Deputy Bríd Smith: I move amendment No. 13:

In page 6, to delete lines 26 to 30 and substitute the following:

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

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

(b) help to address inequality, and support the human rights and well-being of local communities, indigenous peoples and the most vulnerable; and

(c) reflect the UNFCCC commitment to the “‘common but differentiated responsibilities and respective capacities;”.

Amendment put and declared lost.

Deputy Darren O’Rourke: I move amendment No. 14:

In page 6, to delete lines 26 to 30 and substitute the following:

“‘climate justice’ means a human-centred approach to climate change, safeguarding the rights of the most vulnerable and sharing the burdens and benefits of climate change and its resolution equitably and fairly;”.

Amendment put and declared lost.

Deputy Jennifer Whitmore: I move amendment No. 15:

In page 6, to delete lines 26 to 30 and substitute the following:

“‘climate justice’ means the requirement that decisions and actions taken to reduce greenhouse gas emissions and to adapt to the effects of climate change shall, in so far as it is practicable to do so, safeguard the rights of persons vulnerable to social and economic exclusion and endeavour to share the burdens and benefits arising from climate change;”.

Amendment put and declared lost.

Deputy Bríd Smith: I move amendment No. 16:

In page 6, to delete lines 31 to 33 and substitute the following:

“‘climate neutral economy’ means a sustainable economy and society where greenhouse gas emissions are balanced or exceeded by the removal of greenhouse gases by nature based solutions with no reliance on the purchase of carbon credits, off-sets or other market based mechanisms or unproven technological capture and storage techniques;”.

This amendment deals with a really important issue on which we want to put some focus. The measures set out in the Bill rely for their implementation on speculative technology and there is no definitive statement that we will totally remove carbon. The provisions are based on the expectation that, some time in the future, we will have technology that enables us to capture carbon, as well as using offsets and other market-based mechanisms. That does not allow for

an absolute commitment to reduce our emissions and remove carbon.

Our amendment places an emphasis on nature-based solutions, with no reliance on the purchase of carbon credits, offsets and other market-based mechanisms, or carbon capture and storage technology that is unproven as yet. Many people are saying such technologies will be the way to go in the future, but we do not have the technology now. We can only commit ourselves to what is currently possible. Something that is speculative and twice removed from us is not sufficient and does not make this a robust Bill. Moreover, the idea that we can purchase our way out of this crisis makes a nonsense of our commitment to reducing our emissions. That is what this amendment seeks to address.

Deputy Eamon Ryan: The Bill does not include provision for offsetting. Such inclusion would not be appropriate as it would undermine the obligations contained in the Bill. The legislation has been developed to focus on achieving obligations through emissions reductions and removals in the State, not by way of markets here or elsewhere, as provided for in the relevant definitions in respect of emissions and renewables. The measures set out in the Bill are technology neutral. We do not know which technologies will be used and the Bill is not solely reliant or focused on, or solely referring to, any one technology. Therefore, the legislation does not need to prohibit explicitly the use of offsetting or specify which technologies will or will not evolve in the coming years.

Deputy Bríd Smith: While it certainly does not explicitly include offsetting, the Bill leaves it wide open. It is a very weak provision, which is why propose to insert the sentence in the amendment. The Bill is very weak and while it does not exclude offsetting, it could, by definition, leave it in. We should set about excluding offsets and carbon credits and remove any possibility of them being used to balance budgets. After all, this is all about budgets rather than the actual mechanism. We must ensure the budgets do not include market-based mechanisms.

Deputy Eamon Ryan: We do not have any such mechanisms to hand or that have been considered. We would have to almost re-establish it in legislation, which I would prefer not to do, as it would open up a whole new market. Just to exclude it is not in the current proposals or approach.

With regard to the two aspects of this and the potential use of carbon capture and storage, CCS, I will be up-front and open to say that if CCS becomes a viable technology, we should consider it for industrial production, the storage of carbon or power generation. It is less likely, however, because the economics of other alternatives are advancing quicker. We should not exclude it, however.

Amendment put and declared lost.

Deputy Thomas Pringle: I move amendment No. 17:

In page 6, between lines 33 and 34, to insert the following:

“ ‘climate resilient’ means, in relation to energy projects, the contribution to global emissions reductions taking into account expected changes in climatic conditions;”

The amendment speaks for itself but I believe Deputy Smith, who is a member of the committee, will make a contribution on it.

Deputy Bríd Smith: This amendment is in recognition of the campaigning done up and down the country against liquified natural gas, LNG, of which the Minister is aware. This is a recognition that it is a very important issue. I am aware that we will deal with it in the rapporteur's report and we will have a different conversation about it in the committee, but we need to deal with it in the Bill.

We must take into account what the campaigners are saying. They are saying that where there are gas and emissions reductions, these must also take into account where they come from. This is a very important point for the campaign against LNG.

Deputy Eamon Ryan: I cannot support the amendment. The national climate objective, as drafted, specifically sets within it the transition to a climate-resilient, biodiversity-rich, environmentally-sustainable and climate-neutral economy. That sense of resilience is much broader and one I believe is more appropriate. It is sufficiently well drafted in the national climate objective. We might confuse matters if we had a separate definition.

Amendment put and declared lost.

Deputy Bríd Smith: I move amendment No. 18:

In page 6, between lines 33 and 34, to insert the following:

“ ‘complete decarbonisation’ means zero energy emissions, combined with nature-based solutions that enhance biodiversity to sequester greenhouse gases from sectors where some emissions remain inevitable;”.

There could be different versions of “net zero”. The term does not necessarily mean that we reduce our carbon emissions. It could mean that we find accounting mechanisms to do it. This amendment spells out that we have to find nature-based solutions that mean we actually reduce our carbon emissions, rather than just balance a budget. Again, it refers to the earlier point, but it should remain in the Bill to ensure we use nature-based solutions to sequester greenhouse gases and that we do not rely on the balancing of budgets, as this Bill is shaping up to do.

Deputy Eamon Ryan: Again, I do not see that the definition provides any greater clarity. I do not see our emissions reductions coming from accounting or storage systems. We are going to have to stop the use of all fossil fuels in the State, in line with the Paris Agreement. We are where we are in using or storing them in the way we have just discussed. Changing the definition would risk uncertainty as to what we are doing. I do not see it as giving any more clarity.

Amendment put and declared lost.

Deputy Michael Collins: I move amendment No. 19:

In page 6, between lines 33 and 34, to insert the following:

“ ‘economic justice’ means recognising that disadvantaged groups are disproportionately affected in many ways by climate change and associated policy objectives, and that adaptations and mitigation practices must be achieved in a morally fair and socially just manner, that will have at its heart the goal of creating opportunities for all to thrive and that prosperity and justice go hand-in-hand rather than in opposition to one another;”.

Those of us living in rural communities are seriously concerned that many people will be

disadvantaged by this climate action Bill.

Chairman: I am sorry to interrupt Deputy Collins, will he confirm that he is on the grounds of the Leinster House complex?

Deputy Michael Collins: I am on the grounds of Dáil Éireann. I will shortly be on the way down to the convention centre but I am still in the grounds of the Dáil.

Chairman: I thank the Deputy.

Deputy Michael Collins: We need to protect smaller farmers and rural communities. That is the meaning of the amendment. Having spoken to our constituents, the majority view is that this Bill will disadvantage them severely. We have many amendments coming forward that will address that. I ask the Minister to respond.

Deputy Eamon Ryan: I share the objective set out in the amendment. It is better covered within the existing provisions in the Bill. When it is amended, the new section 4(8)(k) to be inserted in the Act deals with the requirement for a just transition. It will apply to rural Irish farming more than anything else. This is a better way to achieve that objective. While I understand the objectives of the amendment, I will not support it.

Deputy Michael Collins: That is fine.

Amendment put and declared lost.

Chairman: Amendments Nos. 20 to 23, inclusive, are related and may be taken together. Is that agreed? Agreed.

Deputy Bríd Smith: I move amendment No. 20:

In page 6, between lines 35 and 36, to insert the following:

“ ‘Just Transition’ means a transition to complete decarbonisation which:

(a) ensures that communities and individuals adversely affected by the move to complete decarbonisation are supported and provided with work and opportunities that retain their livelihoods and standards of living;

(b) supports environmentally and socially sustainable jobs;

(c) supports low-carbon investment and infrastructure;

(d) develops and maintains social consensus through engagement with workers, trade unions, communities, non-governmental organisations, and others;

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

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

This is probably one of the most important sections we will deal with in the Bill. There are different interpretations of the concept of “just transition”. Deputy Michael Collins hinted at this in his contribution. All communities have to benefit and must be treated in a fair and

equal way. The point is that we are not starting from equality. There is not equality right across society. We are starting from different bases.

The discussion that most reflected this was on carbon taxes and the question of how they are implemented. Carbon taxes, as they have been applied by the State, are exactly what we do not need. This is not what just transition means. It does not mean piling taxes on the people who can least afford it and ignoring those who benefit the most from the pollution and warming of the planet and leaving them untouched without having to pay their fair share.

Just transition should also look at how communities and workers are treated. The Bord na Móna workers are a good case in point. The Minister says they will be given jobs retrofitting and money will be put into retraining them but giving them minimum wage jobs in a recycling factory is not a just transition. It does not tick the boxes. This really has to be developed in a way that defines just transition as being central to how we implement it. It is very obvious that we will not bring communities and workers with us, and we will not bring all that we need to bring with us, if we do not have this at its heart. Many other amendments have been tabled on this and we should have a decent discussion on it.

The amendment covers decent, fair and high-value work, contributing to sustainable economic approaches and trying to undermine and eliminate poverty. We will not do this by piling carbon taxes on the poor and letting the very wealthy fossil fuel industry and aviation industry off without paying their fair share.

Deputy Darren O'Rourke: Amendment No. 21 deals with the same issues. This is one of the most important points we will speak about on Committee Stage. It is fundamental to the principle and spirit of our climate ambition. If the Bill does two things, they are to set interim and long-term targets and to set out a plan. People need to see that their voices will be heard within it, that they will be considered and brought along, that this will not be just a case of more of the same, and that this will not confirm and firm up these positions. The Minister can put whatever terms on them he wants. We can call it the haves versus the have-nots, or those advantaged versus those disadvantaged.

A number of previous speakers have spoken on other amendments. There is a real fear in communities about what the implications of climate action and the response to climate action mean. We need to accept and acknowledge this as real and earnest. Some of it is based on practical experience with regard to people struggling to heat their homes and pay their bills. They are falling deeper and deeper into this scenario with the prospect, as they see it, of more of the same and worse to come. The Bill needs to spell out that the Government and future governments have their backs. It needs to spell it out in black and white because it is not there and there is deep concern about it. There is an opportunity to improve on it and this is a way to do so. If we do not do it, reasonable questions will be asked as to why not, legitimate concerns will not be allayed, and it will be a seriously missed opportunity.

Deputy Jennifer Whitmore: I also think this is one of the most important conversations on the Bill we will have. The reality is that climate issues are not just about the environment. They are part of a much broader issue and we cannot separate them out. If we start dealing with environmental or climate issues separately to the economy, inequality and people's living standards we will not achieve what we need to achieve with the Bill. We cannot leave people behind when we deal with the climate crisis.

We are at a crossroads. We have an opportunity to use the Bill to meet our climate objectives and to create an environment we can all enjoy and live in. If we do not do it right, there is

a risk we will create a very divided Ireland where a portion of our communities are left behind. If people are struggling to put a roof over their heads and food on their tables, climate issues and environmental issues will be the last thing on their minds and that is the reality. Achieving the climate targets and the environment we need to move towards comes down to a cultural shift and a system shift. We cannot do it unless we bring everyone along with us. It is very important to ensure just transition is a component of the Bill.

The amendment I have tabled defines just transition and goes into what the principles are. We need to have a conversation about what the just transition principles are. Even during pre-legislative scrutiny, the officials stated that climate justice covers it. It actually does not because it is a different concept. It is a very broad concept but climate justice is more of an international global issue whereas just transition relates to Ireland and our workers and communities. The first thing we need to do is to define it.

The Minister said we will not be able to deal with social inequalities in the Bill but we will have to address them because they are all part of the same thing. We are all part of the same ecosystem. We will not be able to deal with one issue without dealing with the other. It is incredibly important that we incorporate this into the Bill. This is an opportunity. We can have it in the Bill and we can define it and have discussions on it. We can look to countries such as Scotland which have done a very good job on this. We do not need to reinvent the wheel. Other countries have done a lot of this work. We could learn from what they have done. Many of the amendments are pulling from international expertise. We can look at this as an opportunity to right some of the wrongs and rebalance our communities and how we are living. We have to incorporate it in the Bill. It needs to be there as a guiding point of principle to give this direction. Otherwise it will be forgotten.

I have had this conversation with the Minister previously when he introduced the waste policy. People with disabilities had very limited consultation. No one represented people in poverty when the policy was developed. This needs a very holistic approach. If we do not embed just transition in the framework of the Bill, we will not be able to take an holistic approach. It is absolutely critical that we get this right and it has to go in at this point. Earlier, the Minister mentioned that just transition is defined in the Bill but it is not. It was one of the key recommendations of the committee. We heard from many experts and the majority of them said we need to take the principles of just transition into account.

I tabled an amendment that was ruled out of order on the establishment of a just transition commission. This should be looked at because the difficulty with just transition is that if we are not proactive on it, and if we put in place the framework for the climate targets and start putting restrictions on emissions but we have not considered just transition policies in parallel with this, we will have a very reactive transition and it will not be good. We need to build just transition principles into the Bill now to make sure the processes happen at the same time. I know the programme for Government includes a just transition commissioner. However, there have been no details of how that will be implemented and no focus on it. We will only get that focus if we incorporate the relevant provision into the Bill.

Deputy Richard Bruton: On a procedural issue and to be fair to Deputy Pringle, these amendments seem very similar to the ones he tabled earlier. I want to comment on them generally. I am very strongly in favour of a role of just transition commissioner being established. I am open to the Minister's view as to whether that would best be done through dedicated legislation. During my time as Minister, we sought to establish the principle of just transition, albeit in the face of very significant changes that had to be managed, particularly those affecting the peat

sector. We appointed an interim just transition commissioner, who has done a really good job on much of the type of consultation that is set out in these amendments. The interim commissioner supported new measures that will seek to develop substitute sectors and ensure people adversely affected by peat operation closures in the midlands, for example, will have access to accelerated retrofit programmes and measures to support community activity. That principle, of both dialogue and a very active programme of supporting people who are impacted, is important.

Deputy Bríd Smith knows I do not agree with her on carbon pricing. It is important to note that carbon price revenue has been used entirely to support people who have been adversely affected by carbon charges. That was done through social welfare measures, including increases in the fuel allowance and accelerated implementation of the warmer homes scheme, which has a very significant impact through enabling people to avail of free retrofitting of their homes. Carbon price revenue has also gone towards the restoration of peatlands and to support programmes of change in the midlands.

The principle behind these amendments is sensible. We need to have a broader dialogue and my understanding is that the Minister is absolutely committed to such dialogue. In fact, we will not succeed in bringing people with us on what is going to be a challenging journey unless we can have dialogue at various sectoral and community levels. Some of these amendments reflect what is in the programme for Government. However, I am quite open on how we should proceed. I will accept it if the Minister considers that new legislation dealing with this issue in a more comprehensive way, with the capacity to have actions as well as simply expressing principles by way of a definition, is a better way to go. We need an activist programme with access to resources and the sort of secretariat that would enable it to go beyond the work Kieran Mulvey has been doing so successfully on an interim basis.

Deputy Eamon Ryan: I agree with Deputy Bruton that what Mr. Mulvey and others have done in the midlands is a really good example of practical intervention on a just transition basis. That work is far from complete and there is an urgency behind delivering some of the funding that has been allocated. I recognise that, but what has been done is a start in the right direction.

The principles of just transition are embodied in this legislation in a whole variety of different ways, including in the provision for consultation that is contained within and throughout it. We have already started that consultation in terms of the development of the new climate action plan and the enactment of legislation. We have just completed a very significant climate conversation with the public in which more than 300 sectoral experts gave their perspective and views. Approximately 3,500 Irish people have engaged directly with us. That type of consultation is key and is provided for in various parts of the Bill.

As Deputy Whitmore said, there is a difference in terms of focus between climate justice and just transition. Climate justice, by its nature, is focused on developing the emerging world and addressing the injustices occurring there because of climate change. Definitions are important and legislation is about providing legal definitions. While I cannot support the amendments, I absolutely agree with the need for decency, fairness and high-value work. However, decency is not an easy thing for which to legislate. Fairness is absolutely central but it is delivered by way of the tax system and investment delivered under the budget. That is how we turn our objectives into reality. The wording we have in the Bill and the principles that are stitched right through it, which come from a just transition perspective, are appropriate. These amendments seek to define just transition but do not offer something better than what is already there. Therefore, I cannot support them.

Deputy Bríd Smith: On the question of just transition and taxes, what is happening is an attempt to tax people's behaviour without making alternatives available to them. Pushing up carbon taxes for ordinary people is pushing up their heating bills. Some people have poorly insulated homes, by any standards, and cannot afford to have them retrofitted. Bringing in the taxes first, without addressing that reality, is saying to people they must change their behaviour but offering them no alternatives. Many ordinary people do not have alternatives to turning on the gas, lighting the fire or driving a diesel car up and down the roads because there is no proper public transport, particularly in rural areas. That behaviour is being taxed while, at the same time, the newspaper headlines today refer to an Irish subsidiary of Microsoft that made €315 billion in profit in this country last year but paid zero corporation tax.

Climate justice is about addressing that type of unfairness. I was standing beside Deputy Bruton outside Leinster House when he was Minister and a group of young people shouted at him "System change, not climate change". He smiled and said he agreed with them. Where is the system change in allowing Microsoft not to pay any tax on its billions in profits while more and more money is taken from the poor to heat their homes or drive a smelly old diesel car because there is no bus that will take them around their locality? Without looking at those issues, the Minister, Deputy Eamon Ryan, is not dealing with just transition. We need to spell out what it means and have a proper definition. If not, we are feeding into climate denial. What starts with people complaining about having more money taken from them or saying this climate business is too heavy on farmers and rural communities turns into climate denial and leads to a very fractious society where we are not all in it together and are not pulling together. There needs to be a broader definition of what is meant by just transition and how we can pay our way. The axe has fallen very hard on the wrong sector.

Deputy Jennifer Whitmore: The Minister is arguing that just transition is a difficult concept to define. However, the Scottish Government has defined it. There are a number of examples where other, similar countries have embedded it in their legislation. The unions have come together and agreed a concept and principles, as have community organisations. There is an onus on the Minister to reflect that in this Bill.

I agree with what the Minister and Deputy Bruton said regarding Kieran Mulvey, the interim just transition commissioner. There has been great work done in this area but it relates only to the midlands. The principles of just transition must be applied much more broadly than just to one particular region that has very specific issues. My view is that new legislation will be required. I tried to get a reference to a just transition commission into this Bill but I could not do it. We need much more defined legislative provision for the establishment of a just transition commission and commissioner. However, we do not have time to wait to nut out what the principles of just transition should be. Those principles must be embedded in this Bill because it is what will govern our climate actions over the coming years. We do not have two or three years to wait for additional legislation to put all of that in place. As I said, we have to deal with just transition proactively. We need to make sure we get in there with communities before the onus or burden of dealing with climate change is placed on them and in advance of placing requirements on them. This is really important and not something we cannot have in this Bill.

Chairman: The point has been well made.

Deputy Réada Cronin: I do want to labour the point either. Previous speakers covered what I wanted to say. Scotland got it right; there is a whole section on just transition in its Bill. Principles are something we need to stand over. The whole committee agreed that just transition must be central to this. We have to make sure that politically, morally, ethically and every

which way, just transition is a major part of this Bill and nobody is left behind. No other political generation has had to plan for what we are facing, which is basically a threat to the existence of humanity on our planet. We are the legislators in place at this time. If we do not make this part and parcel of the Bill, we will have absolutely failed. I will not labour the point but as the children said, there is no planet B. Just transition has to be at the heart of this Bill.

Deputy Eamon Ryan: We will have to do much more work on just transition, which includes broadening it out from just the midlands. In that, the likes of the National Economic and Social Council and our social dialogue with other pillars, such as the environmental, farming, social and trade union sectors, will all be engaged in a much more detailed process to ensure we do not only focus on the midlands. That work is ongoing and will be critical. I share the belief of members of the committee that this is critical to the transition. However, I keep coming back to the fact that the wording proposed in the amendments does not add to that. The amendments do not add precision, legal strength or imperative and, therefore, I cannot support them. We will stick with the definition and the reference to just transition throughout the Bill, but particularly in the new section 4(8)(k).

Amendment put and declared lost.

Deputy Darren O'Rourke: I move amendment No. 21:

In page 6, between lines 35 and 36, to insert the following:

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

Amendment put.

The Committee divided: Tá;, 4; Níl, 6.	
Tá;	Níl;
Cronin, Réada.	Bruton, Richard.
O'Rourke, Darren.	Devlin, Cormac.
Smith, Bríd.	Farrell, Alan.
Whitmore, Jennifer.	Leddin, Brian.
	O'Sullivan, Christopher.
	Ryan, Eamon.

Amendment declared lost.

Deputy Jennifer Whitmore: I move amendment No. 22:

In page 6, between lines 35 and 36, to insert the following:

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

dialogue;

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

(a) supports environmentally and socially sustainable jobs,

(b) supports low-carbon investment and infrastructure,

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

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

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

Amendment put.

The Committee divided: Tá;, 4; Níl, 6.	
Tá;	Níl;
Cronin, Réada.	Bruton, Richard.
O’Rourke, Darren.	Devlin, Cormac.
Smith, Bríd.	Farrell, Alan.
Whitmore, Jennifer.	Leddin, Brian.
	O’Sullivan, Christopher.
	Ryan, Eamon.

Amendment declared lost.

Sitting suspended at 4.45 p.m. and resumed at 4.50 p.m.

Deputy Darren O’Rourke: I move amendment No. 23:

In page 6, between lines 35 and 36, to insert the following:

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

(a) supports environmentally and socially sustainable jobs,

(b) supports low-carbon investment and infrastructure,

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

(d) creates decent, fair, and high-value work in a way which does not negatively

affect the current workforce and overall economy,

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

I am happy to withdraw amendment No. 23 because half of it is contained in the amendment before it, but with leave to reintroduce it at Report Stage.

Amendment, by leave, withdrawn.

Deputy Bríd Smith: I move amendment No. 24:

In page 7, between lines 2 and 3, to insert the following:

“ ‘non-territorial emissions’ means emissions attributable to activity or consumption within the State but which are produced outside the State and for the purposes of this Act shall include GHG emissions from aviation and shipping attributable to activities within this state which would otherwise not be produced;”.

This amendment is about non-territorial emissions and I must attribute much of the inspiration for this to the campaigners against liquefied natural gas, LNG. It also includes emissions that are produced by aviation and shipping. When one thinks about it, we must take account of them because although they may not be attributable to any activity in this State, they do take place outside the State. That was illustrated beautifully by the visits and campaigning we had here by Pennsylvanians, with Julie Dermansky, Mark Ruffalo and the rest of them telling us about their communities’ experience with fracked gas and how it would be inappropriate for us to import it. I acknowledge the Minister has made statements on this matter and that it will be discussed elsewhere but it equally would apply to non-territorial emissions emanating from aviation and shipping. I am going to push this because it needs to be stated in the Bill.

Deputy Eamon Ryan: While I agree that we must start regulating aviation and shipping, they are by nature global emissions and we cannot legislate for emissions outside of the State. As much as one might like to manage it in this way, it is better managed in the European and international process, and not through our domestic legislation. I cannot support the amendment.

Amendment put and declared lost.

Deputy Bríd Smith: The amendment was almost won.

Deputy Jennifer Whitmore: I move amendment No. 25:

In page 7, between lines 2 and 3, to insert the following:

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

This amendment is a definition of nature-based solutions. I welcome that nature-based solutions have been incorporated in the Bill but it is important to define what we mean when talking about these things. Many of these things are new concepts, such as the just transition, which is not a concept with which everyone is familiar. Similarly, “nature-based solutions” is not a term with which everyone is familiar. There is a risk with nature-based solutions that people could look to a stand of trees and think that it is a nature-based solution because it

captures carbon. However, when talking about nature-based solutions, they must also have environmental and biodiversity benefits. Otherwise we may do more damage than we want. This amendment sets out the definition of nature-based solutions, as a guiding principle and for indication in the Bill.

Deputy Eamon Ryan: As I said in an earlier contribution, we have amended the main Act to take into account the clawback we had at an earlier Bill, and will include in the relevant National Oil Reserves Agency, NORA, legislation support for nature-based solutions. We defined them as enhancing biodiversity and that they seek to reduce or decrease, at the same time, the removal of greenhouse gas emission and support climate resilience in the State. As that is the appropriate definition and location for the amendment, I cannot support this amendment but we have delivered on the intent in that change, which has already been drafted.

Amendment put and declared lost.

Deputy Darren O'Rourke: I move amendment No. 26:

In page 7, to delete line 6 and substitute the following:

“6C(1); ‘socio-economic disadvantage’ means having disadvantaged social status or disadvantaged economic status, or both, that may be indicated by a person’s inclusion, other than on a temporary basis, in a socially or geographically identifiable group that suffers from such disadvantage resulting from one or more of the following circumstances:

- (a) poverty;
- (b) source of income;
- (c) illiteracy;
- (d) level of education;
- (e) address, type of housing or homelessness;
- (f) employment status;
- (g) social or regional accent, or from any other similar circumstance;”.

This amendment is self-explanatory. It is a definition of socioeconomic disadvantage. Following on from our earlier discussions on the need for the Bill to be explicit in ensuring fairness and equity, there is a need for a definition of what disadvantage and socioeconomic disadvantage means, and the elements of it in terms of poverty, source of income, illiteracy, level of education, employment status or being a member of a disadvantaged group. This amendment would add to the Bill and strengthen it by ensuring the Government is in a position to ensure that climate action is delivered in a fair way.

Deputy Eamon Ryan: The appointment process will take into account a range of different characteristics and qualifications and I expect the Climate Change Advisory Council to reflect that. I do not believe it requires a definition of socioeconomic disadvantage to assist that process. I cannot support the amendment.

Amendment put and declared lost.

Deputy Michael Collins: I move amendment No. 27:

In page 7, between lines 6 and 7, to insert the following:

“ ‘social justice’ means that the requirements that decisions and actions taken to reduce greenhouse gas emissions and to adopt to the effects of climate change shall ensure that the development goes hand-in-hand with social justice in a manner which protects Irish people against financial hardship, such as the ability of families to pay the bills, put food on the table, and afford necessities;”.

This is self-explanatory to a point. We have serious concerns about aspects of this Bill. People in rural Ireland are struggling just to pay bills and put food on the table. They are now being hit with this carbon tax, which will add a further €100, €150 or €200 per year to a home heating oil bill. There is no solution for ordinary working families because they will probably be above the income threshold and ineligible to receive favourable warmer home grants. There are contractors who are worried they cannot afford to continue their daily work. It is fine to say the country is tackling issues, but there are no solutions. We will keep tabling amendments to create solutions. We would appreciate it if the Minister considered supporting them or at least proposed solutions. For example, people cannot use bales of briquettes from Ireland anymore but briquettes can be imported from abroad. That is not a solution. It is only a nod-and-wink exercise. There are many other examples to which I could point. I would appreciate it if this amendment was accepted.

Deputy Eamon Ryan: I accept the need for social justice in this transition. That is best delivered in the concept of a just transition, which is referred to in the Bill as a requirement of our approach and in the wider social justice issue in terms of climate justice. I cannot accept the amendment, but its intent is reflected in the legislation as drafted.

Amendment put and declared lost.

Chairman: Amendments Nos. 28 and 29 are related and may be discussed together. Amendment No. 29 is a physical alternative to amendment No. 28. As Deputies Pringle and Joan Collins are not present, we will move to amendment No. 29.

Amendment No. 28 not moved.

Deputy Bríd Smith: I move amendment No. 29:

In page 7, between lines 6 and 7, to insert the following:

“ ‘sustainable’, in relation to energy projects, means energy projects that contribute to full life-cycle emissions reductions and supports the back-up of renewable energy generation;”.

This speaks to a discussion we will have, and have had on and off, about energy security and the use of gas as a transitional fuel. This is an important issue. I can see the fossil fuel industry using gas as a way of trying to greenwash its activities. I subscribe to an online publication, *Natural Gas World*. When I first subscribed, it contained a considerable amount of information about the trading being done, petroleum, drilling for oil and so on. That information hardly appears now. It is all about gas, liquefied natural gas, LNG, and how various countries are building terminals and pipelines to dig for and move, ship or import gas. It is all couched in environmentally friendly terms and gas is being presented as a green transitional fuel, but

we must blow that myth out of the water, pardon the pun.

This is will be an important debate for us in any energy security review. The argument is that, when we burn it, gas is less intensive than coal and we must therefore move to it as a better way of using energy. However, this does not take into account the full life cycle of what we use, from where it begins to how it is drilled for, fracked and extracted and the impact of those operations on the environment wherever they happen on the planet, be it Malaysia, New Zealand, Russia or wherever. All of these countries are trading in gas, including LNG, and encouraging more investment. This is worrying. As those who inhabit the planet, who have created this mess and who can do something about it, how are we going to change this situation if we promote gas as a transitional fuel in this manner? I feel strongly about the amendment.

Deputy Eamon Ryan: We have to transition away from gas. It will have a key role in providing backup for renewables, which is reflected in the wording of the amendment, but it cannot be seen as a long-term mainstay of our generation. It will have a role in backing up renewables as we find and roll out new mechanisms and new storage systems. However, the definition in the amendment would risk confusing the more important definition in the national climate objective, where we set out our key objective of delivering an environmentally sustainable and climate-neutral economy. As such, I cannot support the amendment.

Amendment put and declared lost.

Chairman: Amendments Nos. 30 to 32, inclusive, are related and may be discussed together. As Deputies Pringle and Joan Collins are not present, we will move to amendment No. 31.

Amendment No. 30 not moved.

Deputy Bríd Smith: I move amendment No. 31:

In page 7, to delete lines 8 to 10 and substitute the following:

“ ‘emissions’ means, in relation to greenhouse gases, emissions of those gases into the earth’s atmosphere attributable to industrial, agricultural, energy or other anthropogenic activities in the State, or attributable to the state from non territorial emissions including from aviation and shipping;”,”.

In the definition of “emission”, we must take account of gases in the Earth’s atmosphere that are attributed to industrial, agricultural, energy and anthropogenic activities. Our amendment goes further than Deputies Pringle and Joan Collins’s amendment by including those “attributable to the state from non territorial emissions including from aviation and shipping”. This is similar to a point I made on a previous amendment.

Deputy Jennifer Whitmore: I will not be moving amendment No. 32.

Deputy Eamon Ryan: My response will be similar to an earlier one. We cannot legislate for non-territorial emissions, I am afraid, and I am asking that the amendment be withdrawn.

Deputy Bríd Smith: I am sorry, but what did the Minister say?

Deputy Eamon Ryan: I cannot support the amendment because, similar to an earlier point, we cannot legislate for non-territorial emissions.

Chairman: Does the Deputy wish to press the amendment?

Deputy Bríd Smith: Yes, because I do not agree with that. We can absolutely legislate for non-territorial emissions attributable to use in this State.

Amendment put and declared lost.

Amendment No. 32 not moved.

Deputy Bríd Smith: I move amendment No. 33:

In page 7, lines 13 and 14, to delete “or technological”.

The amendment is self-explanatory. It seeks to delete the word “technological” from the definition.

Deputy Eamon Ryan: I cannot support the amendment. There will be both nature-based and technological ways of removing carbon. To differentiate strengthens or highlights the role of nature-based solutions, so I would retain the existing wording and will not support the amendment.

Deputy Bríd Smith: In a way the Minister is agreeing with me that the removal of the word “technological” would highlight the role of the nature-based solutions. Surely that is the way we should be going because technological solutions do not exist. If the Minister will pardon me for saying so, it is a bit of an excuse on his part to have a get-out clause and to rely on something in the future that we do not yet have.

Deputy Eamon Ryan: There may be technological solutions. Carbon capture and storage, CCS, is an example of a technological solution and, as I said earlier, is something I support if it can be developed on an economic basis. We could just take out both words but both have potential importance.

Amendment put and declared lost.

Amendment No. 34 not moved.

Section 3 agreed to.

Chairman: Amendment No. 35 has been ruled out of order.

Deputy Bríd Smith: Before we leave this, could we get some explanation as to why these amendments were ruled out of order? I am a bit puzzled by that.

Chairman: The reason is the potential charge on Revenue. That is the decision.

Amendment No. 35 not moved.

Question, “That section 4 stand part of the Bill”, put and declared carried.

SECTION 5

Chairman: Amendment No. 36 has been ruled out of order.

Amendment No. 36 not moved.

Deputy Michael Collins: I move amendment No. 37:

In page 7, line 32, after “warming,” to insert the following:

“engage with all other governments to agree the implementation of global greenhouse gas emissions objectives, set out agreed targets using latest technological advances, either through strategic alliances or treaties to ensure Irish people are not disproportionately impacted by a strategy that will do little or nothing to address the annual overall global greenhouse emissions or move towards a climate resilient, biodiversity rich and environmentally, socially, economically and just climate economy (in this Act referred to as the ‘national climate objective’),”.

The amendment reads “engage with all other governments to agree the implementation of global greenhouse gas emissions objectives, set out agreed targets using latest technological advances, either through strategic alliances or treaties to ensure Irish people are not disproportionately impacted by a strategy that will do little or nothing to address the annual overall global greenhouse emissions or move towards a climate resilient, biodiversity rich and environmentally, socially, economically and just climate economy”. The Minister might make a statement on that.

Deputy Eamon Ryan: I agree that this has to be done through international co-operation. That is why, as I said at the very start, the centre of this Bill enhances, backs up, follows on from and delivers on the Paris Agreement on climate change, which is the mechanism for international co-operation. I believe that is sufficiently addressed in the existing text and I cannot support the amendment.

Amendment put and declared lost.

Chairman: Amendment No. 38 has been ruled out of order.

Deputy Jennifer Whitmore: I have written to the Ceann Comhairle, but it was the Chairman who ruled the amendment out of order. How can moving the year from 2050 to 2045 require a money message?

Chairman: I am moving on to amendment No. 39. The decision on amendment No. 38 has been made.

Amendment No. 38 not moved.

Chairman: Amendments Nos. 39 and 40 are related. Amendment No. 40 is a physical alternative to amendment No. 39. The two amendments may be discussed together.

Deputy Denis Naughten: I move amendment No. 39:

In page 7, lines 35 and 36, to delete “(in this Act referred to as the ‘national climate objective’)” and substitute “other than biogenic methane, which shall be accounted for separately due to its distinct characteristics”.

I discussed biogenic methane at length earlier this afternoon and this morning so I will not rehash the argument. By way of clarification, some claims are being made, disingenuously, that what we are trying to do is give agriculture a free pass. Anyone who has any understanding of the English language would see quite clearly that this amendment states biogenic methane would be accounted for separately, not that it would be ignored altogether. In fairness, both Deputy Bruton and the Minister, Deputy Ryan, have acknowledged it needs to be accounted

for separately. I do not believe the legislation here is strong enough in that regard and I believe agriculture will be left to carry the can for failures across other sectors of the economy. I urge the Minister to reconsider the wording between now and Report Stage.

Deputy Eamon Ryan: We had a good debate earlier and my mind has not changed. We do account for different sectors in different ways and have to account for every different greenhouse gas, each of which has different characteristics, but I think the Bill is appropriately structured. We have to look at our overall effort. Every sector will play its part to varying degrees and in varying ways. I do not support the amendment and I would stick with the existing text.

Chairman: Deputy Naughten, do you wish to press the amendment?

Deputy Denis Naughten: No. I will withdraw it with leave to reintroduce it.

Amendment, by leave, withdrawn.

Amendment No. 40 not moved.

Deputy Michael Collins: I move amendment No. 41:

In page 8, lines 2 and 3, to delete “the Government” and substitute “both Houses of the Oireachtas”.

It is fairly self-explanatory. We would appreciate it if the Minister would support the amendment.

Deputy Eamon Ryan: The Oireachtas will have a critical role in this. The Government will report to the Houses and they will have a role in commenting and advising on the carbon budgets and other elements. However, the Government also has a key role. I do not believe it is appropriate to remove the phrase “the Government” in this instance. I do not support the amendment.

Chairman: Does the Deputy wish to press the amendment?

Deputy Michael Collins: No. We can discuss it at a later stage.

Amendment, by leave, withdrawn.

Deputy Bríd Smith: I move amendment No. 42:

In page 8, line 10, to delete “shall” and substitute “must”.

This amendment is about strengthening the language. It is an important difference. The word “shall” is stronger than “may”, but “must” is much stronger than “shall”. We are seeking to insert it because we believe that it is very important that it is consistent. It must be consistent with the UN Framework Convention, the Paris targets and it must take account of the national greenhouse gas emissions and inventory and projections for the future.

This amendment is about strengthening the language of the Bill. It is an important difference. The word “shall” is stronger than “may”, but “must” is much stronger than “shall”. We are seeking to substitute the word “shall” with “must” because it is most important that the legislation is consistent. It must be consistent with the UN Framework Convention on Climate Change and the Paris targets and it must take account of the national greenhouse gas emissions

inventory and projections for the future. The substitution of the word “shall” with “must” is a language issue. The Bill will be strengthened with the substitution rather than just leaving the word “shall” in the Bill.

Deputy Eamon Ryan: We must not accept the amendment because the Bill shall be much stronger by sticking with “shall”, which is a strong word to use in this context.

Amendment put and declared lost.

Deputy Bríd Smith: I move amendment No. 43:

In page 8, between lines 19 and 20, to insert the following:

“(iii) the goals of a Just Transition,”.

It is self-explanatory.

Deputy Eamon Ryan: I cannot accept the amendment. I keep coming back to the point that the Paris Agreement on climate is the overarching international legal structure. The agreement, through Articles 2 and 4, is very strong in its expression for climate justice and the fact those who are least responsible should not bear the greatest burden. I believe it is better to focus on those key articles as our guiding star and not to accept the amendment.

Amendment put and declared lost.

Chairman: Amendments Nos. 44, 51, 57, 58, 67, 68, 142, 143 and 149, in the name of Deputy Fitzmaurice, are related and may be discussed together. Deputy Fitzmaurice is not present.

Amendment No. 44 not moved.

Chairman: Amendments Nos. 45 to 47, inclusive, 86 and 203 are related and may be discussed together.

Deputy Michael Collins: I move amendment No. 45:

In page 8, between lines 23 and 24, to insert the following:

“(c) which does not negatively impact upon rural communities, the less well off, Irish agriculture, the FoodWise 2025 objectives and the right to apply for and obtain planning permission for one-off rural housing.”.

There are many issues in relation to the Climate Action and Low Carbon Development (Amendment) Bill. One issue is that of planning permission for one-off houses for young people in rural Ireland. It is becoming a complete nightmare. More rules and regulations are being put in place that do not fit with the way of life in rural Ireland.

We want our rural communities to grow and prosper. Unfortunately, that is not happening on the ground at the moment. It is the case that rural communities are being decimated by immigration and unemployment. Drove of young people are leaving rural Ireland, heading to the bigger cities or abroad. Those who want to live in rural Ireland are finding it almost impossible to live in their own communities due to all the rules and regulations that are being put before them. They are finding it almost impossible financially to live in their own rural communities because of the expense of travel. Public transport is an absolute disaster in my constituency. It

is the same in many constituencies in rural Ireland. I have spoken to many other Deputies who have told me that, for example, a bus might stop at the door in the morning at 8 o'clock but there will not be another public transport service available until perhaps 8 o'clock or 9 o'clock that night.

Unfortunately, the way I see it, there is a two-tier society. These amendments have been tabled in good faith to see if we can turn this around and live in an environmentally clean world or countryside. However, things certainly need to change dramatically. To us, if these amendments are not accepted, we will be worse off. We are facing a crisis and a problem with Irish agriculture. We know the crisis fisheries is facing, but in rural Ireland agriculture is going through an enormous crisis. There is a possibility we could be facing a 50% cull in farm activities and animals if this climate action Bill reaches its goals by 2030. That will have devastating consequences for rural Ireland.

Unfortunately, we cannot see that things are going to improve. The recent announcement in respect of the results-based environment agri pilot, REAP, scheme is proof of that. Any farmer who has heather on his or her land will be excluded from the programme. It is an ideal opportunity to reward people who have environmentally friendly farms. Unfortunately, it is going the other way. They will be fined, which will lead them into further financial difficulties. Many young farmers are scratching their heads. They do not know how they are going to put food on the table for their families or how they are going to live. Grants are getting smaller, not bigger. Unfortunately, anything that is coming up is not contributing to the survival of family-run farms.

I plead with the Minister to give serious consideration to these amendments. Perhaps he can support them for what they seek to achieve. They are seeking to ensure we secure young family farms. They are seeking to ensure young men and women who want to build a one-off house in their community and live their life in a rural community can be fully supported in doing so. There are many people who come to work and live in rural communities - they could be teachers or nurses - and who cannot get planning permission to build a one-off house to live in those communities. At the same time, when I come to the city, I see there is transport, houses and high-rise buildings beyond belief. There is no issue with planning in certain places.

Our amendment is very genuine. I hope it is seen in the best light by the Minister. It is an ideal opportunity for him to add these amendments into the legislation. Then at least we will be seen to be working on a level playing field on which we can all agree to work. As I said, we were careful in our approach to these amendments to ensure they were fair in every way possible. Perhaps the Minister can comment on the amendments. We expect he might support them.

Chairman: It is right up to 5.30 p.m. In fairness to the Deputy, his colleagues and the Minister, the meeting cannot go beyond 5.30 p.m. I will suspend the meeting and we can resume this debate when we resume in public session on Tuesday at 10.30 a.m.

Deputy Bríd Smith: Can we replace ourselves on the committee if we cannot attend Tuesday's meeting?

Chairman: Yes. The Deputy must inform the secretariat or the Chair in writing.

Deputy Bríd Smith: What times are scheduled on Wednesday?

Chairman: It is 9.30 a.m. to 11.30 a.m.

SECA

Deputy Bríd Smith: Is the Tuesday meeting from 9.30 a.m. to 11.30 a.m.?

Chairman: No. Tuesday is 10.30 a.m. to 12.30 p.m. I will ask the secretariat to send a note if has not been sent already.

Deputy Denis Naughten: Will the Chair ensure non-members of the committee who have tabled amendments are updated on that as well?

Chairman: Yes.

The select committee adjourned at 5.31 p.m. until 10.30 a.m. on Tuesday, 8 June 2021.