

# DÁIL ÉIREANN

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## AN ROGHCHOISTE UM CHOMHSHAOL AGUS GHNÍOMHÚ AR SON NA HAERÁIDE

### SELECT COMMITTEE ON ENVIRONMENT AND CLIMATE ACTION

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*Dé Máirt, 8 Meitheamh 2021*

*Tuesday, 8 June 2021*

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Tháinig an Romhchoiste le chéile ag 10.30 a.m.

The Select Committee met at 10.30 a.m.

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Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	
Richard Bruton,	
Réada Cronin,	
Cormac Devlin,	
Emer Higgins,*	
Darren O'Rourke,	
Christopher O'Sullivan,	
Eamon Ryan (Minister for Environment, Climate and Communications),	
Jennifer Whitmore.	

\* In éagmais / In the absence of Deputy Alan Farrell.

I láthair / In attendance: Deputies Michael Lowry, Denis Naughten, Carol Nolan, Richard O'Donoghue, Sean Sherlock and Duncan Smith.

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

## **Business of Select Committee**

**Chairman:** Apologies have been received from Deputy Alan Farrell. Deputy Emer Higgins will substitute for him. 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.

We have convened to resume consideration of Committee Stage of the Climate Action and Low Carbon Development (Amendment) Bill 2021. I welcome the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan. If Committee Stage proceedings have not concluded by 12.30 p.m., it is proposed that the meeting will adjourn at that time. Is that agreed? Agreed.

Before beginning, I will address a letter sent to the committee that was reported on in today's *Irish Independent* relating to the proposed construction of a liquefied natural gas, LNG, facility. I would like to clarify a number of points. Deputy Whitmore's amendments were ruled out of order last week as they were outside the scope of the Bill. I have never sought to hide the fact I worked for Arup and it is clearly stated on my LinkedIn profile. Arup has somewhere in the region of 1,000 employees in Ireland and I never had anything to do with Arup's work on the proposed LNG plant. I did not even become aware that Arup was working on this project until after I left the company. Any suggestion of a conflict of interest on my part is, frankly, ridiculous. The Green Party, including me, has campaigned vigorously against the import of fracked gas and LNG. The Government recently published a clear and unambiguous statement on fracked gas and LNG, and it has also committed to working on an outright ban at EU level.

On the ruling of certain amendments out of order, in making these rulings I was acting on the advice of the Oireachtas officials and this advice is strictly in compliance with Standing Orders. These are the only criteria used in ruling amendments out of order.

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

Debate resumed on 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.”.

- (Deputy Michael Collins).

**Chairman:** As Deputy Michael Collins had moved the amendment and spoken to it, we can now hear the Minister's reply.

**Minister for the Environment, Climate and Communications (Deputy Eamon Ryan):**

I very much accept the Deputy's intentions but we will not support the amendment. I recognise that everything we do here, to my mind, is for the betterment of rural Ireland. This must be a transition that works for the whole country and that just transition applies particularly to a generation of new farmers, who I hope can see their income increasing as we reduce emissions. I do not disagree with the Deputies' arguments but I will not accept the amendments because our process will be good for the agricultural sector.

Amendment put and declared lost.

**Chairman:** Amendment No. 46, in the names of Deputies Mattie McGrath, Nolan, Michael Collins, Michael Healy-Rae, Danny Healy-Rae and O'Donoghue, was discussed with No. 45. I do not believe any of the Deputies are there to move this so I will move on.

**Deputy Denis Naughten:** The Chairman might advise me on this but Deputy Nolan is in transit at the moment and did contact me to see if I could formally move the amendments on her behalf. I do not know whether that is possible and am seeking the Chairman's advice on it. If it is possible, I wish to formally move the amendments on her behalf until she arrives.

**Chairman:** As Deputy Naughten is not in the same parliamentary group as Deputy Nolan, I am advised by the clerk to the committee that he cannot.

**Deputy Denis Naughten:** That is grand.

Amendment No. 46 not moved.

**Chairman:** Amendment Nos. 47 and 48 are also in the names of Deputies Mattie McGrath, Nolan, Michael Collins, Michael Healy-Rae, Danny Healy-Rae and O'Donoghue so I will move on.

Amendments Nos. 47 and 48 not moved.

**Chairman:** Amendment No. 49 is in the name of Deputies Pringle and Joan Collins who also are not present.

Amendment No. 49 not moved.

**Chairman:** Amendment No. 50 is in the names of Deputies Mattie McGrath, Nolan, Michael Collins, Michael Healy-Rae, Danny Healy-Rae and O'Donoghue, who are not present.

Amendment No. 50 not moved.

**Chairman:** Amendment No. 51 was discussed with No. 44. Deputy Fitzmaurice is not here to move the amendment.

Amendment No. 51 not moved.

**Chairman:** Amendment No. 52 is in the names of Deputies Mattie McGrath, Nolan, Michael Collins, Michael Healy-Rae, Danny Healy-Rae and O'Donoghue and was discussed with No. 7. The Deputies are not present.

Amendment No. 52 not moved.

**Chairman:** Amendment No. 53 has been ruled out of order as it is not relevant to the provisions of the Bill.

SECA

Amendment No. 53 not moved.

Section 5 agreed to.

SECTION 6

**Deputy Darren O'Rourke:** I move amendment No. 54:

In page 9, between lines 11 and 12, to insert the following:

“(ia) such actions may contribute towards complying with the carbon budget and sectoral emission ceiling either through a reduction in emissions or the sequestration of greenhouse gasses,”.

The Minister will appreciate there is frustration about the fact that the tools used to assess our overall emissions are not sophisticated or up to date in acknowledging the work done in the form of sequestration, the availability of carbon sinks and the work done by such sinks. This amendment seeks to further acknowledge that work and to provide that it is appropriate that it be acknowledged as well. The equation we have is lopsided at the minute. It considers emissions but is not yet sophisticated enough to account for the carbon sinks and the sequestration. I am referring particularly to agriculture and other areas that have been doing this work for years and decades. People are frustrated that it is not adequately taken into account at this point in time. The fear is that decisions will be made that are not well informed and that do not account for the level of positive work happening in that sector and other sectors as well. There is also a point there about the degree to which we are in a position at this point in time to appropriately and adequately assess emissions and the level of sequestration.

**Deputy Eamon Ryan:** We must indeed ensure sequestration is included but that is provided for within the Bill; I think we discussed it last week. The national climate objective provides in section 3(1), that emissions will be “...balanced or exceeded by [their] removal”. The climate action plan is a mechanism to achieve the national climate objective. Section 4(2)(a) sets out that the plan will be consistent with the carbon budget programme. We must absolutely include sequestration and plan for that but that has been done successfully in the Bill so I cannot support the amendment.

Amendment put and declared lost.

**Chairman:** Amendment No. 55 is in the name of Deputy Fitzmaurice, who is not present.

Amendment No. 55 not moved.

**Chairman:** Amendment No. 56 has been ruled out of order because of a potential charge on the revenue.

Amendment No. 56 not moved.

**Chairman:** Amendment No. 57 is in the names of Deputies Mattie McGrath, Nolan, Michael Collins, Michael Healy-Rae, Danny Healy-Rae and O'Donoghue and was discussed with No. 44. The Deputies are not present.

Amendment No. 57 not moved.

**Chairman:** Amendment No. 58 is also in the names of Deputies Mattie McGrath, Nolan, Michael Collins, Michael Healy-Rae, Danny Healy-Rae and O'Donoghue and was discussed

with No. 44. The Deputies are not present.

Amendment No. 58 not moved.

**Chairman:** Amendment No. 59 has been ruled out of order because of a potential charge on the revenue.

Amendment No. 59 not moved.

**Deputy Darren O'Rourke:** I move amendment No. 60:

In page 9, between lines 25 and 26, to insert the following:

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

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

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

This amendment, like previous amendments, is drawn from the Scottish climate Act and has the support of the Irish Congress of Trade Unions, ICTU, among others.

It will oblige the Minister to outline how climate action plans will impact on different sectors, communities and regions. In creating a climate action plan each year, the Minister will have to set out proposals for how it will support them.

Unfortunately, the amendment has been neutered, given that our amendment on just transition principles, which is referred to in the amendment before us, was rejected last week. Nevertheless, I am happy to press the amendment and hear why the Minister does not want to include this one either. We believe this amendment will strengthen the Bill. It is not pie in the sky stuff but pragmatic. It is reasonable and has been included in Bills in other jurisdictions. It is a practical way to start implementing the just transition, rather than just paying lip service to it. If there is a legal requirement to include the impact a decision will have on communities, an impact assessment will have to be undertaken in advance, and this can inform mitigation measures that can be included. At the previous meeting, the issue of just transition was the one we brought to a vote and that was for a reason. I firmly believe there are really strong political reasons to include this and even stronger environmental, moral and ethical reasons to do so. It should be supported and I am interested in hearing the Minister’s response.

**Deputy Eamon Ryan:** I very much support the requirement for us to promote a just transition in everything we are doing, but I cannot support the amendment. We have agreed on section 4(8)(k), which sets out a requirement for a just transition to a climate neutral economy that endeavours, as far as practicable, to maximise employment opportunities and support persons and communities that may be negatively affected by the transition. I think that is the appropriate place to put that requirement. As an indication of that commitment, work is starting in the midlands and three reports have to date been prepared by Kieran Mulvey. It is the start of a much wider application of our delivery on that legislative commitment, as I said in our previous discussions, to look at how we can broaden that. I refer also to the work being done by the National Economic and Social Council’s secretariat and the extended period of social dialogue

we will need in order to meet this objective.

The legislative requirement is clear. It is contained in the Bill and, therefore, I will not support the amendment.

**Deputy Jennifer Whitmore:** I wholeheartedly support the amendment. The Minister stated that the principles of a just transition are contained in the Bill but they are absolutely not. A just transition is referred to once in the entire Bill, and there is no definition of it or guidance as to what it means. This is a golden opportunity to incorporate it fully into the Bill and ensure we will meet our targets in a fair manner. I do not agree with the Minister that it has been incorporated. One reference is not sufficient.

Moreover, the thing about a just transition is that we have to be proactive with it. It cannot come after the actions and targets are in place. A proactive, targeted and focused approach needs to be taken, and it cannot happen after the fact because it will not happen properly. A reactive transition is not a good transition and it will not happen organically. In order to ensure the transition is done in a fair and just manner, we need to plan for it, and this amendment sets out how that can happen. If something cannot be measured, it cannot be addressed. The first step that needs to be taken is there needs to be an active analysis of which sectors and communities will be impacted and how they will be impacted, with plans set out to ensure that their needs will be met and that the direction of every Government policy will not undermine the right of those communities and those workers to access a just transition.

This is a really important initiative. The Minister has been referring frequently during this debate to the just transition commissioner in the midlands. The work he is doing is valuable but it has to be broader than that. Not just one specific area will be impacted but everyone will be. I have just read in my local newspaper in Wicklow that one of the Minister's Cabinet colleagues is quoted as stating that the Bill should not impact on and undermine farmers in Wicklow. The way to ensure that is to ensure a just transition because a just transition does not relate just to Bord na Móna workers but to the majority of our communities, and to farming communities as well. For the farming community, analysis needs to be carried out on how the obligations that will arise out of us meeting our targets could impact on them and how we can ensure they are not negatively impacted.

The amendment is really important. Despite the continuing references to them, two words in the Bill is not sufficient. The Bill will fall foul of the Government not incorporating and taking into account all communities in the transition to a carbon-neutral economy.

**Deputy Richard Bruton:** I favour the Minister's approach over the alternative here. The amendment gives the impression that much of this change is avoidable and that we can start to assess in an academic way the impacts on different sectors. It suggests that if we think they are too great, there is some way in which we can prevent them or insulate against them. We have to have a dialogue of the sort the Minister has set out in the section. We are talking about creating a vision of a different, albeit prosperous, future for many of these sectors, and we are in a position where there is an imperative to change.

The concept of a just transition goes through the Government's entire approach. Under the heading, Mission: A Green New Deal, in the programme for Government, a just transition is set out in several sections, including a commitment to publishing a just transition plan and establishing a permanent commission for a just transition. There is a recognition that a just transition will go to the core of the work here. The section before us sets out that one of the conditions to

which the Government and the Minister must have regard is the requirement for a just transition to a climate-neutral economy to maximise employment opportunities and to support persons and communities that may be negatively affected by the transition.

It goes to the heart of the Bill to create an environment where we deliver change that, unfortunately, we do not have the choice of considering whether we will or will not deliver. We have to make change but, more important, we have to create the vision of an alternative future that is prosperous for farmers. If we wait and allow an environment to develop whereby people feel we can put off change until another day, we will do a disservice to those very sectors and communities we are trying to support. The key is the dialogue the Minister underpins in the section, with the creation of a better and more prosperous sector if it is climate resilient and sustainable in its use of resources and has anticipated the negative impacts, and that that is supported by the just transition strategy set out in section 4(8)(k). While I can sympathise with people feeling they are threatened, the process we are in has to be about divining that new future, not analysing where we are now and hoping we can in some way prevent change happening, or wholly compensate people for everything that might change in that environment.

This transition is unavoidable. The tone of the alternative being offered, compared with what the Minister has set out, is too static. It pretends we can stay where we are, take the time to reflect on many sectoral impacts and then decide whether to make change. We are past that period. The challenge is to work with communities to find this alternative future, which I am convinced is there. The sooner we start to create it, the sooner we will be on a path to sustainable prosperity.

**Deputy Duncan Smith:** I fully support the amendment tabled by Deputy O'Rourke and his colleagues. Deputy Bruton said just transition appears throughout the programme for Government. That is great but it led to an expectation that when foundational legislation such as this, which we all agree is important, was introduced, we would see what was in the programme for Government reflected therein. We do not see it reflected to the extent we are comfortable or confident it will make a big difference. That is where we are coming from. Nobody wants to delay this Bill; we just want to improve it.

After last week, the fact these amendments will not be accepted has taken much of the air out of this committee process. Much of the dialogue I had over the weekend with stakeholders reflected that. It is disappointing that neither the amendments nor variations thereof will be accepted. Nobody is protective of the exact wording. We just want to see progress on this. The programme for Government will remain an aspirational document until it is reflected in legislation and other actions by Government and we do not see that in this, as currently presented and debated.

**Deputy Carol Nolan:** I am disappointed the amendment is not being accepted. We need to be reasonable and sensible, weigh up everything and make sure there is thorough assessment and evaluation. There have been several mentions of just transmission but I can tell the committee from one of the counties most affected, namely Offaly, that it is far from just. County Offaly will bear the brunt of the greatest job losses, with 53% of all job losses in the midlands occurring in that county. Not one job has been created. It is all very well to speak when one is detached from something but I am on the ground speaking to workers and communities day in, day out.

The just transition commissioner, Kieran Mulvey, has been mentioned. He does not even have the sole responsibility or focus of the transition in the midlands. He has now been given

a role to examine public pay disputes, I believe. That says it all about the lack of respect for a county that will be seriously damaged, as well as the midlands region, by a transition that is not just. We were told we had until 2030 to transition. I am dealing with very upset workers and families who do not know how long they have in their job or what the future holds and have not been presented with alternatives.

Unfortunately, they are the facts. I wish it was more positive but it is not. These people have bills and mortgages to pay. It is unacceptable and shows how detached some politicians are from the real life struggles of people, families and workers. The decent and right thing to do would be to ensure an assessment is done. It will be too late when the fallout happens. Unfortunately, I believe that will happen because politicians, including the Minister, are just not listening. It is unacceptable that the just transition commissioner has been pulled and given another responsibility. That needs to be known and exposed.

**Deputy Denis Naughten:** I have listened to contributors on what is in the legislation. It is all well and good to talk about just transition but we have to look at the practical realities. The form in this regard is not good. One only has to look at the series of reports produced by the just transition commissioner. He has made quite a number of policy recommendations that are being ignored by Government at the moment.

We talk about working with communities and then we leave communities to their own devices. In terms of the grant aid given to date, which is welcome, communities have to come up with matching funding. How will they come up with matching funding for a large proportion of funding when they have no ability to fundraise at the moment? In theory, we are working with communities; in practice, it is not happening on the ground.

Let us reflect on the record in respect of seasonal workers in Bord na Móna. It was evident from the December before last that we would have a serious situation regarding those workers. They still do not know what is going on, 18 months later. How can there be a just transition when a key part of the workforce in Bord na Móna still does not know what is going on or what role it will play in this? That is the litmus test.

I accept the legislation sets out in section 4(8)(k):

the requirement for a just transition to a climate neutral economy which endeavours, in so far as is practicable, to—

- (i) maximise employment opportunities, and
- (ii) support persons and communities that may be negatively affected by the transition;

I accept that principle is set out in the legislation. However, section 4(8) states: “For the purposes of performing their respective functions under this section, the Minister and the Government shall have regard to...”. Once the Minister and Government of the day has regard to a just transition and ticks that particular box, then they comply with this legislation. We have a perverse situation in this legislation where there is no recourse to the Dáil one it is enacted. The Government of the day, once it ticks the box regarding just transition, can do whatever it likes. That is not right.

The difficulty is as we have seen relates to rural-proofing. Every memorandum that goes to Cabinet must be rural-proofed but that is a box-ticking exercise that takes place after the memo has been drafted. When it goes to the Department of the Taoiseach, then and only then is it rural-proofed. It is rural-proofed in name only, rather than in practice. A litany of policy

programmes have come forward since rural-proofing of all Cabinet memorandums came into place, which have had a devastating impact on rural communities. Yet, such policies were rural-proofed. The same applies to what is presented here. Once the box-ticking exercise relating to just transition is complied with, the Dáil has no role or function in this whatsoever. It is wrong. We will come to the Dáil's function later and it should have a function and role in monitoring the enactment and implementation of this legislation. As currently drafted, that is not there and I hope the Minister will make that small concession. Biogenic methane should be treated as something very distinct and the broader issue tabled by this amendment should be accepted by the Minister.

**Deputy Eamon Ryan:** It is not just in the section to which I referred where there is a requirement to have regard to the just transition. It is also in regard to the sectoral plan, to respond to Deputy Whitmore and 6C(10) specifies the same requirements in terms of the sectoral plan. Similarly, right across the legislation in setting a climate strategy, we also have to have regard to European regulations which require us to show the socioeconomic strategy behind that climate strategy. At every stage in the process, we must check to see if it meets our social as well as our environmental and economic objectives.

To respond to Deputy Nolan, I absolutely accept that we must be effective on the ground in delivering. We have committed significant resources. If I add it up, I think over €150 million is targeted at the midlands to ensure that we do not leave people behind, that we do create new employment opportunities in retrofitting in Bord na Móna itself, in rewetting bogs and using some of the skills in the many projects that have been supported coming out of those reports. It has taken time to get the European state aid approval in some of those but that is done now and I expect a huge number of community projects to be up and running very quickly to help make the transition happen. It will continue to evolve. Further European funding will become available to support a just transition. Offaly County Council, particularly, will work on disbursing those funds. Critically, the next phase of the just transition process will engage with the likes of the National Economic and Social Council as to how we spread this approach, not only in the midlands but in other parts of the country. That is central to the work the Government is doing. The legislation recognises that, and to my mind, defines the requirement in the right way. Therefore, I cannot support the amendment.

**Deputy Denis Naughten:** I wish to make a quick comment to the Minister. He referred to 6C(10). The problem is that it says "shall have regard to". There is no legal compliance on the Government of the day once it has regard to. That is how rural proofing is being done at the moment which is being implemented in principle, all right, but not in practice. The difficulty with this legislation is that there is no recourse to Dáil Éireann once it is enacted. I wanted to reiterate that point again.

**Deputy Jennifer Whitmore:** There is still reference to the programme for Government in how we deal with this stuff. It was an issue for us during the pre-legislative scrutiny. The programme for Government is policy for the current Government. Once this Government falls, that policy will be gone. I honestly believe the Minister wants to see this Bill through and wants to achieve what is necessary but we need to make sure that this Bill is strong and that no matter who the next Minister is or his or her views, this Bill will still get us to our targets. I have major reservations about the continual reference to the programme for Government and how it will set the direction. It is a policy document, it is fluid and has no requirements. Only by placing things in the legislative framework will we achieve what we need to achieve.

**Deputy Richard Bruton:** To clarify, what the programme for Government plans is that the

just transition commissioner will be established as a statutory office with appropriate staffing and resources and that a just transition plan to frame the work of the permanent commission for just transition will be put in place. This is not a non-statutory promise of the sort Deputy Whitmore describes, it is an institutional arrangement that will be at the heart of planning. I can understand Deputy Naughten saying that phrases such as “have regard to” would appear to offer Ministers the potential to disregard those were they not of a mood but that is clearly not the case when one puts into permanent statutory form a just transition commissioner, when one has a plan that sets it out and when one complements that with this Bill. There is undoubtedly an obligation on any Minister that occupies the current Minister’s position, to take a view of the same kind that we must endeavour, insofar as is practicable. That is the highest bar that one ever sees in legislation, one never sees deliver because obviously there are restraints which Ministers must apply to so that they do everything that they could within their power. That is what “insofar as practicable” means in legislative terms. The combination of this Bill and the other Bill that is coming up the tracks provides the belt and braces that Deputies are looking for here. One cannot put everything into this Bill. Deputies have to acknowledge that there is a second Bill that will be dealing in a much more comprehensive way with the institutions and there will be a subsequent just transition plan that will create a broader framework. Against that background, the Minister’s approach is very reasonable.

**Deputy Jennifer Whitmore:** What is outlined in the programme for Government may be statutory, but the programme for Government is not statutory. It is a wish list of the current three Government partners. We need to ensure that it happens and we can do that by including it in this legislation.

The legislation can set the bar high and say that something must be achieved and delivered. The Minister has amended this Bill to say that they will achieve carbon neutrality so it can and does happen.

**Deputy Eamon Ryan:** In a sense, Deputy Whitmore makes the point I was going to make to reassure Deputy Naughten that that critical wording that “The Minister shall, to enable the State to pursue and achieve the national climate objective” was tested in the Supreme Court last summer. It is that wording that ensures that this entire Bill is justiciable and has real strength to meet its provisions. There will be an ongoing, continuing Oireachtas involvement as the delivery on the climate plan is reviewed and, I expect, analysed by this committee more than any other, as we prepare budgets and so on. The Oireachtas will be involved at every stage. That has been a strength of our process in recent years. Again, I cannot accept the amendment. I believe we are committed in the legislation as well as in the programme for Government. Deputy Whitmore is right that it is a separate political document but the legislation is equally strong in the commitment to the just transition.

**Chairman:** Does Deputy O’Rourke wish to press the amendment?

**Deputy Darren O’Rourke:** I do. I will seek a vote on this. I expect we will have the same debate on amendment No. 69 which is not far ahead, and I will also look for a vote on that. I am happy to move that amendment now in the interest of efficiency, unless we must go in chronological order.

**Chairman:** I am afraid not, we must take them in sequence.

Amendment put.

The Committee divided: Tá;, 3; Níl, 6.	
Tá;	Níl;
Cronin, Réada.	Bruton, Richard.
O'Rourke, Darren.	Devlin, Cormac.
Whitmore, Jennifer.	Higgins, Emer.
	Leddin, Brian.
	O'Sullivan, Christopher.
	Ryan, Eamon.

Amendment declared lost.

**Chairman:** Amendments Nos. 61 to 63, inclusive, are related and may be discussed together.

**Deputy Darren O'Rourke:** I move amendment No. 61:

In page 9, line 27, to delete “, in the Minister’s opinion,”.

Amendments Nos. 61 to 63, inclusive, seek to do the same thing. Obviously, they are supported by a number of Deputies of different persuasions.

It is about tightening up and trying to address the get-out clauses, for want of a better term, of the current Bill. The phrase, “in the Minister’s opinion” is wide-ranging and vague. It is not entirely clear how accountability will be achieved. Also, it will vary, by definition, depending on the Minister holding office.

I presume the other Deputies who submitted the amendment are coming from the same position. From my perspective, it is about tightening up the language in order that there is a clearer line of accountability and that the legislation can be used as a tool for accountability and provide clarity in terms of decision-making and accountability.

**Deputy Jennifer Whitmore:** I agree with Deputy O'Rourke. One of the issues that emerged from the pre-legislative scrutiny was the looseness of the language and the flexibility within it. The more flexibility within legislation, the more problematic it is. Therefore, it is important that we tighten up on that language, as Deputy O'Rourke stated, and ensure that there is accountability. We are tight for time so I will not continue.

**Deputy Eamon Ryan:** It is for that very reason, I am afraid that I cannot accept the amendment. Actually, accountability does reside with the Minister. If we did not use that wording in the relevant sections, accountability will lie with the administrative side. In my mind, that would weaken the legislation. We have to recognise that there is political accountability in the end, and that responsibility to prepare and present the relevant plans lies with whosoever is Minister. I stand up for political accountability. It resides in the political system and not in the administrative system. Therefore, I cannot support the amendment.

**Chairman:** Do the Deputies wish to press the amendment?

**Deputy Jennifer Whitmore:** Yes.

Amendment put and declared lost.

**Deputy Darren O'Rourke:** I move amendment No. 62:

In page 9, line 30, to delete “, in the Minister’s opinion,”.

**Chairman:** Do the Deputies wish to press the amendment?

**Deputy Darren O'Rourke:** Yes.

Amendment put and declared lost.

**Deputy Darren O'Rourke:** I move amendment No. 63:

In page 9, line 32, to delete “, in the Minister’s opinion,”.

Amendment put and declared lost.

**Chairman:** Amendments Nos. 64, 65, 70, 71, 90, 95, 100 to 102, inclusive, 211 and 237 are related and will be discussed together. Does Deputy Nolan wish to move amendment No. 64?

**Deputy Carol Nolan:** No. We will review the amendment and seek to reintroduce it on Report Stage, in the hope that the Minister might reflect on his position.

Amendment No. 64 not moved.

**Chairman:** Amendment No. 65 is in the names of Deputies Bríd Smith, Gino Kenny, Paul Murphy and Boyd Barrett. None of the Deputies is present.

Amendment No. 65 not moved.

**Chairman:** Amendment No. 66 is in the names of Deputies Bríd Smith, Gino Kenny, Paul Murphy, Boyd Barrett and Connolly. None of the Deputies is present.

Amendment No. 66 not moved.

**Chairman:** Amendments Nos. 67 and 68 are in the name of Deputy Fitzmaurice, who is not present.

Amendments Nos. 67 and 68 not moved.

**Deputy Darren O'Rourke:** I move amendment No. 69:

In page 10, between lines 21 and 22, to insert the following:

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

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

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

This amendment is along similar lines to amendment No. 60, but it relates not to the climate action plan but the long-term climate action strategy. The same arguments that were made before apply in respect of this provision. To echo the points made after the previous discus-

sion, it is not good enough for the Minister to come here to discuss amendments and point to the programme for Government or other policy statements and commitments outside of it. We are arguing for these amendments to be made to this legislation for a reason, that is, that they will strengthen the Bill and it is the right place for them to be included. The suggestion that the amendments are motivated by an element of deflection and distraction, or not recognising the climate challenge and that we all have a level of lifting to do, is simply untrue. I certainly can say that in respect of the amendments we have submitted and I see the same in terms of proposals brought forward by a number of colleagues.

The principles in regard to just transition are largely lifted from legislation elsewhere, where others in the same position as the Minister and the Government have viewed the arguments very differently. Specifically, they have viewed them from the perspective of the need to show very clearly that the conversations and decisions around where the burden and the opportunity will fall, and the process for having those conversations, will sit within a frame that is clear, robust and acknowledges that just transition must be a primary focus and concern. Without saying much more, this amendment stands on its merit, as did our previous amendments. I ask the Minister to accept it or, at the very least, take on board everything he is hearing at these sessions in terms of how much more needs to be done to improve the just transition element of the Bill, for the reasons set out by me and others.

**Deputy Eamon Ryan:** I absolutely have listened to Deputy O'Rourke and will take into account his and his party's perspective on an ongoing basis. The Bill will be coming back to this committee for extensive work in terms of its delivery.

I want to give more detail on a point to which I referred earlier. Section 4(6)(b) of the 2015 Act, as amended by section 6 of this Bill, specifies that in preparing the long-term climate action strategy, we must take into account Article 15 of EU Regulation No. 1999/2018. The legislative context in everything we do on climate is that it is underpinned by European regulations, which give our provisions legislative strength. In the annexe setting out how we will deliver on Article 15, it is clear that we must, in setting out our strategies for European legislation, outline the socioeconomic impacts and the sectoral plans in real detail. The strategy we draft will be backed up not just by Irish legislation but by European legislation. Those sectoral and socioeconomic impacts, and the requirement to present them, give us the other structures for just transition, as well as the exceptions I referred to in this Bill. We will be looking at this as a social transition as well as an environmental one.

I am afraid I cannot accept this amendment. However, the Deputy, his party and others will be involved in ensuring that European as well as national legislation is implemented.

**Deputy Denis Naughten:** I support the principle behind Deputy O'Rourke's amendment. It comes back to the fundamental issue that once this legislation is enacted, while the committee will have a role in terms of consultation and consideration, it will have no role in setting down and approving whatever targets are set across the different sectors. The Minister and Government of the day will, in effect, make those decision without their having to be approved or ratified by the Dáil. It is frustrating that we are enacting legislation on the basis of what the Minister is saying, that is, that once it is enacted, the European Commission will have a role in considering and approving our targets, including our sectoral targets, and the impact of those targets, whereas Dáil Éireann will have no role in it. Although the committee will be consulted and its considerations taken into account, the Government of the day will ultimately make the decision and that decision will not have to be ratified by the Dáil. This is an issue we will discuss again later. At the very minimum, the Minister should accept Deputy O'Rourke's

amendment.

**Deputy Réada Cronin:** I ask the Minister to study this amendment and reconsider his intention not to accept it. The essence of all our amendments is trying to frame exactly what is meant by just transition. It is not only in the midlands but all over the country that good, well-paid jobs are needed. Just transition affects every aspect of what we are doing. We are going through a complete change from the old way to a new way. It is like a patient facing a heart transplant. He or she will survive and thrive if the apparatus can support him or her in moving from the old system to the new. Without a just transition as that apparatus, we are not going to bring the people with us. The Minister should reconsider the amendment. As Deputy O'Rourke said, we will push it to a vote.

**Deputy Jennifer Whitmore:** I will support the amendment. This is an opportunity for the Government to show leadership in regard to how we are going to meet our climate targets, and a just transition is a key component of that. I ask the Minister to reflect on the amendment because this has been a key ask of civil society groups, the committee and all the experts who appeared before the committee to give evidence. There is a cross-party Opposition consensus that we need to include it. We do not want the Government to be dragged kicking and screaming into this arena. We want leadership and the Government to be proactive with it, take the concerns of communities on board and ensure that a just transition is a key component in how we meet our climate obligations.

**Deputy Eamon Ryan:** I return to the involvement of the Oireachtas committee on this because that is critical. We politicians have a role in delivering a just transition. As Deputy Nolan said, we often have a connection to and understanding of what is happening on the ground. We have a role in balancing the public interest in regard to the socioeconomic effects of legislative and other measures. I am sure we will come to this later when we debate other amendments but in the context of the provisions for climate reporting, it is clear that Ministers will have to present and set out on a sectoral basis how we are complying with the targets. Where we are failing to comply, we will have to set out measures through which we will address that. That is the crux of the legislation. If the targets are not being delivered, the Oireachtas has the ability to check and change.

The European legislation does not undermine the national Legislature but just backs it up or enhances the point I am making. The annexe to Article 15 that we have included in this legislation provides that we will have to examine the likes of rural development effects, agricultural policies and the socioeconomic impact. That is all provided for and that is the scientific basis on which we can make judgment calls regarding the delivery of a just transition. That legislation supports rather than undermines the Oireachtas's role. Accordingly, I cannot support the amendment.

Amendment put.

The Committee divided: Tá;, 3; Níl, 6.	
Tá;	Níl;
Cronin, Réada.	Bruton, Richard.
O'Rourke, Darren.	Devlin, Cormac.
Whitmore, Jennifer.	Higgins, Emer.
	Leddin, Brian.
	O'Sullivan, Christopher.

Amendment declared lost.

*Sitting suspended at 12.03 p.m. and resumed at 12.08 p.m.*

**Chairman:** As the Deputies who tabled amendments Nos. 70 to 75, inclusive, are not present, we will proceed with the remaining amendments.

Amendments Nos. 70 to 75, inclusive, not moved.

**Deputy Jennifer Whitmore:** I move amendment No. 76:

In page 10, between lines 35 and 36, to insert the following:

“(da) just transition and just transition principles;”.

The amendment is based on the assumption the Minister will take the just transition principles and definition and incorporate them in the Bill. The Minister has said that just transition has been incorporated but I am interested to know under what definition the Minister intends the Bill to operate. We can talk about just transition but exactly what does the Minister mean? Will he give it any formalisation in the document other than noting it?

I will not press the amendment because, to be honest, I know it will not be accepted and it is academic. I reserve the right to reintroduce significant amendments on just transition on Report Stage. I am interested to know whether the Minister will take the question on what he assumes the words “just transition” to mean. Why will he not incorporate it in the Bill?

**Deputy Eamon Ryan:** To my mind, it is defined in the Bill. What we want to do is maximise employment opportunities but it is not just about employment. It is also about recognising that some persons and communities will be negatively affected by the transition and the requirement to recognise this and support those communities. I do not think it is possible to specifically define what the supports will be or how we will do this because there is such variety and such different circumstances. It is about supporting communities that may be negatively affected. This is the core of the just transition.

Amendment, by leave, withdrawn.

Amendment No. 77 not moved.

**Deputy Carol Nolan:** I move amendment No. 78:

In page 10, to delete lines 37 and 38 and substitute the following:

“(f) social and economic justice;”.

I will not press the amendment on this occasion but we will reintroduce it and we expect the Minister to give it serious consideration.

Amendment, by leave, withdrawn.

Amendments Nos. 79 to 82, inclusive, not moved.

**Deputy Darren O’Rourke:** I move amendment No. 83:

In page 11, line 17, to delete “endeavours, in so far as is practicable, to”.

The amendment propose to delete these words in order to strengthen the obligation of the Minister and the Government to deliver on a just transition to maximise employment opportunities and support persons and communities who may be negatively affected by the transition.

**Deputy Eamon Ryan:** I will refer to what Deputy Bruton said earlier because he is correct. This wording has real strength. People have to show all the reasons they may not be able to do something. The Bill is justiciable. There may be certain very specific circumstances whereby something is not practical but that is not a get out. There is a strong requirement in the way it has been worded. I cannot support the amendment.

Amendment put and declared lost.

Amendments No. 84 and 85 not moved.

**Deputy Carol Nolan:** I move amendment No. 86:

In page 11, between lines 35 and 36, to insert the following:

“(s) the disproportionate burden that these climate change policies have on disenfranchised groups, communities and sectors, including rural and agricultural, and on those with the least means to adopt must be recognised in this legislation;

(t) the need to protect rural residents and communities from the financial negative impacts associated with the impacts of this legislation.”.

I will not press this and we will reintroduce it on Report Stage.

Amendment, by leave, withdrawn.

**Chairman:** Amendment No. 87 has been ruled out of order as it is not relevant to the provisions of the Bill.

**Deputy Jennifer Whitmore:** We have had a discussion on just transition with the Minister in which he has said the foundations of the Bill are to look at the social element of climate action. Even under the Minister’s own admission this is within the remit of the Bill. I am still confused and I have written to the Ceann Comhairle to get the rationale on why these amendments have been ruled out of order because of a money message or being out of scope of the Bill. I would like the Minister’s view on this. A few minutes ago, he said the social element is a key factor in this. I do not know how this can be ruled out of order.

**Chairman:** The advice from the officials is that amendment No. 87, which proposes the need for carbon taxes to be progressive, goes beyond the provisions of the Bill in dealing with taxation matters and, therefore, the amendment must be ruled out of order in accordance with Standing Order 187.

**Deputy Jennifer Whitmore:** This clearly demonstrates the need to have just transition specifically incorporated in the Bill. If a just transition element and policy tool, whether tax or not, is seen as outside the scope of the Bill surely it indicates there is a key need to include the provisions of just transition as a foundational element in the legislation.

Amendment No. 87 not moved.

**Chairman:** Amendments Nos. 88 and 89 are related. Amendment No. 89 is a physical al-

ternative to amendment No. 88. Amendments Nos. 88 and 89 will be discussed together.

**Deputy Denis Naughten:** I move amendment No. 88:

In page 11, to delete lines 36 to 39, and in page 12, to delete lines 1 to 3 and substitute the following:

“(9) The Government shall submit the draft of the climate action plan submitted to them under subsection (4) or a national long term climate action strategy submitted to them under subsection (7) for the approval of each House of the Oireachtas before it is published.”.

The amendment is pretty self-explanatory. While I fully accept the overall thrust behind the legislation and the need for it, in some ways I am envious of the Minister, Deputy Ryan, being able to get a Bill such as this through. It is imperative, for all of the arguments that have been made by committee members during the previous two sessions and this morning, that there is recourse to the national Parliament on all of these targets and their implementation.

Deputies Whitmore, O’Rourke and Nolan spoke earlier about the need for a just transition. That needs to be reflected in the implementation of this legislation. However, there is no mechanism for the Dáil to review its implementation on an ongoing basis. There is a reporting mechanism back to the committee and provision for consideration and consultation with the committee but there is no formal ratification process once this legislation is enacted in terms of the five-year targets and, more importantly, with respect to the sectoral implementation plans.

The Chairman and his colleagues published a report last week on how we could reach a 51% reduction in transport emissions between now and 2030 and he is to be commended on that. If, however, what the Government is saying and has consistently said in terms of agriculture is accurate, the 51% reduction in emissions within the transport sector falls far short of what will be required. I do not know what the sectoral targets will be. We should have that level of clarity before we enact this legislation but at a minimum, that should come back before Dáil Éireann for ratification. That is a specific provision in my later amendments, which we will consider when we reach them. However, this amendment proposes that the climate plan would have to be formally adopted by Dáil Éireann. This climate plan must take into account, as set out in the legislation, both the national planning framework and the national spatial strategy, both of which must be approved by Dáil Éireann, yet the climate plan does not have to be formally approved by Dáil Éireann.

We can talk about all the big bold measures we like but, realistically, we must bring the public and our citizens with us along that road if we are to turn around the challenge we face of global warming. That is the one aspect of this debate that sadly has been lacking for a long time. Legislating the National Parliament out of the approval and ratification process will further alienate the public, cause them to disengage and lead to reactions to measures, rather than people acting in solidarity to achieve the overall objective. I ask the Minister and colleagues to support this amendment.

**Deputy Eamon Ryan:** This is a complex structure with many various parts. We have to set an objective. The advisory council sets out budgets as to how we will achieve that. We will keep assessing them and reviewing it. We set out a strategy to deliver on those budgets and a plan. It is not only at the plan review stage the Oireachtas will have a critical role. It will also have a role, as provided in section 6B(7) which states: “Where a carbon budget is approved by the Government ... the Minister shall cause a copy of the carbon budget to be laid before each

House of the Oireachtas, which shall consider the carbon budget as soon as may be, and the carbon budget shall have effect from a date on which a motion approving the carbon budget has been passed by the second such House.” The section also states where the motion is not approved by both Houses of the Oireachtas under subsection (7), the Minister shall have to have a period of two months to go back on an iterative process of reviewing it. One could consider any one element and say such and such is not provided for in the Bill but one must consider the entire process. It is an integrated process in which the Oireachtas has a key role. If we were to remove the role of the Government to approve the plan, I note there is a later amendment proposing that the Government needs to have more involvement. This is a complicated structure but that structure is set out. It involves a role for the advisory council, the Government and, critically, the Oireachtas not only in reviewing the annual report but in approving the carbon budget. That is the appropriate place to give the Oireachtas the key intervention. Therefore, I do not support the amendment.

**Deputy Denis Naughten:** I am glad the Minister brought up the carbon budget, which I intended to address at a later stage but I will address it now. I fully accept this is a very complex structure. I also fully accept and do not dispute there are various elements of consultation involved in it with the Climate Change Advisory Council, the committee, the public and so forth. However, the only ratification role Dáil Éireann has is in approving the 2025 carbon budget. It has no role in the 2030 carbon budget and the draft of the 2035 carbon budget. In a perverse drafting of this legislation, if Dáil Éireann rejects the 2025 budget, the Minister can bring in whatever budget he or she likes after that within 60 days. If Dáil Éireann rejects the carbon budget, it has no function or role regarding it. It has no say whatsoever regarding the 2030 carbon budget, which is set in stone once this legislation is enacted, and it has the potential to amend the 2035 carbon budget. However, at this stage we do not have the evidence to allow for us to amend that particular carbon budget, and that is the only role the Dáil has. If we reject it, we hand that power back to the Minister of the day regardless of what our objections are. The Minister by presenting an alternative budget or the same budget again to Cabinet, will result in that budget automatically becoming law.

The Dáil has no role whatsoever in ratifying the sectoral plans. The Minister has given assurances regarding a just transition and I accept the sincerity with which they were given. I full accept where he is coming from and I know his heart is in the right place in that regard, but the difficulty is that in five or ten years’ time he may not be the Minister. The Minister of the day may have a very different perspective. We could have a Minister in office at that stage who is a climate change denier. Such a Minister could effectively implement whatever he or she so wishes. If the Dáil rejects it, the Minister can bring in whatever he or she likes within 60 days and it automatically becomes law. That is wrong. The National Parliament must be involved in the approval of this. Last week many colleagues engaged in heated debate on legislation on the health provision regarding Covid. People argued the Dáil should have a role in reviewing it. We cannot argue that the Dáil should have a role in reviewing those restrictions when in this legislation we are effectively giving a blank cheque to the Minister of the day to do whatever he or she wants - to divide up this carbon budget in whichever way he or she wants. It is imperative there is a ratification process which must be either accepted or rejected by Dáil Éireann without any caveats that if we reject it, we have no further say in it. I would plead with the Minister to accept this amendment.

**Chairman:** I am mindful it is almost 12.30 p.m. and we will suspend shortly. Does the Deputy wish to press the amendment?

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**Deputy Denis Naughten:** Does the Minister wish to respond or is he happy to keep it as it is?

**Deputy Eamon Ryan:** Briefly, if I may respond-----

**Chairman:** Very briefly, as we will have to suspend within a minute.

**Deputy Eamon Ryan:** -----the budget process involves three five-year budgets and they constantly have to be reviewed. It is not only the first five-year budget. That is a critical part of the process. The Oireachtas has a critical ye-a-or-nay say in that. Therefore, I cannot accept the amendment.

**Deputy Denis Naughten:** We will be dealing with this at a later stage and I will not dwell on it now. I would ask the Minister to reconsider it. I will withdraw the amendment with leave to reintroduce it on Report Stage.

Amendment, by leave, withdrawn.

**Chairman:** I thank the Deputy. It is now 12.30 p.m. so I will adjourn until tomorrow. I thank members for their assistance.

Progress reported; Committee to sit again.

The select committee adjourned at 12.30 p.m. until 9.30 a.m. on Wednesday, 8 June 2021.