

# 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 Céadaoin, 9 Meitheamh 2021*

*Wednesday, 9 June 2021*

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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,	
Neale Richmond,+	
Ossian Smyth (Minister of State at the Department of the Environment, Climate and Communications),	
Jennifer Whitmore.	

+ In éagmais le haghaidh cuid den choiste / In the absence for part of the meeting of Deputy Alan Farrell.

I láthair / In attendance: Deputies Matt Carthy, Micheal Fitzmaurice, Micheal Healy-Rae, Michael Lowry, Denis Naughten, Richard O'Donoghue, Sean Sherlock and Duncan Smith

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

### **Business of Select Committee.**

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

I note that the Minister of State at the Department of the Environment, Climate and Communications, Deputy Ossian Smyth, is standing in for the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, today and that the Minister of State joins us from Government Buildings. Is that correct?

**Minister of State at the Department of Environment, Climate and Communications (Deputy Ossian Smyth):** Good morning to the committee. I confirm that I am in Government Buildings.

**Chairman:** I thank the Minister of State. I propose that at the end of the first two-hour session, the committee will go into private session for five minutes to consider an item of correspondence that has been received. Is that agreed? Agreed.

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

#### SECTION 6

**Chairman:** I welcome the Minister of State at the Department of the Environment, Climate and Communications, Deputy Ossian Smyth, to this meeting as we resume our consideration of Committee Stage of the Climate Action and Low Carbon Development (Amendment) Bill 2021. We are resuming on section 6, amendment No. 89 in the names of Deputies Mattie McGrath, Nolan, Michael Collins, Danny Healy-Rae, Michael Healy-Rae and O'Donoghue, which has been already discussed with amendment No. 88. Is the amendment being moved?

**Deputy Michael Healy-Rae:** Yes. I move amendment No. 89:

In page 11, line 36, to delete "The Government" and substitute "Both Houses of the Oireachtas".

The amendment is self-explanatory. I could speak to every amendment, but I do not want to hog the meeting or delay it unnecessarily. Our amendment will be debated again at a later Stage. To facilitate the committee, I would like to deal with this amendment as quickly as possible.

**Chairman:** I understand the Deputy wishes to withdraw the amendment, with leave to re-

introduce it on Report Stage. Am I correct?

**Deputy Michael Healy-Rae:** Yes. I appreciate the Chairman allowing me to do that in order that we can carry out our role properly.

Amendment, by leave, withdrawn.

**Chairman:** As Deputy Fitzmaurice is not present we will move on.

Amendment No. 90 not moved.

**Chairman:** Amendments Nos. 91, 92 and 96 are related. Amendment No. 92 is a physical alternative to amendment No. 91. Amendments Nos. 91, 92 and 96 will be discussed together. I invite Deputy Whitmore to move amendment No. 91.

**Deputy Jennifer Whitmore:** Amendment No. 138 is a similar amendment. Should it be taken in this grouping?

**Chairman:** I am following the list provided to me. We will deal with amendment No. 138 when we come to it.

**Deputy Jennifer Whitmore:** I move amendment No. 91:

In page 12, line 7, to delete “A Minister” and substitute “The Government of Ireland and a Minister”.

This amendment is in regard to a recent High Court ruling which essentially states that the Government is not a relevant body when it comes to climate legislation. Essentially, it provides that a Minister constitutes a relevant body, but the Government does not. On that basis, a number of amendments have been tabled to provide for the insertion of a Minister and the Government of Ireland. The Government and the Minister should be operating as one and accountable as one. The rationale for these amendments is to ensure that the Minister and the Government are held accountable in regard to their performance under the climate Bill.

**Chairman:** I invite the Minister of State, Deputy Ossian Smyth, to respond.

**Deputy Darren O’Rourke:** May I move amendment No. 92?

**Chairman:** The Deputy can move it when we come to it.

**Deputy Darren O’Rourke:** It is grouped with amendment No. 91.

**Chairman:** The amendments are being discussed together, following which the proposers of the amendments, as we come to them, can move and press them if they so wish. As I said, amendments Nos. 91, 92 and 96 are being discussed together.

**Deputy Darren O’Rourke:** That is fine. The points have been made. I just wanted to move amendment No. 92.

**Chairman:** I thank the Deputy and I invite the Minister of State, Deputy Ossian Smyth, to respond.

**Minister of State at the Department of Environment, Climate and Communications (Deputy Ossian Smyth):** I thank Deputy Whitmore for her amendments and I understand her concern about the recent High Court judgment. It relates to the 2015 Act and not the 2021 Bill.

The role of the Government throughout this climate Bill is central to its operation and entwined with the efforts to be made. Every ceiling, budget and plan are matters that the Government must approve. Regardless of whether additional obligations may be attached to the Government lawfully, the overall target as set in the legislation is something that the Government must clearly consider. It is a statutory obligation being created and it is almost certainly justiciable. It is something we have certainly considered to ensure the targets are justiciable and enforceable.

Even without any broad, sweeping obligations, the Government remains the executive power of the State and is therefore answerable to the courts if the legislation does not fulfil the targets set therein. However, the proposal to include a requirement on the State raises significant constitutional, questionable and incompatible legal issues for the role of the Executive. It therefore cannot be supported at this time. We do not accept the amendment.

**Deputy Jennifer Whitmore:** Is the Minister of State's response not contradictory? He has stated that the Government is covered under the references in the Act but on the other hand, he is saying it cannot be. I did not quite get his reference.

He mentioned the High Court ruling relating to the 2015 Act. What is the difference between the 2015 Act and this Bill with respect to the assurances that the Government is seen as one and the same with the Minister when it comes to accountability? Can the Minister of State give a legal guarantee that this is the case?

**Deputy Ossian Smyth:** The new Bill strengthens the obligations on Ministers and it is completely new legislation. I understand judges in looking at the 2015 Act found differences and we took that examination into account in drafting this Bill. We are confident the issue will not arise.

**Deputy Jennifer Whitmore:** I still do not see where the changes have been made in the Bill to reflect the High Court decision. For the sake of clarity and to be absolutely sure, this and subsequent related amendments should be included. We must have absolute clarity on this to avoid any High Court challenges.

Amendment put.

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

Amendment declared lost.

*Sitting suspended at 9.53 a.m. and resumed at 9.58 a.m.*

**Chairman:** I apologise to Deputies Cronin and O'Rourke as we should have kept everybody

in the room to take amendment No. 92, which was discussed with the previous amendment.

**Deputy Réada Cronin:** I move amendment No. 92:

In page 12, line 7, to delete “A Minister of the Government, shall, in so far as practicable, perform” and substitute “The Government and a Minister of the Government, shall, in so far as practicable perform its or”.

The sentiment is similar to that of the previous amendment. We can withdraw it with a view to bringing it back again on Report Stage.

**Chairman:** We can do that.

Amendment, by leave, withdrawn.

**Chairman:** Amendment No. 93 is in the names of Deputies Bríd Smith, Gino Kenny, Paul Murphy and Richard Boyd Barrett. Amendments Nos. 93, 204 and 212 are related and will be discussed together. Are any of the Deputies present? No.

Amendment No. 93 not moved.

**Chairman:** Amendment No. 94 is in the names of Deputies Thomas Pringle, Joan Collins, Bríd Smith, Gino Kenny, Paul Murphy and Richard Boyd Barrett. Are any of the Deputies present? No.

Amendment No. 94 not moved.

Question proposed: “That section 6 stand part of the Bill.”

**Deputy Richard Bruton:** On the section, I wish to raise a topic that has come up on a number of occasions in our discussions. The national climate objective talks of “a climate resilient, biodiversity-rich, environmentally-sustainable and climate-neutral economy”. When it comes to developing the roadmap of action the roadmap is pretty much confined to the climate dimension of this. There has been some concern in the committee that although there is a biodiversity plan it falls outside the remit of the committee, which is one thing, but it also seems to fall outside the remit of the design of the climate plan. Equally, there is a growing interest in the concept of a circular economy, on which I know the Minister of State is working. That again raises wider issues than our own climate inventory, which is purely looked at from the point of view of production within Ireland and does not look at practices that might give rise to emissions in other countries.

For Report Stage, would the Minister of State consider whether the roadmap of actions that he will look at under this Bill should be extended to look specifically at initiatives in the area of biodiversity and the circular economy? In other words, will he look at the entire supply chain not just the elements that are produced within Ireland and so have a wider remit?

This committee, in its deliberations, have found it a bit difficult to see that biodiversity challenges are not always co-produced with initiatives that are positive from a climate point of view. Sometimes there is conflict. Most of the time they work together but not all of the time. How can a balance be struck? Should the Bill in some way recognise the wider dimensions of policies that, I think, should be included?

**Deputy Ossian Smyth:** This Bill focuses on emission reduction and a lot of things are contingent on climate action. Obviously there is a clear link between biodiversity and climate

change and there is a clear link between biodiversity and the circular economy. However, that does not mean everything that is affected by climate change needs to be stuffed into this Bill or that there needs to be actions produced as a result of this Bill on everything that is affected by climate change.

As the Deputy has said, we are developing biodiversity plans, a circular economy action plan and new circular economy legislation. To make a general or thematic point, rather than see this Bill as being the repository for all of the things that we need to do to help the climate, really it is focused on emissions reduction. All of the other legislation that the Government is producing should be climate compliant and help in those aims.

I will not give a glib answer. I am willing to consider whether the scope of the climate action plan should be extended into areas like biodiversity or circular economy actions. I am also aware that we are developing these aspects separately in other areas. It is important that we draw a line somewhere and scope this legislation correctly. With any legislation or project one must draw boundaries if one wants to make sure that one arrives at a destination on time. Yes, I will consider this matter and anybody who wants to talk to me about it is welcome to contact my office.

**Deputy Jennifer Whitmore:** I am concerned that the Minister of State's response indicates a certain rowing back on the understanding when it comes to climate action. We have had significant discussions at pre-legislative scrutiny and within the committee.

The Minister of State has acknowledged that climate action and biodiversity action are one in the same and need to be addressed the same. Climate boundaries are ecological boundaries, which must be recognised. We have had discussions on nature-based solutions and his response clearly indicates why my amendment to incorporate nature-based solutions and a definition of nature-based solutions within this legislation should have happened. It is really unfortunate, and is looking even more unfortunate, that the Government voted my amendment down but I will resubmit it on the next Stage.

We and the Dáil declared a climate and biodiversity crisis which were discussed in parallel because they are so connected. Biodiversity needs to play a big part in the reduction of climate emissions and if it does not then we will have missed an opportunity.

When we respond to climate change and climate emissions we need to be absolutely certain that we do not impact further on our biodiversity or environment. So any actions that are taken must either have no impact on biodiversity or, preferably, enhance biodiversity. We have seen recent examples where trees were planted, which facilitates carbon storage, but they were planted on peat. Therefore, the biodiversity impacts were enormous but there was also an impact on carbon so when landslides happened there was a great deal of carbon emissions from the peat. We cannot separate the two elements. The Minister of State's response gives me cause for concern because it seems that we have now rowed back on this. I ask him to come back to me on it because this is a really important discussion that we need to have.

**Deputy Ossian Smyth:** I thank Deputy Whitmore.

**Deputy Denis Naughten:** Section 6 refers to carbon leakage and I ask the Minister of State to correct me if I am wrong but there is no definition of carbon leakage. Having the phrase "carbon leakage" in the legislation without a definition is pointless and is only lip service. This is a very complex and serious area. A lot of the efforts that we make here in Ireland will count

for nothing unless we fully account for the risk of carbon leakage. While we reference carbon leakage in the legislation it cannot be enforced without a legal definition. I ask the Minister of State to clarify the matter.

**Deputy Richard Bruton:** I thank the Minister of State for agreeing to consider the matter. There might have been a slight presumption of it being unnecessary. First, I do not think that climate proofing is quite the same. We have defined the climate objective as “a climate resilient, biodiversity-rich, environmentally-sustainable and climate-neutral economy”. To shrink that to emissions only would seem not to be in tune with the definition that has been set out in the Bill. It also leaves these elements working in their own silos, whereas I think there is a feeling in the committee generally that biodiversity and the circular economy or supply chain should be more integrated so they are not looked at individually. They must be looked at in the sense that there can be trade-offs and those should be done openly. The other thing is we are setting up quite a strong framework for implementation with cross-Government capacity for delivery which is different from leaving items in their own silos. When we define the broad objective in this way the cross-Government framework should in some way seek also to encompass that.

My last point is that, unfortunately, some areas of sequestration that could be very useful in potentially creating income in the agricultural sphere are not currently counted in the inventory of emissions. Therefore looking more broadly at some of those elements of carbon sequestration through forestry, land management or whatever, if we leave them out of climate planning and the inventory they will inevitably get valued downward somewhat. I am not looking for the Minister of State to come back and have a long debate on that but just to consider it before Report Stage when he comes back to this.

**Deputy Ossian Smyth:** I thank Deputies for their contributions. As I said to Deputy Bruton, I am certainly not dismissing requests out of hand at all. I am certainly willing to consider it on the next Stage and consider where the scope should lie.

In response to Deputy Whitmore, climate change and biodiversity are deeply entwined and obviously very closely linked. If emissions are increased, biodiversity can be damaged and if biodiversity is disimproved, say by cutting down a forest, emissions can disimprove; the two things are very closely linked. In the same way, transport is very closely linked with emissions and so are home heating, agriculture and electricity generation, so we have these very close linkages all across the economy and they are not simple to disentangle. As I said to Deputy Bruton, we will see to what extent we should include biodiversity aims in this particular Bill and to what extent it should be put into separate biodiversity legislation.

On Deputy Naughten’s point about carbon leakage, as far as I know there is a definition of it in section 6 of the Bill. Carbon leakage, as the Deputy says, is a really complex area; it is different for different sectors. Sometimes, if a state stops doing something, if emissions are reduced in one sector in a country, it could automatically be replaced with increases in another sector. In other areas there is simply no carbon leakage all. It is, by definition, something to be solved by international cooperation. The point of EU cooperation, the Paris Agreement, the next Conference of the Parties, COP, and so on is to work out those details on carbon leakage. Carbon leakage should never be used as an excuse for inaction and for us to say that if we do not do this in our country, somebody is going to do it in another. Clearly, there are some areas where there is zero carbon leakage. For example, if one takes the bus instead of driving to work it is not like that is going cause something else in another country. It is certainly something to be regarded and examined carefully. Carbon leakage is complex but is not to be used as an excuse.

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**Deputy Denis Naughten:** Can the Minister of State point out exactly where in the Bill carbon leakage is defined? Perhaps I am missing it.

**Deputy Ossian Smyth:** I think it is in section 6, Part 12. The Deputy might bear with me. It is on page 12, line 12, if I have got the same numbering system as the Deputy. I will read it out: “‘carbon leakage’ means the transfer, due to climate policies, of production to other countries with less restrictive policies with regard to greenhouse gas emissions”. The thing is that carbon leakage is far more complex than that and one would need a book to get a proper handle on what carbon leakage is, when it happens and how to address it.

**Deputy Denis Naughten:** That is grand. It was my mistake, I misread it. I thank the Minister of State.

**Chairman:** Does Deputy Whitmore want to come back in?

**Deputy Jennifer Whitmore:** Yes, briefly. I thank the Minister of State for his response but I am concerned he is putting biodiversity on a comparable level to transport. Biodiversity is part of our environment. It is absolutely entwined with climate. The things we do to improve our biodiversity crisis will help with our climate crisis and vice versa. The Dáil did not declare a transport crisis but it did declare a biodiversity crisis. I am not being flippant but if the Government is now looking at biodiversity in the same way as transport we are in serious trouble and the environment is in serious trouble. I therefore ask the Minister of State to go back to the Minister and his advisors because we cannot silo these issues, we cannot separate them. These issues must be recognised as intertwined, dependent on each other and not akin to an issue such as transport. I ask the Minister of State to go back and have a discussion with the advisors just to ensure we are all on the same page. My assumption was that the Minister was on the same page when it came to importance of including measures within this and addressing biodiversity in parallel and as part of climate action, so I ask that the Government do that.

Question put and agreed to.

## SECTION 7

**Deputy Michael Healy-Rae:** I move amendment No. 95:

In page 12, line 25, to delete “the Government” and substitute “both Houses of the Oireachtas”.

**Chairman:** Does the Deputy wish to speak to the amendment?

**Deputy Michael Healy-Rae:** Not now, no.

**Chairman:** I understand the Deputy is moving the amendment and withdrawing it with leave to reintroduce it on Report Stage.

**Deputy Michael Healy-Rae:** Yes, we will be bringing it back in again like the others have. Amendment, by leave, withdrawn.

**Chairman:** Amendment No. 96, in the names of Deputies O’Rourke, Cronin and Carthy was already discussed with Nos. 91 and 92.

**Deputy Darren O’Rourke:** I move amendment No. 96:

In page 12, between lines 28 and 29, to insert the following:

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

We discussed this earlier and had a vote on the same issue so we will move it with leave to reintroduce. I do not think we need to debate it again at this stage.

Amendment, by leave, withdrawn.

**Chairman:** That concludes section 7-----

**Deputy Richard Bruton:** I am sorry to hold this up but can the Minister of State give us his note? I do not have the explanatory memorandum and I want to know what is the purpose of section 7. It is an amendment of the principal Act and it is hard to read the intent.

**Deputy Ossian Smyth:** Yes, the Deputy might bear with me for a second and I will find it. It is so that when the Government is developing a national adaptation framework it broadens out the matters the Government must have regard to, when compared with the 2015 Act.

**Deputy Richard Bruton:** That is fine. I thank the Minister of State.

Section 7 agreed to.

## SECTION 8

**Chairman:** Amendment No. 97 has been ruled out of order. Deputy Sherlock asked me if he could speak briefly to this and I will allow it.

**Deputy Sean Sherlock:** Thank you, Chair. I am grateful to you for your forbearance in allowing me to speak to the amendment. My colleague, Deputy Duncan Smith, received correspondence from you on 2 June where you expressed regret at the fact that amendment No. 97 is not relevant to the provisions of the Bill, could impose a charge on the revenue and must be ruled out of order in accordance with Standing Orders 187(1) and 212(3). We put forward this amendment on the basis that we wished to support the Government’s attempts to ensure there is a meaningful piece of legislation on climate action and low carbon development. I merely wish, from a procedural point of view, to understand the logic of disallowing the amendment, which seeks a sectoral adaptation plan in respect of afforestation and targets therein, and similarly in respect of the remediation of bogs without impinging whatsoever on individuals’ turbary rights, in the first instance. I would hope that the Chairman or perhaps the Minister of State could help my understanding of the logic behind the decision to disallow the amendment in the first place. That is merely what I wish to ascertain.

Second, and depending on the answer to that, I do not see how a sectoral adaptation plan in relation to afforestation which I would consider to be germane to the issue of climate action could be injurious to a Bill of this nature unless, of course, it is a matter of interpreting the Minister of State’s position thus far, which is that “not ... everything ... needs to be stuffed into this Bill”. I would have thought that afforestation targets are absolutely germane to this legislation. While we acknowledge the role of the Minister of State, Senator Hackett, in relation to her current afforestation travails, notwithstanding the challenges in relation to licensing, the Labour Party strongly feels there is an issue here that is absolutely germane to the issue of climate action. I wish to seek a justification for ruling that amendment out of order. Thank you, Chair,

for allowing me to intercede. I appreciate it.

**Chairman:** On the advice of Oireachtas officials, the amendment is ruled out of order. Amendment No. 97 proposes a joint sectoral adaptation plan that includes annual targets to be achieved in the remediation of bogs that have been cleared, in whole or in part, of turf. Achievement of these targets would require State expenditure. The amendment is also outside the provisions of the Bill, which does not address specific sectoral targets. The amendment must, therefore, be ruled out of order in accordance with Standing Order 187. The amendment also has the potential to impose a charge upon the revenue and must be ruled out of order in accordance with Standing Order 212(3). I note the Deputy's points. We will move on. I ask the Minister of State to engage with the Deputy on what I think is an effort at a constructive contribution to the Bill.

**Deputy Sean Sherlock:** Thank you, Chairman. May I make just one very brief intervention in ten seconds or less?

**Chairman:** Go ahead.

**Deputy Sean Sherlock:** If the Minister of State could respond to me, I would be ever so grateful. The Bill, by its nature, in terms of what it seeks to do, could be argued to impose a charge on the revenue if you take some of those amendments that have been accepted. I refer to the interpretation here. I would love to have seen the advice of the Oireachtas officials in respect of this one. I wish merely to argue that every action in here and within this legislation where amendments are accepted could arguably impose a charge on the revenue. We find the decoupling of afforestation targets from this legislation to be extremely incongruous to the spirit of the legislation. If the Minister of State could give me some response or some words of comfort regarding the effect of afforestation targets - this is a major issue now - I would gladly accept those comments. Indeed, I would gladly accept any offer that the Minister of State might make for further engagement on the issue. Chair, I thank you again for your patience.

**Chairman:** I will move on, as the amendment has been ruled out of order on the advice of the Bills Office.

**Deputy Sean Sherlock:** That is a pity. Thank you, Chair.

**Deputy Denis Naughten:** Chair, I am not disputing your adjudication. There is a broader issue. Deputy Sherlock is correct in relation to that. I am not going to get involved on your ruling. One of the sentences that you read out was that the Bill does not have a role in setting the sectoral targets. Did I hear correctly? Is that what you said? This is the only time that the Oireachtas will be involved in terms of the sectoral targets. We set out in legislation here the facilitation of the sectoral targets. Dáil Éireann has no function in approving or ratifying sectoral targets after the enactment of this legislation. I would be grateful if you would read out that sentence again because it seems to undermine what is here before us. Once this legislation is enacted, the Oireachtas will have no role in adjudicating on those sectoral targets.

**Chairman:** Amendment No. 97 proposes a joint sectoral adaptation plan that includes annual targets to be achieved in the remediation of bogs that have been cleared, in whole or in part, of turf. The achievement of these targets would require State expenditure. The amendment is also outside the provisions of the Bill, which does not address specific sectoral targets. As I understand it, the Bill is the framework for those sectoral targets in law. The sectoral targets themselves, as I understand it, will be set later by the Government. As you know, I am acting

under the advice of the Bills Office. They have advised me that the amendment should be ruled out in accordance with Standing Orders 187 and 212(3).

**Deputy Sean Sherlock:** One would always accept the ruling of the Chair and one would always be deferential to the Chair. I implore you to ask the Minister of State to respond to the issue of afforestation targets in particular. That would give us a sense, while promulgating this legislation, of where the Minister of State stands in respect of afforestation targets in particular. I think that would be really useful.

**Chairman:** Thank you, Deputy.

**Deputy Ossian Smyth:** Chair, I am happy to come in here for a quick second, if you want. I know you have ruled this out of order. It is up to you anyway, if you want me to come in.

**Chairman:** I am keen to move on. We have a lot of amendments to get through. I ask the Minister of State to engage with the Deputy outside of the meeting or in writing, if he wishes to do so. I am also aware that afforestation is not under his remit. It is under a different Minister of State's remit.

**Deputy Ossian Smyth:** In general, can I extend an invitation to all members of the committee to meet me in my office and to go through any concerns that they have about this legislation at any time?

**Chairman:** Thank you, Minister of State. Thank you, Deputy. I allowed a discussion on that because Deputy Sherlock had not been in at all in the series of discussions that we have had to date. In general, if an amendment is ruled out of order, that is the decision, that is the ruling and we will move on.

Amendments Nos. 97 to 99, inclusive, not moved.

**Deputy Michael Healy-Rae:** I move amendment No. 100:

In page 13, line 16, to delete "the Government" and substitute "both Houses of the Oireachtas".

Amendment, by leave, withdrawn.

Section 8 agreed to.

## SECTION 9

Amendment 101 not moved.

**Deputy Michael Healy-Rae:** I move amendment No. 102:

In page 13, line 26, to delete "the Government" and substitute "both Houses of the Oireachtas".

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 103:

In page 13, line 27, to delete "five years" and substitute "two years".

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 104:

In page 13, lines 27 and 28, to delete “31 December 2025” and substitute “31 December 2022”.

Amendment, by leave, withdrawn.

**Chairman:** Amendment Nos. 105 and 106 have been ruled out of order.

Amendments Nos. 105 and 106 not moved.

**Chairman:** Amendment Nos. 107, 108, 111 and 112 are related. Amendment Nos. 108, 111 and 112 are physical alternatives to amendment No. 107 so we will discuss these four amendments together.

**Deputy Ossian Smyth:** I move amendment No. 107:

In page 14, to delete lines 1 to 7 and substitute the following:

“(5) The first two carbon budgets proposed by the Advisory Council shall provide for a reduction in greenhouse gas emissions such that the total amount of annual greenhouse gas emissions in the year ending on 31 December 2030 is 51 per cent less than the annual greenhouse gas emissions reported for the year ending on 31 December 2018, as set out in the national greenhouse gas emissions inventory prepared by the Agency.”.

To address concerns raised regarding possible ambiguity in the interpretation of section 6A(5) regarding carbon budget ambitions to 2030, it is proposed to amend the provisions to clarify the annual emissions recorded for the end of the year 2030. These should be 51% less than the annual emissions recorded for the end of the year 2018 and, therefore, will measure the total annual reduction at the end of 2030 relative to emissions recorded at the end of 2018.

**Deputy Denis Naughten:** I will speak to my amendment No. 111. It comes back to the issue of biogenic methane we discussed last week. Again, I am not looking for agriculture to be given a free pass in this legislation but I am looking for a separate and distinct target for biogenic methane. As I said last week, I am not referring to the issue of nitrous oxide but specifically to biogenic methane. Substantial progress can be made in agriculture, particularly in terms of land use, which Deputy Seán Sherlock spoke about earlier. The reality is the first deadline for emissions reductions is now 233 weeks away. The only way we can achieve significant reductions across the agricultural sector that will have a real impact in that period of time is through herd reduction. At the weekend, we saw the Minister for Agriculture, Food and the Marine point out that there will be a freeze on herd numbers in the dairy sector, which implicitly means there will be a reduction in the beef sector. That would be of huge concern, particularly on marginal land where no other farming practice can manage that land and provide for the variation of biodiversity we spoke about this morning.

The issue of biogenic methane is clearly reflected in EU policy and in the contributions of the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, and his predecessor Deputy Richard Bruton, last week. It is enshrined in legislation in New Zealand, a country with a very similar climate profile to Ireland. Insufficient recognition is being given to the issue of biogenic methane. Perhaps the Minister of State can return to the issue of definitions in his response. While reference is made to biogenic methane in the Bill, no specific definition is outlined. As the Minister of State knows, the Climate Change Advisory Council explicitly stated there should be a very clear definition for biogenic methane and it should be

accounted for separately in our emissions target. The Climate Change Advisory Council goes on to state we should argue at EU level, and there is a valid argument, for a separate target for biogenic methane.

It is very hard to have an EU-wide target for biogenic methane when we are not prepared to differentiate it within our legislation. People are not publicly admitting this but the reality is, whether we like it or not, and the Climate Change Advisory Council have stated this as well, at present no means are available at scale to reduce enteric methane emissions without reducing livestock numbers. We need to be clear about that. Otherwise, we need to ensure there is a separate individual target for biogenic methane.

**Deputy Ossian Smyth:** I thank Deputy Naughten for his amendment. I will first address the definition question and how we will define the impact of biogenic methane in particular. Previously, the Deputy referred to carbon leakage and, as I said, addressing such an issue requires international co-operation. International co-operation is needed on definitions, metrics and measurements even before starting to reduce emissions. That is why a common measurement is needed for all these things. An agreed common measurement is needed on the impact of every greenhouse gas, including methane. We will use the agreed definitions from the UN, EU and other relevant international bodies so we can work, co-operate and collaborate with other countries, which we have to do because we are sharing an atmosphere.

The question of whether biogenic methane will be treated differently, and have a separate budget and so on, will be examined. It is the responsibility of the climate change advisory committee to consider the effect of each greenhouse gas. The Bill provides for the Climate Change Advisory Council, CCAC, when it proposes carbon budgets, to take account of the best scientific advice, including the special characteristics of biogenic methane, the most recent greenhouse gas inventory and projection reports, international best practice and the reporting of greenhouse gas emissions and removals, so far as practicable. The Bill also includes the need to maximise employment, the attractiveness of the State for investment and the long-term competitiveness of the economy having regard to the principle of climate justice. That is the guidance to the CCAC. In general, the agricultural sector is distinctly different from other sectors in that it has the possibility of negative emissions, carbon sinks, approaches that involve biodiversity or bog rewetting, or other activities. It has the possibility of reducing, storing and sequestering emissions that other sectors do not have. The answer in short is that I oppose the amendment on the basis that it is not required. The CCAC will examine the special characteristics of biogenic methane and other greenhouse gases and what their separate impacts are.

**Deputy Richard Bruton:** I want to speak to the Minister's amendment. Are we discussing his amendment now?

**Chairman:** Yes. We are discussing amendments Nos. 107, 108, 111 and 112 together. Deputy Naughten spoke to his amendment.

**Deputy Richard Bruton:** We are setting targets, which is correct and I fully agree with them, but I am trying to understand something. There are targets set out in the Bill. It will have a statutory target of 51% coming from the programme for Government. There are also EU targets under which we have obligations. They are split into two factors. One is an emissions trading system, ETS, and the other is the effort sharing element. Emissions trading is predominantly heavy industry and electricity and the rest involve the other sectors such as agriculture, transport and so on. What I am trying to understand is how the 51% target, however it is decided by the climate council and approved by the Government, will gel with ongoing

negotiations as to what our EU responsibility should be under the Fit for 55 target. The EU will develop targets in a different way from the methodology we use to develop them. Do we expect the EU's Fit for 55 package to be reconciled before the climate council sits down to do its work? Will the climate council effectively decide our position for Europe and has that been accepted? I want to understand that process because, as I understand it, there is a lot of toing and froing and there are moving parts. It includes the topic which Deputy Naughten raised. How do we get credit for the sequestration which is possible in the agriculture sector, but not currently counted in the inventory? There are many moving parts, the reconciliation of which will make it either more difficult or easier for us to develop policy.

**Deputy Ossian Smyth:** They are good questions. This pattern is always a challenge: wanting to do something in one's own country while the EU is doing something on a general level. How does one reconcile the two? One option is to sit back and wait for the EU to do something and then try to row in with it. We are quite far behind. A previous Taoiseach described us as a climate laggard. We do not have the luxury of sitting back and saying let us wait and see what comes out of Fit for 55 when it is due. We have our own ambition which is a 51% reduction by 2030 and we must get on with it. We are already at the back of the race and we need to catch up. How will those things reconcile? Deputy Ryan, who is not here because he has gone to Luxembourg to discuss this with the other environment ministers, will work out those details.

The ETS targets are likely to be tightened, Deputy Bruton is correct, in order to meet the Fit for 55 targets. Many other environmental pieces of legislation are likely to come into force in all sectors, in addition to legislation that affects biodiversity and everything else. There are likely to be targets to do with recycling and the circular economy. This is likely to happen in the coming years and we cannot predict when the legislative changes will be made at EU level. It is clear what is the strategic direction of travel. It is to reduce emissions by a large amount and to protect the environment. That is the direction this Bill goes in. We may have to reconcile it with EU rules. What we have here is very ambitious legislation. If we implement it, we will be in a much stronger position to comply with any European high-ambition legislation that comes down the tracks.

**Deputy Denis Naughten:** To pick up from where Deputy Bruton left off, I agree 100% with what he said. I have a fundamental issue with this Bill. I agree with the principle of the Bill but my fundamental difficulty is that we do not know how this will be measured, even though we are going to enact the legislation. We set the target for 2030 but we do not know how that will be measured over that period. Deputy Bruton is correct in terms of carbon sequestrations. It is left out of the European inventory, which is greatly frustrating. The Minister of State is correct, negotiations are ongoing at the moment which will decide how this will be reconciled. We must be more ambitious, but we are setting targets in stone without knowing how we will measure them. The CCAC has specifically highlighted this challenge. Under the UN climate mechanism and the EU reporting structures, agricultural emissions are calculated separately from the removal of sequestration associated with land use. The Minister of State put the point across well when he responded to me initially that the opportunity is there within agriculture to sequester carbon. However, the difficulty is that none of us knows how that will be measured in an Irish context, in a European context, because it is not measured now, or in an international context.

On the one hand we are setting overall targets, but we do know what the rules will be to achieve those targets. What I am trying to do with my amendments is to separate out that target for agriculture. We must have a plus and minus. The Minister of State is correct that agriculture

is unique in that there is the plus and minus capacity within it. There is no doubt, and all of us agree, that land use and land use change are fundamentally important in terms of where we will be in agriculture in 2030. The progress made in transport and heating, or lack thereof, will have a direct impact on what we can and cannot do and how things will be counted in agriculture. That is a fundamental weakness in this Bill.

**Deputy Ossian Smyth:** I am not sure what I can say without repetition. Our Bill is about net emissions so credit will be given for sequestering carbon. The legislation we make will have to, at some point, align with European legislation and achieve the same goals and we will be working to do that. We will not wait for Europe to legislate first. We will move ahead as quickly as we can, even if it takes all night. We will keep going until we get this Bill passed and get our first carbon budget done this year so we can get working on this issue. Agriculture has a unique position in Ireland. I am glad to hear Deputy Naughten say there is opportunity here as well as danger and that this is not just a time for people to feel frightened. It is time for agriculture to pivot and to become stronger and to see its role in protecting the environment and saving emissions as well.

**Deputy Michael Healy-Rae:** When we are talking about carbon, surely one of the main things we should do is encourage the people who are already contributing to the well-being of our society and environment. Take, for instance, the farmers involved in forestry. There is no such thing as a system of carbon credits for those farmers. Take farmers who have existing hedgerows, groves or wooded areas that have traditionally been on their farms and which they are maintaining. There is no carbon credit system whatsoever for those farmers. The forestry industry is in a shambles at the moment because of the lack of felling licences, thinning licences and licences to make roads or to plant being issued. There is such chaos in the industry. There is a lack of confidence in the industry. Now, when people do not see the Government coming along and producing a meaningful carbon credit system, surely they feel let down.

**Deputy Darren O'Rourke:** I wish to raise a couple of points arising out of the discussion. Regarding the Minister of State's amendment No. 107, a number of alternative formulas of words were put forward and, I think, ruled out of order. I am not sure whether this has been considered or whether the Minister of State has a perspective on it. I think the formula the Minister of State has come up with is a first-year-versus-last-year, 2018-versus-2030 one, with no reference to the 7% year on year referred to in the programme for Government. Was that considered?

I have an open question about the reference to the distinct characteristics of biogenic methane. The discussion on that is welcome and important. What does it mean in real terms? Are the tools to be developed? Is there a commitment on the part of the Government to develop those tools to make assessments separately? What formulas will be used? There is, I presume, deliberate reference to the distinct characteristics of biogenic methane. What does that mean in practical terms? What can the Minister of State say to concerned people looking on today?

**Deputy Ossian Smyth:** I think Deputy Healy-Rae's point was that farmers who do things that protect the environment and that save carbon and who are involved in forestry, protecting hedgerows, need to get credit for that. He is absolutely right. This whole thing has to be about protecting farmers' incomes in order that we can bring farmers with us and that they have a role in this. I was really heartened by the comments of the IFA recently when it said it is committed to making this work. Yes, farmers have to get credit and we have to develop the mechanisms for them to get the credit over the coming years. It is the job of the Dáil, the Oireachtas and the Government to do that, so I absolutely agree with Deputy Healy-Rae.

**Deputy Michael Healy-Rae:** Through the Chair, if the Minister of State agrees, why is the Government not doing that?

**Chairman:** Deputy-----

**Deputy Michael Healy-Rae:** Why is the Government not doing something to help our farmers and let them see that they are being credited for the work they have done and that our forestry industry is being credited? It is fine for the Minister of State to say he agrees with me, but why not do something about it? Why not make this a valuable, tangible asset such that carbon credits are attributed to farms that are helping our environment? Rather than being down on our farmers all the time, why not encourage them, say they are doing something good and put a monetary value on what we call their carbon credits?

**Chairman:** We will allow the Minister of State to respond-----

**Deputy Michael Healy-Rae:** I am sorry.

**Chairman:** -----and you can come back in in time, Deputy Healy-Rae, by using the raised hand function. I will revert to the Minister of State.

**Deputy Ossian Smyth:** I wanted to move to Deputy O'Rourke. He asked about the different calculation formulas. I think he was asking whether we are moving from 2018 to 2030 as the start year. That is correct. It is a 51% reduction. I think the Deputy was asking whether or not that aligns with the 7% reduction every year. What the programme for Government says is an average of 7%. What has to be taken into account is that, in practice, emissions reductions are variable from one year to the next. They can be variable because of factors like weather. There can be a very cold or a very warm winter. There can be a pandemic, as we have had in the past year. There can therefore be asymmetric shocks to the system that lead to great variability in year-on-year emissions. This Act is about looking towards 2050 and then looking at that period in smaller sections: five-year sections for the carbon budgets and ten-year sections for the 51% target for 2030. What is important is that we reach the goals we have set for 2030 and the goal we set for 2050, not that 2027 will see a particular percentage reduction compared with 2026. That is why we have looked at multi-year rather than single-year budgets.

Did Deputy O'Rourke have another point at the end of his contribution that I have missed?

**Deputy Darren O'Rourke:** Yes. I asked what the distinct characteristics of biogenic methane mean. Will tools be developed to account for that? In practical terms, what does that mean and what will it mean?

**Deputy Ossian Smyth:** The CCAC is responsible for setting targets for each greenhouse gas separately. Its obligation and duty is to take into account the best scientific advice it can find on this. As I said, it does this in such a way that, in co-operation and collaboration with other countries, when we make transboundary agreements to do with things like carbon leakage they are actually workable; we have the same definitions from one country to the other as to what an emission is; we make sure that credit is applied when carbon is sequestered; and we look at net amounts and ensure that if CO<sub>2</sub> is being saved in any sector, particularly agriculture, the people doing that get credit for it and not just for the emissions they emit.

**Deputy Richard Bruton:** In response to the point Deputy O'Rourke made, which is understandable, the programme for Government was very clear that we are now setting a much higher ambition than was envisaged in the climate plan that I set in 2019. The latter, as the committee

will know, envisaged 1 million electric vehicles on the road, 500,000 homes being retrofitted, 600,000 electric heaters and so on. We are now talking about a much more radical ambition and it would be quite unrealistic to think that that enhanced ambition could be delivered in year one. The programme for Government was very clear that in the first five years we need to initiate a number of measures that will start to bear fruit only in the latter part of the decade and beyond. I absolutely agree with the formulation the Minister of State has now set out. We have to hit the 51% target by 2030, but it would be quite unrealistic to think we could deliver 7% each and every year. Even last year, with all the disruption, 7% was, I think, barely achieved. We are now embarking on a much more ambitious road but we need new policy measures to achieve this and they will not be delivered overnight. I have seen letters suggesting that this Bill should enshrine 7% each and every year. That is simply not practical. It would not be practical for us as practising politicians. I am not talking in party political terms. None of us would not be able to agree that.

The other point I wish to take up is Deputy Michael Healy-Rae's point as to how we will measure emissions. I know Deputy Healy-Rae would love to say all the existing hedges should see the farmer get a credit, but the reality is that we are in huge deficit on our climate commitments. Therefore, if we are to give credit, it has to be to farmers who do new things to sequester. There will not be credit for, if you like, the legacy element of what is going on on the farm. It is new initiatives that we should seek to reward in order that if a farmer undertakes some initiative on his farm, which could involve dealing with and strengthening hedgerows and so on, that is what has to be rewarded. We cannot, as a community, say we are going to pretend we are doing much better than we are and pay ourselves for things when we are already in deficit.

A point that is more for the Minister of State is that if one was to measure land use overall, Ireland would be in aggregate deficit. Talking about net emissions will not cure this problem because in that regard we are minus 4 million tonnes on land use. We need to start rewarding people who make changes in their land use rather than pretending they have to make changes to get that minus 4 million tonnes up to zero and only after that will we be in the business of awarding credits. That is key to resolving the concerns expressed by Deputy Michael Healy-Rae and getting a workable policy. It is an area the Minister and Minister of State need to explore in terms of how we can find ways of rewarding new sequestration rather than people thinking they should get credit for something their father may have done 100 years ago.

**Deputy Ossian Smyth:** This is about emissions, sequestration and the change from one year to the next. It is not about the emissions that were emitted in the past. I am not sure whether anybody was really suggesting it is. It is, of course, about the actions one carries out in each year. If one plants new trees in a hedgerow, that saves CO<sub>2</sub>, whereas if one burns a lot of fuel, one has emitted a lot of CO<sub>2</sub> that year. What one did in previous years will not be taken into account.

Amendment put and declared carried.

**Chairman:** Amendment No. 108 is a physical alternative to amendment No. 107 so it cannot be moved.

Amendment No. 108 not moved.

**Chairman:** Amendments Nos. 109 and 110 have been ruled out of order.

Amendments Nos. 109 and 110 not moved.

**Chairman:** Amendments Nos. 111 and 112 are physical alternatives to amendment No. 107 and therefore cannot be moved.

Amendments Nos. 111 and 112 not moved.

**Chairman:** Amendments Nos. 113 to 116, inclusive, are related. Amendments Nos. 114 and 115 are physical alternatives to amendment No. 113. Amendments Nos. 113 to 116, inclusive, may be discussed together. The Deputies who tabled amendments Nos. 113 and 114 are not present.

Amendments Nos. 113 and 114 not moved.

**Deputy Michael Healy-Rae:** I move amendment No. 115:

In page 14, line 40, to delete “in so far as practicable,”.

**Chairman:** Does the Deputy wish to speak to the amendment?

**Deputy Michael Healy-Rae:** Not now.

**Deputy Jennifer Whitmore:** This comes back to tightening up the language in the Bill. Having phrases such as “in so far as practicable” really gives people an opportunity to dodge or fail to implement what they need to implement. The loose language in the Bill is one of the issues that was identified very early on in this process and we need to remove as much of it as possible.

**Chairman:** Deputy Michael Healy-Rae has indicated he wishes to withdraw the amendment and reintroduce it on Report Stage.

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 116:

In page 15, line 2, after “climate” to insert “, social and economic”.

**Chairman:** Does the Deputy wish to speak to the amendment?

**Deputy Michael Healy-Rae:** Not now.

**Chairman:** The Deputy intends to withdraw the amendment and reintroduce it on Report Stage.

**Deputy Michael Healy-Rae:** That is correct.

Amendment, by leave, withdrawn.

**Chairman:** The Deputies who tabled amendment No. 117 are not present to move it.

Amendment No. 117 not moved.

**Deputy Denis Naughten:** Before the Chairman moves on, I note that amendment No. 117 is grouped with amendment No. 125, which I tabled and on which I wish to speak.

**Chairman:** Okay. It is grouped with other amendments. We will discuss amendments Nos. 118 and 121 to 140, inclusive, together as they are related.

**Deputy Denis Naughten:** I will be brief. Amendment No. 125 provides that the second carbon budget would be formally presented to the Oireachtas. As the legislation is currently drafted, the first carbon budget and the draft third carbon budget will be presented and the Oireachtas will have the opportunity to accept or reject those budgets. If they are rejected, the Minister can, within 60 days, bring in whatever budget he or she likes. That broader issue is one we have discussed already and to which we will return. I am not going to deal with it now. The issue here is that the second budget is not formally put before the Oireachtas other than in this legislation. Some may argue that the Oireachtas is deciding on that now because it is deciding on this legislation. That may well be the case. I am sure it is the argument the Minister of State will put forward. The point I am making is that it is not good parliamentary practice to introduce a budget, whether it is financial or otherwise, without having a formal ratification process by the Parliament. Every year, the Minister for Finance must present his or her budget to the House for approval. The national development plan must be presented for approval, as must the national planning framework. However, the 2030 carbon budget will not be formally presented to the Oireachtas for approval. I believe it should be so presented. I will not dwell on the issue but it is good parliamentary practice for each budget to formally be presented, laid before the House and debated.

**Deputy Darren O'Rourke:** Amendments Nos. 132 and 137 try to achieve the same thing and address the same issue relating to accountability to the Houses of the Oireachtas, as well as addressing the issue, which may come to fruition, of the Houses of the Oireachtas not supporting a budget but the Minister being able to come back with the exact same budget. We want to rule out the option of coming back with an unrevised budget. It would be a significant issue if the Houses of the Oireachtas were to reject a budget and that should mean something in what the budget contains. Those two amendments which form part of this group of our amendments seek to address those issues.

**Chairman:** I thank the Deputy. Is the Deputy is speaking to amendments Nos. 136 and 137?

**Deputy Darren O'Rourke:** I am speaking to amendments Nos. 132 and 137.

**Chairman:** Amendments Nos. 130 and 136 are also in the Deputy's name.

**Deputy Darren O'Rourke:** Yes, they are.

**Chairman:** I call the Minister of State to respond.

**Deputy Ossian Smyth:** I accept that these amendments are made in good faith but I am going to argue against them.

At the moment the Oireachtas is getting its chance to decide if it wants to carry out these ambitious emissions reductions over the coming decade. It is setting in place a process by which we can achieve that. There are checks and balances along the way as we decide how it is done. We have our CCAC and we have Oireachtas committees where Ministers can be brought in for cross-examination on their actions. The question raised by these amendments is whether the Houses of the Oireachtas should be allowed to stop the carbon budgets from going through. The danger, if we allow this to happen, is that we will be entering into a recurring cycle of carbon budgets. In other words, if a compromise and collective agreement can be reached on a budget by the Houses that is fine, but if these budgets keep being rejected then there is no reason that any carbon budget can then be put through and we are left in a situation where we

have nothing to work with. We have agreed what the emission reduction is going to be. When the carbon budget is presented to the House, it has the opportunity to reject it and to ask for it to be reconsidered. We cannot allow that to be an infinite power.

There is an idea underlying these amendments that this is undemocratic and this is simply untrue. The process provides an opportunity for the Houses to provide input into the carbon budget in the first two-month period on the publication of the CCAC budget but also to vote on the budget as presented. There is, therefore, plenty of time for debate. I strongly disagree with the proposal and the Government should be the final approval authority but should then be held accountable by the Oireachtas for its approved budgets. If we were to delegate approval to the House as a whole that would undercut the role of the Executive to the detriment of accountability. Who is the Oireachtas going to cross-examine and hold accountable if it has made the decisions itself? I am calling therefore for the amendment to be withdrawn.

**Chairman:** I call Deputy Healy-Rae to speak.

**Deputy Michael Healy-Rae:** Surely, what the Minister of State has just said there is so wrong I cannot begin to explain how angry I am at his comments. The Minister of State is aware that the term Teachta Dála means messenger of the people. The people send their Deputies to the Dáil to do a job of work to represent them and their interests. I have no problem whatsoever in democracy working to its fullest extent if a majority of Deputies on any day vote one way or another on any issue. That is 100% okay, is beautiful and is democracy. What the Minister has just said there is so undemocratic. He is saying that we are putting this in place to bypass and minimise the amount of input that can be there from Deputies. He wants to silence backbenchers of any party supporting the Government, to ensure that their hands will be tied so much that they will not know whether they are sitting on them handcuffed or where their hands are but they will certainly not be doing their job which is representing the people. The Government has come along with this whole proposal, has wrapped it up and packaged it in such a way as to silence the future public representatives, whoever they are and from whatever party they belong. This is so wrong and when the public realise what it is doing it will certainly not thank the Minister of State or his colleagues for doing it because it is fundamentally wrong and he cannot stand over it.

**Deputy Denis Naughten:** First, I thank the Minister of State for the frankness and honesty of his response on this which is refreshing. We have not heard this from anyone else to date. The Minister of State states that there are checks and balances along the way. There certainly is a mechanism where there is engagement with the Oireachtas which is already in place in the 2015 legislation which we all accept is inadequate. The Minister of State is basically regurgitating the engagement with the Oireachtas of the 2015 legislation. The approval and ratification process, however, is now being taken out of the hands of the national Parliament and put into the hands of the Government. The Minister of State said in his response that the Government should be the final approval process. I inform the Minister of State that no, it should not. It should not be the final approval process as the national Parliament should have that role. If we were to replicate what the Minister of State has just been arguing in regard to public finances, one would have the Minister for Finance in the first budget after an election cycle presenting all of the taxation measures for the next five years, the taxes that are going to be introduced and how they will apply to every individual across the country, without saying how the Minister is actually going to spend any of that money over the five years. If Dáil Éireann rejects that budget as it is presented by the Minister for Finance, then the Minister for Finance can bring in any taxation measure he or she wants within 60 days without any recourse to Parliament. That

is an unbelievable power that we are giving to any Minister or Government.

The sectoral target plans are even worse and there is at least some mechanism and a veil of a type of approval process here with this legislation on the carbon budget. There are none in respect of the sectoral targets.

On the overall carbon budget, the Oireachtas has the choice. It either accepts it or leaves that to the Minister of the day to bring in whatever budget he or she so wishes. That is completely unacceptable in any democracy. I gave an analogy on the Second Stage of this legislation. The powers that we are giving here are far in excess of what should be given to any one individual or Government of the day. Ultimately, we as Deputies are the ones who are accountable to the people. Anyone who accepts this legislation as it is currently drafted is basically writing him or herself out of any formal or legal input into either the carbon budgets or the sectoral targets from here onwards. That is fundamentally wrong and I urge the Minister of State to reconsider this between now and Report Stage.

The Minister of State will agree that the vast majority of Members of the Oireachtas are in support of moving forward in a very positive way in achieving our overall climate targets, not just to 2030 but beyond that to 2050. Let us say, however, down the road that we have a Minister and a Government who are not ambitious in this. They can put forward very inadequate carbon budgets while taking cognisance of what the CCAC says. They can listen to what the committee says but, ultimately, they can set very minimal targets. The Parliament elected by the people has no function. If it rejects that budget because it believes it is insufficient to meet our global and domestic challenges, the Minister of the day can bring in whatever budget he or she wishes, which is unacceptable. I urge the Minister of State to reconsider this amendment.

**Deputy Darren O'Rourke:** I echo those points. It is really important that the Minister of State hears the concerns being outlined here. This legislation does two big things. It sets ambitious interim targets and 2050 targets and sets out a framework for making a plan to achieve those targets. For me, the framework is about whose voices are heard, who has a place at the table and the level of transparency and accountability. The Minister of State's input will not provide assurance to people who are looking on and are concerned about their input into this process through their public representatives and outside of that. That in itself will raise further concerns in respect of those people who for whatever motivation want to undermine the climate effort. The Minister of State should look at the piece relating to just transition. We had that argument yesterday and may have it again but this piece relating to democratic accountability is important because we are talking about a situation that is unlikely to arise in the first instance no more than in the case of the annual budget in October because we have parties and the Whip system. This is all the more reason to afford the Houses of the Oireachtas a say in this rather than just the Government. I made the point in terms of coming back with unrevised proposals or, as Deputy Naughten said, proposals that are completely revised to the extent that they look nothing like the first revision in any way. It is an issue that needs to be heard and addressed here between now and Report Stage.

**Deputy Ossian Smyth:** I thank the Deputies for their contributions. As legislators, we decide the line that is drawn between what is an Executive action and what is an action for the Oireachtas and this is part of what is happening in respect of drawing up this Bill. What this Bill does is set a very clear target. As Deputy Naughten said, the 2015 Act was inadequate. This is trying to address that. I welcome the fact that we are all trying to achieve the same thing here. By setting that target, that is the strategy and objective that must be achieved. What then happens is that the Executive is the operational body that must carry out the actions to achieve

that target. It is not for the Oireachtas at that point to intervene in the Executive actions. There is a reason why we have an Executive and a reason why we have a Legislature. They are two different bodies and they each have different functions.

Deputy Naughten referred to a hypothetical future where a Minister arrives who has a very low degree of ambition and either brings along a carbon budget that will not achieve anything or is opposed to the whole idea of climate action. What would happen in that case? How could the Oireachtas stop that Minister? That is what this law does. That is what this Bill is doing. It brings in a requirement for the Government to comply with international obligations and meet that 51% target. It is justiciable. It is something in respect of which one can go to court if the Government is not meeting the obligations it is required to meet under the Bill. Those are the two levers. In fact, we are more strengthened in our position than we would be. Of course, it is always open to a future Dáil to amend or repeal the legislation because at the end of the day, the Oireachtas is the body that makes those decisions but the Executive must be allowed to perform the actions once the targets have been set and for once, we are setting targets in this legislation. There is a reduction target of 51%. Every five years, a carbon budget will be set. It is a long-term process so it is not like an annual financial budget where we look at how much money will be spent in a few months time. This is a long-term objective involving a five-year carbon budget, a ten-year target to reach 2030 and the longer-term target to reach 2050. I feel it has the right balance between the powers of the Executive and the powers of the Oireachtas and it does mean that the Government must perform the actions it is duly bound to perform by this legislation.

**Chairman:** I must interrupt the Minister of State. We agreed at the beginning that we would suspend at 11.25 a.m. to deal with correspondence in private session so we will go into private session to consider that, suspend after that and resume at noon.

*Sitting suspended at 11.27 a.m. and resumed at 12 noon.*

**Chairman:** We resume our discussion of amendments Nos. 118 and 121 to 140, inclusive. We had a considerable discussion in this regard before the break and Deputies Naughten and Bruton had indicated that they wished to contribute. I call Deputy Naughten, as he had his hand raised first.

**Deputy Denis Naughten:** To respond to the Minister of State, he is correct, and it is accurate, to state that the Executive is responsible for operational actions. I am not disputing that point. However, setting the overall budget on a five-yearly basis and setting sectoral targets are not operational actions. Those are matters of policy and they should be agreed and ratified by-----

**Chairman:** I apologise for interrupting Deputy Naughten, but it turns out that the Minister of State has not yet made his way back. I am sure he will be back in a moment. We will suspend briefly.

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

**Deputy Ossian Smyth:** I am sorry. I am here, I just do not have my video on. I apologise.

**Chairman:** The Minister of State is back with us.

**Deputy Ossian Smyth:** My sincere apologies. I heard the comments just made by Deputy Naughten, if he wishes to continue from there.

**Chairman:** My apologies to the Minister of State. Deputy Naughten can go ahead.

**Deputy Denis Naughten:** The point I was making is that the Executive is responsible for operational actions. I do not dispute that point with the Minister of State at all. Setting an overall budget on a five-yearly basis in respect of our overall carbon emissions and setting sectoral targets, however, are not operational actions and cannot be considered as such. Such matters should be ratified and approved by Dáil Éireann. Under no circumstances should a gun be placed to the heads of the Members of Dáil Éireann to the effect that if they do not ratify these proposals, the power will then be handed over directly to the Minister of day to set whatever targets he or she wishes. If the initial proposals are rejected by the Dáil, it should still be necessary for any new proposals to come back to and be approved by the House. This is the democratically elected Parliament of the country and there is no getting away from that fact.

The Minister of State's defence is to say it would be possible to go to court and force the Government to do something. However, the Judiciary and the Legislature are two very separate and distinct arms of constitutional authority in Ireland. Therefore, for the Government and the Minister of State to be saying that if people are not happy with this situation they should toddle off to the steps of the Four Courts is not good enough. The people who are accountable in this regard are the 160 Teachtaí Dála elected in all the constituencies in the country. The Government should be able to justify and explain why it is taking an approach and that approach should have to be approved by the majority of the elected Members of Parliament.

We have said all along that we can only achieve our targets for 2030 or 2050 by bringing people along with us on the road. Some people pay lip service to this point, but I firmly believe in it. To legislate the Dáil out of existence in respect of approving or rejecting the overall budgets and sectoral targets will undermine that principle. This is one principle I am not prepared to bend on. I believe that a fundamental aspect of this legislation should be that the Dáil is the body that approves the five-year budget. During the last Dáil, colleagues of the Minister of State made the argument that the planning framework and national development plan, NDP, should be approved by the Dáil and that these matters should not just be left to the Executive. The objectives of the planning framework and the NDP must at least come before the Dáil annually and go through the budget process in the form of the vote on the budget itself and then consideration of the Estimates for each Government Department.

These sectoral targets, however, are not going to be ratified by the parliamentary committees and will not be presented to the Dáil for ratification in any form whatsoever. The only function and role we will have as parliamentarians will be to accept a proposal once every five years or hand the power back to the Minister concerned. I do not believe that is good enough. It is wrong, bad for democracy and bad for our overall aim of bringing people along with us on this climate journey.

**Chairman:** I thank Deputy Naughten. Before I return to the Minister of State, Deputy Bruton had indicated before we suspended. Does he wish to contribute now?

**Deputy Richard Bruton:** Yes, please. I fell off the call there. I do not know what happened. I only caught the end of Deputy Naughten's contribution. I understand where the Deputy is coming from, but throughout the hearings we have had on the Climate Action and Low Carbon Development (Amendment) Bill 2021 we have been told to listen to the science. We have also repeatedly heard all parties telling the Government that it needs to have a tighter legal framework which puts more legal obligations on Ministers to ensure they are accountable for delivery in their sectors. These are solemn international treaties that we have signed up to

and we must deliver on our obligations in that regard. There has been a desire from most of the Opposition to have legislation that can be litigated. However, the Oireachtas cannot be brought to court for failures.

There is something of a dilemma here. If people want legislation which honours a treaty that the Government has entered into, want us to listen to the science as determined by the CCAC and want a tight framework according to which Ministers must be held to account by the Oireachtas and the wider public for the delivery on this global challenge, there is then a dilemma if we are going say that we want to have the opportunity to decide to reject the climate budget that is determined by the science and want a different approach to be taken. I can see the argument that Deputy Naughten and others are making. However, some of the very same people who are making that argument here today were strenuously making the opposite argument that we need to listen to the science and nail down Ministers because Governments are recalcitrant and will always fail, and we need to create a very tight legal framework for them. If we then say, with one leap, our hero is free, because the Oireachtas can reject it, the whole thing goes up in smoke.

There is a dilemma for the committee members here. I have had some doubts myself about creating these legal straitjackets. We are politicians and must be given a bit of freedom, but most of the contributions we have heard have been in favour of making that straitjacket tighter and the obligations greater. That has been a theme that has been coming across in contributions made by Opposition members in committee as we have considered this Bill. It is again reflected here. There is a scepticism of Government. It could be argued that the Oireachtas may decide that the science will not apply after all.

While I can understand the arguments that Deputy Naughten and others are making, there is a line. The Oireachtas is responsible for making laws. That is the responsibility of the Oireachtas and we have to decide “Yay” or “Nay” on this. However, it is not repugnant for us to decide that these treaties are so important that when we enter into them, and when the science pronounces on how we should proceed, that the Government has an obligation to push on with that and it is our job, as Members of the Oireachtas, to hold it to account for its work.

We need to give serious consideration to what the Minister of State is saying. Most of the arguments that I have listened to over the last six months have come from a very different perspective. The arguments are for more tight controls and a tighter straitjacket on Government to show that it will honour the commitments that were made in Paris. That has been a strong theme. If we believe that, the Minister of State’s arguments deserve to be listened to.

**Deputy Ossian Smyth:** The goal of the legislation is to create a process that is not easy to dismantle on a whim, either by the Executive or the Oireachtas. Of course, it is possible to appeal it or amend it. The Oireachtas always retains that power. The Dáil can reject the carbon budget if the Members do not like it. There is going to be public consultation not just on the climate action plan, but also on the carbon budgets. The legislation also provides not just for a public consultation, but for an ongoing regular engagement and dialogue on the climate actions that are contained in the climate action plan. The Ministers will be accountable to the committees to ensure that they are doing what they are supposed to do and all of this has been designed and engineered, as Deputy Bruton stated, to be justiciable.

There are many levels and safeguards there. Overall, the basic proposition is that we are setting an emission reductions target for 2030 and that the Members of the Dáil and Seanad have to decide between them whether this a target that we want to achieve, this is our ambition on a

large scale and this is our strategy. If this is a strategy that we want to achieve, the Executive should be permitted to come up with an action plan that allows that objective to be met. It must be ensured that the action plan is acceptable to the public, that it brings people with it and there is real engagement. It cannot work without people believing and knowing that it is a fair plan, they are being listened to, the plan makes sense and everyone has been included.

That is our goal. I do not think that it would help to remove the power of the Executive to implement it or to move that to the Oireachtas. The Oireachtas is getting the power now to decide if it wants that 51% reduction and if it wants to reach that 2050 net zero target.

**Chairman:** I am conscious that we have had a very extensive, if enlightening, discussion on these amendments. I will bring in Deputies Naughten and O'Rourke, but I ask that perhaps they could be succinct. I ask that the points they make are new ones and that they avoid repetition. We will do our best to move on after that. I call on Deputy Naughten.

**Deputy Denis Naughten:** In response to the points raised by Deputy Bruton and the Minister of State, I absolutely agree with Deputy Bruton that we need to listen to the science and we need to hold Ministers to account. This legislation does provide for that. I am not disputing that. At the outset, I stated that this is important legislation. I do not disagree with the principle of it. However, science is not black and white. Evidence changes. If we were take the phrase "Climate Change Advisory Council" out of this debate and replace it with "the National Public Health Emergency Team", it would be different. There is a very different view around the Houses of the Oireachtas today in respect of the black and white advice that has been given by NPHE over the last 12 months. Yet, we are now enshrining in law a particular perspective on scientific advice that will be set in stone between now and 2050. The only option that the Members of Parliament have is to accept what is presented by the Minister. If they do not accept what is presented by the Minister, the Minister has a blank cheque to bring in whatever targets he or she wishes, which may have no bearing on the contents of the original proposal.

Yes, we do need to listen to the science, but ultimately we are the ones who are accountable to the people. We have to explain and defend why we are taking an approach, just as every single one of the 160 Deputies who voted in the Dáil last week on the extension of the emergency health provisions, had to. Every one of us was held accountable to our constituents across the country in respect of why we took a particular approach in relation to that matter. However, if this legislation is enacted as it is currently drafted, that mechanism is no longer available to the electorate. I think that is wrong.

It is a fundamental difference in approach from that of the Minister of State and Deputy Bruton. I know the views of members of the committee and the view that I have. I think that it is a wrong approach to legislate the Dáil out of existence in relation to this issue. That is my final word on the matter.

**Deputy Darren O'Rourke:** I wish to return to the suggestion that it is an either-or situation. I echo the point that we have to follow the science. There are already huge provisions in the Bill that acknowledge the range of perspectives and voices that have to be heard. This is built into it. What is very important is the process by which we come to agree the budgets and various elements of the plan, whose voices are heard and how we make these decisions. What we are speaking about here is how we agree the budgets, the strategies and the role of the Oireachtas with regard to it. After this, it is entirely appropriate that there is leave to use the courts to ensure these roads are being followed and the plans are being implemented. I do not accept that we should write the Oireachtas out of this piece in terms of its role for oversight,

scrutiny and approval. The Government's approach is completely unnecessary because there will be very limited circumstances and the situation might never arise. I do not believe it should be there in the first place.

**Deputy Ossian Smyth:** Deputy Naughten made a comparison between NPHEP and the CCAC, which is something useful and interesting to think about. In the same way NPHEP is not sovereign, neither does the CCAC have a divine authority. The Government will have the final say. It is an advisory group that gives its advice, using the best economic and scientific knowledge it has, to the Government and the Government then takes it on board. Obviously, the two bodies are not exactly the same, and NPHEP is dealing with very new and emerging science. It looks at papers published last week on a disease that emerged last year. Climate science is more mature than this so the CCAC is not in quite the same short timeframes. Covid is an emergency and there is an urgency to it. It is a valid comparison but we cannot say the CCAC will have some kind of great authority over the Government. It is the other way around. It is an advisory group.

**Chairman:** Deputy Connolly is not present to move amendment No. 118.

Amendment No. 118 not moved.

**Chairman:** Amendments Nos. 119 and 120 have been ruled out of order.

Amendments Nos. 119 and 120 not moved.

**Deputy Michael Fitzmaurice:** I move amendment No. 121:

In page 15, line 10, after "budget" to insert "prior to vote by Oireachtas members".

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 122:

In page 15, line 11, to delete "the Government" and substitute "both Houses of the Oireachtas".

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 123:

In page 15, lines 25 and 26, to delete "as he or she considers appropriate" and substitute "and both Houses of the Oireachtas for approval".

Amendment, by leave, withdrawn.

**Deputy Michael Fitzmaurice:** I move amendment No. 124:

In page 15, line 28, after "appropriate" to insert ", including farm organisations".

Amendment, by leave, withdrawn.

**Deputy Denis Naughten:** I move amendment No. 125:

In page 15, to delete lines 32 to 40, and in page 16, to delete lines 1 to 40 and substitute the following:

“(6) The Government shall submit the draft carbon budget submitted to them under subsection (1)(d) for the approval of each House of the Oireachtas before it is published.

(7) This section applies to the first and second carbon budget programmes and to an amendment to a provisional carbon budget in the same manner as it applies to a carbon budget, and a reference in this section to a carbon budget shall, where the context admits, be construed as a reference to the first or second carbon budget programme or to an amendment to a provisional carbon budget, as the case may be.”.

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 126:

In page 15, line 32, to delete “The Government” and substitute “Both Houses of the Oireachtas”.

Amendment, by leave, withdrawn.

Amendment No. 127 not moved.

**Deputy Michael Healy-Rae:** I move amendment No. 128:

In page 15, line 37, to delete “the Government” and substitute “both Houses of the Oireachtas”.

Amendment, by leave, withdrawn.

Amendment No. 129 not moved.

**Deputy Darren O’Rourke:** I move amendment No. 130:

In page 16, line 9, to delete “, if appropriate”.

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 131:

In page 16, line 10, to delete “the Government” and substitute “both Houses of the Oireachtas”.

Amendment, by leave, withdrawn.

**Deputy Darren O’Rourke:** I move amendment No. 132:

In page 16, to delete lines 13 to 16.

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 133:

In page 16, line 15, to delete “the Government” and substitute “both Houses of the Oireachtas”.

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 134:

In page 16, line 17, to delete “The Government” and substitute “Both Houses of the Oireachtas”.

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 135:

In page 16, line 22, to delete “the Government” and substitute “both Houses of the Oireachtas”.

Amendment, by leave, withdrawn.

**Deputy Darren O’Rourke:** I move amendment No. 136:

In page 16, line 24, after “Oireachtas” to insert “for approval”.

Amendment, by leave, withdrawn.

**Deputy Darren O’Rourke:** I move amendment No. 137:

In page 16, lines 24 to 34, to delete all words from and including “and” in line 24 down to and including line 34 and substitute the following:

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

Amendment, by leave, withdrawn.

**Deputy Jennifer Whitmore:** I move amendment No. 138:

In page 16, to delete line 32 and substitute the following:

“(13) A Minister of the Government or the Government of Ireland shall perform”.

Amendment, by leave, withdrawn.

**Deputy Darren O’Rourke:** I move amendment No. 139:

In page 16, line 32, to delete “A Minister of the Government shall, in so far as practicable, perform” and substitute “The Government and a Minister of the Government shall, in so far as practicable perform its or”.

Amendment, by leave, withdrawn.

Amendments Nos. 140 and 141 not moved.

**Deputy Michael Fitzmaurice:** I move amendment No. 142:

In page 17, line 6, after “sectors.” to insert “A force majeure clause may apply to young farmers in the agricultural sector.”.

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 143:

In page 17, between lines 6 and 7, to insert the following:

“(1A) Given the significance of the agricultural sector to the Irish economy and rural communities, greenhouse gas emissions for the sector will not exceed 10 per cent emissions, based on 2018 levels until 2050.”.

Amendment, by leave, withdrawn.

**Chairman:** Amendments Nos. 144 to 147, inclusive, have been ruled out of order.

Amendments Nos. 144 to 147, inclusive, not moved.

**Deputy Michael Healy-Rae:** I move amendment No. 148:

In page 17, between lines 6 and 7, to insert the following:

“(1A) The tourism sector will be shielded from any attempt to increase aviation fuel costs by carrying out a comprehensive economic impact analysis and having wide-ranging engagement and collaboration with the sector.”.

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 149:

In page 17, between lines 6 and 7, to insert the following:

“(1A) The use of new technological advances will be fully explored prior to any sectoral emissions targets being placed on the agricultural sector.”.

Amendment, by leave, withdrawn.

**Chairman:** Amendments Nos. 150 and 151 have been ruled out of order.

Amendments Nos. 150 and 151 not moved.

**Deputy Michael Healy-Rae:** I move amendment No. 152:

In page 17, between lines 6 and 7, to insert the following:

“(1A) Nothing in the Climate Action and Low Carbon Development (Amendment) Act 2021 or in the Government climate action strategy will impact negatively on road building infrastructure across the country, including quarry operators, stone crushers, contractors, employment, local authorities, cross border infrastructure.”.

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 153:

In page 17, between lines 6 and 7, to insert the following:

“(1A) Before any aspect of this section comes into operation, a full economic impact analysis on the impact of this legislation on each sector will be carried out, published, debated and agreed by both Houses of the Oireachtas.”.

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 154:

In page 17, between lines 6 and 7, to insert the following:

“(1A) Before any aspect of this section will be implemented, an independent economic analysis, to include tax-breaks and PSO levy support, of the financial benefits from the state (taxpayer) to multinational windfarm operators will be carried out, published and debated in both Houses of the Oireachtas.”.

Amendment, by leave, withdrawn.

**Chairman:** I take it that Deputy Healy-Rae is withdrawing the amendments and seeking leave to reintroduce them.

**Deputy Michael Healy-Rae:** Yes.

**Chairman:** The proposers of amendment No. 155 are not present. Amendments Nos. 155 to 161, inclusive, are grouped together. Amendments Nos. 163 and 164 are related. Amendments Nos. 156 to 161, inclusive, and amendments Nos. 163 and 164 are physical alternatives to amendment No. 155.

Amendments Nos. 155 to 157, inclusive, not moved.

**Deputy Jennifer Whitmore:** I move amendment No. 158:

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

“(2A) The Minister(s) with responsibility for the energy sector shall prepare a sub-sectoral emissions ceiling for electricity generation in line with the target of net zero by 2030. Reduced emissions arising from this target shall not be carried over to other sectors of the economy or sub-sections of the energy sector, to which sectoral emissions ceilings shall apply.”.

**Deputy Denis Naughten:** I wish to discuss my amendments Nos. 159, 163 and 164. Amendment No. 165 is related. I know it is not grouped with the other amendments. I will withdraw amendment No. 165. I will speak to the whole lot together.

This comes back to the argument we had earlier about carbon budgets. While there may be some justification for the Minister of State’s argument on the carbon budgets, I believe it is fundamentally wrong that we have no approval process whatsoever for the sectoral emissions ceilings that are going to be set for each part of government in each Department.

I do not agree with the principle of sectoral emissions ceilings. I fully understand the reason for it, which comes back to the point of principle that Ministers need to be held accountable. As someone who was in the role prior to the current Minister, Deputy Eamon Ryan, and the previous Minister, Deputy Bruton, I know how frustrating it was when I did not have the leverage available to me that is provided for in this legislation. I do not disagree with the principle of what is being set out in the legislation; where I disagree fundamentally is that these should be presented just like an Estimates process is presented to the sectoral committee for approval. It comes back to the fundamental point I made at the outset, that it is going to be a significant challenge to reach a 51% reduction in heating and transport. In fairness, the members of this committee have made that admission already. The committee introduced a very worthwhile document last week on transport emissions, but only set out to reduce them by 51%. If we set

out a 51% reduction in transport, and a similar reduction in heating, which would be monumental achievements if we could achieve them by 2030, then that would put a massive challenge on to agriculture where it is much harder to make change and where the technology in that regard does not yet exist. We must be honest: realistically, the only way that can be achieved is through substantial reductions in herd numbers.

Regardless of where the end result is, those sectoral targets should be presented to the Dáil for approval via the sectoral committees. The Minister for Transport should come before the transport committee and say what the target is, whether it is 51% or 70% up to 2030, and outline how he or she intends to get to that. Naturally enough, that will have to chop and change as technology develops and as the returns come back in terms of the emissions profile. That can be reviewed on an ongoing basis, but the overall target should be approved by the sectoral transport committee. The same should happen for heating targets with the energy committee or the climate committee and for agriculture targets with the agriculture committee. The Minister of the day should come in and explain the logic and reasoning for the targets and how he or she expects to achieve them. This cannot be done without recourse to Dáil Éireann.

The amendments I have tabled are very simple. They ensure there would have to be an approval process whereby Dáil Éireann must approve the sectoral emissions ceilings across the board, just like the current Estimates process for finances. Our emissions ceilings will have a far greater impact than even the Estimates process, yet there is no ratification process envisaged for them. There will be consultation and discussions with the sectoral committees, advice will be sought from the CCAC and there will be engagement with the public on this, but ultimately it should be down to Dáil Éireann to agree the objectives.

It is not just to tie the Minister of the day into that process, but it is also important to tie in subsequent Ministers. Deputy Bruton knows that I argued very strongly in the committee for the establishment of Sláintecare because the difficulty was that when a new Minister sat down on his or her rear end in the Department of Health, he or she could have a new policy approach to deliver across the health service with no buy-in across the political spectrum for it. Thankfully, we now have Sláintecare. We need the same type of political buy-in regardless of who the Minister of the day is, but that can only happen with a ratification process that incorporates Dáil Éireann. I urge the Minister of State to accept this series of amendments.

**Deputy Ossian Smyth:** I thank the Deputy. I appreciate and acknowledge his experience as a Minister and also his interest in this sector. I remember his efforts to tackle issues like air pollution and so on in the past.

The sectoral targets will be decided by the Government, but that will not happen in a vacuum. It will have to comply with section 4 of the legislation, which sets out a long list of criteria that have to be complied with. The process is highly technical. It will be a complex undertaking to make a legal sectoral division because of the need to satisfy the many criteria listed, including the overarching one of international agreements, but also climate justice, biodiversity and best scientific knowledge, among others. It will be more expensive to get emissions reductions in some sectors than others. There will be requirements to reduce at a certain rate in some sectors based on European directives and on international agreements. It is not the case that we could just decide to move some emissions from one sector to another. I am not suggesting anybody would do so. It is not an opportunity to play politics and to decide it would be nicer to have some of these emissions moving to transport or agriculture. It is a highly technical exercise and it must comply with all the criteria. What the legislation is doing is setting out the way that the sectoral budget is made. It is setting out what all the rules are to make a sectoral

budget and it is up to the Oireachtas now to decide what those rules are going to be and what it wants to put in or to take out. If we moved towards the Oireachtas agreeing sectoral budgets, we would have a bureaucratic overhead. It would slow the process and, worst of all, we would be in danger of coming up with an answer that was either illegal or not in line with our international agreements, or that did not fulfil the many objectives we are trying to include in section 4, which many Deputies have referred to in previous amendments. I know the Deputy has good intentions in this regard and I can see where he is coming from but I believe that this amendment should be refused.

**Deputy Denis Naughten:** I am disappointed. I accept the point the Minister of State has made about section 4 but those measures are not legally binding. The same thing is in place for rural-proofing and it is very much a box-ticking exercise. I know how this process works and I accept the principle of what the Minister of State is talking about. The reality is that this will be little more than a box-ticking exercise. He is right that the cost of taking measures in some areas is going to be significant and there is no doubt about that. There are considerable financial implications to those decisions. My fundamental problem is that the cheapest way to reduce emissions in Ireland is to reduce the size of the herd. That is by far the cheapest way to do it and there is no doubt about that. It is hugely challenging because of the types of targets this committee has set out, including a 51% reduction in transport emissions by 2030. The same applies to heating. There will be significant costs for the public and the Exchequer in implementing those targets. That is the reason it is important that a fair and transparent set of sectoral targets is put in place and that it is not only about the bottom line and the ultimate price. The fundamental problem with our approach up to now, sadly, is that it has been all about being penny wise and pound poor. That is what has led us into the situation we are in now. We should take strategic decisions which make perfect economic sense in the long term from a societal and budgetary point of view but cost a significant amount in the short term. I ask the Minister of State before Report Stage to look again at these particular mechanisms and the lack of any ratification process for the sectoral emissions ceilings. It is wrong that the Dáil is legislated out of this process and that is the fundamental flaw with this Bill.

**Deputy Ossian Smyth:** I am listening to the Deputy and will consider those mechanisms between now and Report Stage. I am thinking carefully about everything he has said. The sectoral division is not going to be on the basis of cost alone. That is what section 4 is about. There are many factors aside from cost in politics, as the Deputy knows. We must accord with people's values and there are other things that are harder to price. It is certainly not going to be decided on the basis of cost alone. That is why we consider all those other factors. The Deputy has said that he feels it will be a box-ticking exercise and I do not agree with that at all. It is only box-ticking if one has no interest in things such as complying with international rules, biodiversity protection and so on. If the Government and the Oireachtas believe in those things and hold them as important values, it is not box-ticking. Those are important criteria and cost will not be the sole deciding factor.

**Deputy Denis Naughten:** I will make a final point. The very same approach was taken to rural-proofing and it became a box-ticking exercise. Only after the policy was developed and before the memo was presented to the Cabinet it was rural-proofed, rather than at the concept stage. I have had plenty of experience of dealing with the Department of Public Expenditure and Reform. I was involved in the specific negotiations about which we are talking with regard to the sectoral challenges that exist. I know the thinking and the logic that is put on the area. A cost and a price tag are put on absolutely everything. That is why it is important that the Dáil would legislate in a manner that brings about a fair and just transition across our society and not

have one sector carrying the burden in the short term for other sectors. We should not be left in a position whereby down the road we realise that we made a fundamental mistake. I will not dwell on those issues any longer.

**Deputy Richard Bruton:** This is an important debate, on one level, although we are not going to resolve it here. Deputy Naughten is pointing up a serious issue that is going to arise. The Department of Agriculture, Food and the Marine, in its Ag Climatise policy, is envisaging a mitigation of 15% in the agricultural sector. If agriculture accounts for 15% of an overall 51% reduction, that means a 70% reduction is required in transport and building. That is probably beyond our reach.

The Deputy rightly said that if one was looking only at cost, one would say that herd reduction is the cheapest way to achieve reductions. We are going to have to find difficult ways to deal with the very high costs. To offer context, in the 2019 climate plan in which I was involved, we included marginal abatement costs in the transport and building sectors that cost over €250 per tonne in order to go from a 40% or 45% reduction to a 70% reduction. Those costs would soar. I can see why Deputy Naughten is thinking that this will not happen and that the requirement to reduce emissions will fall back on the agriculture sector.

On the other hand, the issue for agriculture is to look at how it can abate carbon. If in other sectors such as building and transport, we are envisaging paying, say, €500 a tonne for carbon abatement, can agriculture start to be farmers of carbon as well as producers of food? I do not agree with Deputy Naughten that we can simply say the agricultural committee should decide that because the transport lobbies will then come before the transport committee, the agricultural lobbies will come before the agricultural committee and we will not move forward. However, we need to find a way in which the potential losers as a result of transport abatements running at €500 or €600 per tonne can compensate people who could manage carbon, either through sequestration, carrying fewer cattle per acre, draining lands, wetting lands or the many things we know are out there. We need to find ways in which those policy tools can be evolved. There is a little bit of a vacuum in how those policy tools are going to be evolved. We are all in favour of dialogue and we will have that dialogue but we need to have an intense discussion about how those policy tools are going to be evolved. That has not happened to date. There is no doubt that if the climate council is expected to meet the target of 51% reductions, it will face the dilemma that if agriculture is targeting 15% reductions, transport must target reductions of 70%. The council will have to consider whether that can be done. We will have an intense debate before the autumn, whenever this legislation comes back, and I do not think we have thought through at a political level how this is to be resolved.

I do not agree with Deputy Naughten that the way to resolve it is to stick agriculture into the agricultural committee, transport into the transport committee and wait to see what comes out the other end. I do not think that would achieve the obligations on which we all know we have to deliver. Finding a way of working our way towards policy tools is the challenge for us, as politicians. Deputy Naughten has enormous experience and we need to listen to people like him because they can help us to evolve these policy responses. This is a genuine issue and we must find a common language to discuss it. The risk, signs of which can be seen already, is that sectors will talk their own language and mount their own defences around the ramparts of their sectors. For example, the transport sector is saying we cannot ban combustion engines from 2030 and that it would be heresy but if we are to extend the ambition beyond what is in the existing plan, that seems like a no brainer to me. It must happen along with other things outlined by the committee in its report this week. I do not think Deputy Naughten's proposal to put it

into sectoral committees will achieve the cross-silo debate we need.

**Deputy Denis Naughten:** I am only using that as an example and I am not hung up on it going into sectoral committees. The point I am trying to make and the point of my amendments, and I do not make specific reference to sectoral committees, is that the Oireachtas must deal with and decide on this. I am not hung up on it. It could be the Oireachtas Committee on Environment and Climate Action or some other committee that would deal with it and engage directly with the Minister. My point is that the Oireachtas must have a role in deciding those sectoral ceilings. I am quite open-minded regarding the vehicle for doing it. I am arguing for the principle. I thank the Deputy for his support in respect of that.

**Chairman:** Does the Minister of State wish to respond?

**Deputy Ossian Smyth:** I will let Deputy Naughten have the last word.

**Deputy Jennifer Whitmore:** I ask the Minister of State to consider amendment No. 158. If it is not 100% correct in terms of technicalities, I ask him and the Department to look to reflect its intent in the Bill somewhere. Essentially, the amendment puts a net zero target on the electricity sector for 2030. When we are talking about a finite or polluting resource, the first principle is not to use it. When we are talking about transport, we have the avoid principle and when we are talking about waste, we have the reduce principle. However, when it comes to energy, there does not seem to be a similar principle on which we focus with this Bill or even from a policy perspective across Government. There is no significant focus on demand management or trying to keep our energy usage emissions down. In fact, we are seeing the opposite. We are seeing two arms of the Government pulling against each other when it comes to this. I am talking about data centres and electric vehicles. Both are seen to be one of the highest users of electricity and the key drivers of increases in electricity usage over the next ten years. I do not know whether the Minister of State noticed an article by Caroline O'Doherty in the *Irish Independent* today stating that EirGrid has said there are so many new applications from data centres looking for electricity connections that to power them would be the equivalent of 70% of our national usage. This is an incredible statistic at a time when we are here debating how we are going to get our emissions down. The projected electricity consumption by 2030 based on the current connection agreements is 33%, so 33% of our electricity usage will be from data centre usage. It would be remiss of us to not look at this exponential growth in electricity usage from data centres.

I know the Government has a target of 70% renewables for electricity by 2030 but I am putting in 100% because we need to cap it. We need to say we are going to drive down our electricity usage until we are in a position to ensure that 100% of that can come from renewable resources. We are not there yet. I am staggered by the statistics in the article in the *Irish Independent* today. A total of 70% of electricity usage could come from data centres. I heard yesterday that one third of global data will be housed in Irish data centres so this is a runaway horse over which we have no control. It does not seem as though we are taking it into consideration in the climate Bill. I do not know whether there is real active and continued analysis by Government of the implications of having these data centres. When I raised it at a meeting of the committee a couple of weeks ago, the comments were that there are economic benefits from it and data centres have storage capacity and may be able to play a role in storage of energy and slow release or off-peak release of it. That is all well and good but it is not set in stone at the moment and until we have finalised our attitude to and policy on data centres, we need to say that 100% of our electricity needs to come from renewable sources. I believe it is a target we can meet.

We talk about all these other areas such as transport, which will be difficult. The committee heard that having one million electric vehicles on the road by 2030 is a very difficult target to meet. It will be difficult to get that cultural shift into our agriculture and land usage to address carbon usage. When it comes to electricity, it is an easy target we could meet as long as we start controlling some of the usages of electricity such as data centres and start introducing demand management measures to deal with that. We are going to tell people we expect them to buy electric vehicles and that, from 2030, we are going to ban anything other than electric vehicles so they will have to go and buy them. It is a big investment for people. They are going to buy those vehicles and the energy they use with them could still create emissions so, again, there is very little policy alignment coming from the Government on this issue.

We had a lot of discussion about just transition and I made the point repeatedly that we cannot have a very narrow focus when we are talking about just transition; we need a broad focus. This is what I am talking about. As a nation, are we going to put the onus on individuals and individual households, who may not have the finance or capacity to own electric vehicles? Are we going to tell them that those are the things we expect them to do and, at the same time, tell big corporations and data centres they can create and use up as much energy as they want and we will not control what they are doing? This would be unfair and would go against the principles of just transition, which is why I wanted that definition in the Bill. It is important that it is in the Bill because we are already seeing how the Government is prioritising big players. A business-as-usual approach will be taken with the big corporations while the barriers and onus are put on individuals. That is a-----

**Chairman:** Deputy, we should stick to the discussion on the amendment.

**Deputy Jennifer Whitmore:** Chairman, there has been a lot of discussion and I have not spoken for quite a while. This is very important. The fact that the just transition principles were not taken on board will be a major flaw. I will come back to this on Report Stage. If just transition is not incorporated on that Stage, it will cause major difficulties in how we address and reflect on this Bill.

**Chairman:** We are discussing amendment No. 158, which relates to sub-sectoral emissions ceilings.

**Deputy Jennifer Whitmore:** Chairman, can I just make my point? One cannot separate these things. When talking about who will have to meet the targets and how they will meet them, it comes back to a just transition. That is the point. One cannot separate them.

**Chairman:** Okay. I call Deputy Bruton.

**Deputy Richard Bruton:** I do not believe net zero for the electricity sector by 2030 is achievable. If the policy is built on that, we would be sending the Minister on a task I doubt he could deliver. Also, there is something of a misconception here. Our commitment under the Paris Agreement is as a member of the European Union. The European Union introduced an emissions trading system whose purpose is to try to locate certain larger activities in the most climate efficient locations. Data centres may be more climate efficient if managed in Ireland rather than in other countries. If the EU needs data centres, the best approach for the EU to take is to run them in the most climate efficient way. That is what the emissions trading system seeks to do. In addition, they do pay carbon tax. This is not some free ride for the business sector trampling on other people. They pay. Indeed, the carbon price within the emissions trading system is substantially higher than the carbon price we pay elsewhere.

Neither do I accept the suggestion that envisaging electric vehicles on our roads is, in some way, the Government having a misaligned policy. The reality is that people need certain transport services. Not all of them can be switched to public transport. It is far better for the substantial number of journeys that cannot be substituted by public transport or by active travel that they be done with electric vehicles. Of course, if some of that power is generated from non-renewable sources, that will have emissions, but they will be dramatically lower than if we are fuelling vehicles with petrol or diesel. As we succeed in switching to renewable sources of power, we will be able to deliver transport services to everyone in a way that avoids an impact on the climate.

Many of the assumptions behind this amendment do not stand up to close scrutiny. There is no choice between companies and not touching our lifestyle. If we want to engage in travel and in all sorts of things, we must find ways of avoiding damaging emissions from them. That is what all this endeavour is about. In the long term, if we can get the electricity sector to be wholly renewable or supplemented by interconnection that is also from either nuclear or non-emitting sources, we can still deliver those transport services without impact on the environment. Many of the assumptions that have been put forward by Deputy Whitmore are not beyond challenge. We all have to change our lifestyles, not just big companies. I have heard others articulate this, that 70% of emissions come from big corporates and everything would be resolved if we did not do that. That is like saying an oil company that puts fuel into every car we drive is responsible for all those emissions. That is not the reality. They only exist because they are delivering a service that people want to have. People want to be able to move around.

There are many assumptions in the amendment that do not stand up to scrutiny. I do not believe net zero by 2030 is an achievable target to ask the Minister to report on. The objective at present is minus 43%, and we will be required to make big changes to reach 70% renewables on the system. I do not believe we should table amendments that are beyond the capacity of the Minister to deliver.

**Deputy Jennifer Whitmore:** Chairman, can I come in?

**Chairman:** No, I am going to call Deputy Naughten.

**Deputy Denis Naughten:** I found Deputy Bruton's analogy in respect of oil companies interesting. He is right in that regard, but the difficulty is that in agriculture we are quite happy to have the emissions levied on the farmer who produces the beef or milk, not where it is actually consumed. This is the argument I have been making all along. The system is perverse and has built in structures that benefit big industry rather than the type of economy we have in Ireland. That is why Ireland must take a very different approach from that being taken in continental Europe, but we are not doing that.

Returning to the point raised by Deputy Whitmore, a fundamental point here is the number of data centres coming to this country. There are two types of data centres. I am not against data centres *per se*. If they are strategically located in particular locations across the country, they can be of great benefit. However, we should be discussing data centres that are directly connected with employment in this country, not speculative data centres. Quite a number of the data centres in the planning process are speculative data centres. We should not be facilitating those. Second, we should not facilitate any data centres in the Dublin region, despite the determination of the Industrial Development Agency, IDA, to do that, because our electricity grid just cannot take them. The cost of facilitating more data centres in the Dublin region will be astronomical in terms of the investment that will have to be made in the electricity grid, and

communities across the country will have to cater for the additional pylons that will have to be brought into the Dublin region.

We are going to try to achieve 70% renewable electricity on the network by 2030, which is a very difficult challenge at this point in time. However, it is one I believe we potentially can achieve, but continuing to load more data centres onto the system makes it an unachievable target. What is morally wrong here is not only that aspect but also the fact that we are asking families across the country, through their electricity bill, to fund and subsidise the cost of that. It is wrong that we should ask families, through the public service obligation, PSO, levy and the transmission charges, to subsidise the cost of electricity going into data centres. The Government took a decision in June 2018 not to apply those charges to domestic customers and other business customers, but that has not been implemented. Deputy Whitmore is right. There must be a far broader debate and we must be far more selective with regard to the type of data centres we want to come into this country. The impression is given that it is climate efficient to bring them into Ireland because of our climate. However, the reality is we are an isolated electricity grid in Ireland. Sadly, we will need to have a fossil fuel backup for the foreseeable future, which undermines our overall climate objectives.

**Deputy Ossian Smyth:** Deputy Whitmore's amendment asks for "a sub-sectoral emissions ceiling". However, it subsequently appears to be a cross-sectoral measure so it is not sub-sectoral. It applies to everything because everything that has electricity would be affected. The amendment also says that if a sector switches towards electricity to save on emissions, that should not count towards its emissions savings. I am confused by that. Moving towards electricity in, for example transport and heating - it need not be electric vehicles, it might be electric trains, bikes or whatever - is an important tool. It will be one element of trying to cut emissions. I do not think it should count for nothing. The EU, as some Deputies have mentioned, has agreed with us on a 70% use of renewable energy in electricity by 2030. We have a target and I think the Deputy is proposing to change that to 100% net - whatever we interpret "net" to mean.

The Deputy talked about demand. I think she was making a comparison with recycling, avoidance and reuse and proposing we should look at the same thing in electricity, which is absolutely true. The suppression of demand is an important factor, as well as switching people from one power source to another. If one can avoid the task being carried out or suppress the demand for it in some way, that is also a measure. We see that in the smart meter roll-out, which is an attempt to price electricity differently at different times of the days and set demand in that way. With this Bill, the Deputy is open to taking actions like this through the climate action plan. That mechanism will have public consultation and ongoing citizen engagement whereby a feature like this can be introduced.

The EU has energy efficiency targets for 2030 that we have signed up to in order to achieve a 32.5% reduction in energy use compared to what it would be without those measures. That comes back to demand management.

The Deputy spoke about data centres. It is a big debate. We have many of them and are planning to have more. We also plan to have large quantities of renewable energy. It is not in the amendment but I think it is in later amendments today. It might be better to talk about it at that stage or have a separate debate about it. It is a large area and I would be happy to talk about it at another session but I oppose the amendment.

**Deputy Jennifer Whitmore:** I will go back on a few things Deputy Bruton said. He said my arguments do not stand up to scrutiny. The Government target is 70% renewable energy

for the electricity sector by 2030. Over 30% of the electricity we will be using in 2030 is for data centres. It is feasible to set a 100% target for renewable energy. When setting a target, one should set a target that one has to stretch to and is ambitious, rather than something one can roll over and do easily. We need to look to achieve such a target. We are all aware that the roll-out of renewable energy, in terms of wind farms, options, guidelines and terms of reference for those corporations is taking place slowly and, if this target was there, it would bring more of a focus and impetus to get this done. It is a feasible target and one we should look to achieve.

Deputy Bruton said there is a cross-EU policy on it and data centres are delivered in Ireland in a more climate-efficient way because we have a better climate for them. Data centres do not just have an impact from a climate perspective. They also have a visual and environmental impact. I am a Deputy for Wicklow. If all the wind farms proposed to deliver energy for these data centres are in existence in ten years time, we will be looking out at three large-scale wind farms off our coastline. That will have an impact on communities in Wicklow. I understand wind farms are an absolute necessity but I would rather we had those we need rather than providing them to enable data centres to undergo exponential growth to facilitate corporations across Europe. We need to have that debate.

Deputy Bruton referenced corporation tax, which is a completely separate issue. I will be interested to know how our data centres are set regarding corporation tax. I am not saying data centres get a free ride when it comes to things like carbon tax; I am saying there has not been the requisite level of Government scrutiny and forward planning when it comes to provision of data centres. Here we are trying to set legislation to restrict our emissions while another part of government is saying that data centres can have a free ride from an energy usage perspective and it will facilitate as many centres as corporations see fit to invest in here in this country.

When I mentioned misaligned policy, I was not talking about the need for electric vehicles. I understand they will play a large part in how we meet our transport targets. I was saying that we expect people to put €30,000, €40,000 or €50,000 into an electric vehicles to reduce their emissions and environmental impact. However, if they use energy that does not come from renewable resources because we do not have the capacity to produce it as a result of the provision of increased electricity to data centres, that will undermine those individual efforts to do the right thing. Most people in this country will want to play their part in meeting emission targets. I think my arguments stand up to scrutiny.

The Minister of State questioned the technicalities of the amendment. I agree. I asked the Minister of State at the outset to take the intent. The intent is there. I ask the Minister of State to bring it back, scrutinise it and get the Bills Office or his legal advisers to look at it. There needs to be a sub-sectoral cap on emissions from electricity. We need a target of 100%. Whatever the Government feels is the best mechanism to meet it, I ask that it review that.

The Minister of State said I did not specifically mention data centres. I did not do that because we are looking at a framework document which should not look at one sector or energy user. If I had mentioned data centres, it would have been ruled out of order. I have no problem with data centres as long as the energy is renewable. The Minister of State said there has been a big debate on data centres. The problem is there has not been such a debate. We need a big debate on it.

I ask the Minister of State to bring that back and have a look at it. I will raise it at Report Stage as well. It is an important issue and, considering recent reports in the paper, it will become more prominent. I hope this discussion does become more prominent in the coming

weeks and months.

Amendment put.

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

Amendment declared lost.

**Deputy Denis Naughten:** I move amendment No. 159:

In page 17, line 14, to delete “the Government” and substitute “each House of the Oireachtas”.

I withdraw, with leave to reintroduce.

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 160:

In page 17, line 14, to delete “the Government” and substitute “both Houses of the Oireachtas”.

**Chairman:** Are you withdrawing with leave to reintroduce?

**Deputy Michael Healy-Rae:** Yes.

Amendment, by leave, withdrawn.

Amendment No. 161 not moved.

**Chairman:** Amendment No. 162 is out of order.

Amendment No. 162 not moved.

**Deputy Denis Naughten:** I move amendment No. 163:

In page 17, to delete lines 15 to 19.

I withdraw, with leave to reintroduce.

Amendment, by leave, withdrawn.

**Deputy Denis Naughten:** I move amendment No. 164:

In page 17, line 28, to delete “the Government” and substitute “each House of the Oireachtas”.

I withdraw, with leave to reintroduce.  
Amendment, by leave, withdrawn.

**Deputy Denis Naughten:** I move amendment No. 165:

In page 17, to delete lines 35 to 38.

Amendment, by leave, withdrawn.

**Chairman:** We will suspend for five minutes to allow members to return to their offices.

*Sitting suspended at 1.32 p.m. and resumed at 1.39 p.m.*

Amendment No. 166 not moved.

**Deputy Michael Healy-Rae:** I move amendment No. 167:

In page 18, between lines 3 and 4 to insert the following:

“(11) Prior to any provisions in this section coming into effect, the Minister shall publish and lay a detailed report before each House of the Oireachtas for approval, following consultation with each sectoral interest group, and an economic, social, cultural and rural impact analysis for each sector.”.

Amendment, by leave, withdrawn.

**Deputy Jennifer Whitmore:** I move amendment No. 168:

In page 18, line 7, to delete “may” and substitute “shall”.

I will withdraw this and take it back up on Report Stage.

Amendment, by leave, withdrawn.

**Chairman:** Amendment No. 169 is in the names of Deputies Bríd Smith, Gino Kenny, Paul Murphy and Boyd Barrett. I understand none of the Deputies are present.

Amendment No. 169 not moved.

**Deputy Jennifer Whitmore:** I move amendment No. 170:

In page 18, to delete lines 19 to 21 and substitute “may not carry forward the surplus from the preceding budget period to the current budget period.”.

Again, I will withdraw this and take it back up on Report Stage.

Amendment, by leave, withdrawn.

**Deputy Réada Cronin:** I move amendment No. 171:

In page 18, to delete lines 22 to 27.

I am going to withdraw this, with leave to reintroduce on Report Stage.

Amendment, by leave, withdrawn.

**Chairman:** Amendment No. 172 is in the name of Deputy Fitzmaurice.

Amendment No. 172 not moved.

**Chairman:** Amendment No. 173 is in the names of Deputies Bríd Smith, Gino Kenny, Paul Murphy and Boyd Barrett. None of the Deputies are present so I will move on.

Amendment No. 173 not moved.

**Deputy Denis Naughten:** I move amendment No. 174:

In page 18, to delete lines 31 to 40 and substitute the following:

“(7) The Minister shall, as soon as may be, submit the revision to a carbon budget under subsection (2), (4) or (5) to each House of the Oireachtas for its approval before it is published.”.

I am not going to over this debate again with the Minister of State. This is the same argument we had in relation to the carbon budget coming back before the Dáil for approval. I am saying any amendments to that carbon budget should come before the Dáil for approval. It is not right that a Minister can amend the carbon budgets approved by the Members of Dáil Eireann, yet this does not require the approval of the Houses of the Oireachtas. I therefore ask the Minister of State to accept this very basic, simple and logical amendment.

**Chairman:** Before the Minister replies, this amendment is being grouped now with amendments Nos. 169 to 172, inclusive, and Nos. 174 to 180, inclusive, No. 170 being a physical alternative to No. 169, No. 172 a physical alternative to No. 171 and Nos. 175 to 180, inclusive, physical alternatives to No. 174. We are therefore discussing together amendments Nos. 169 to 172, inclusive, and Nos. 174 to 180, inclusive.

**Deputy Ossian Smyth:** I will speak first to amendments No. 169 and 170. They been not been ruled out of order, have they?

**Deputy Denis Naughten:** We have moved beyond that. We are on amendment No. 174 now.

**Chairman:** Yes. Amendments No. 169 was not moved and No. 170 was withdrawn so we are now on to No. 174, moved by Deputy Naughten.

**Deputy Ossian Smyth:** The key section in the Bill is section 6D. It provides for the alteration of carbon budgets. One of those ways is carryover. Obviously we are going to have a situation where either we exactly meet the carbon budget or our outturn is that we have over or underachieved, and the mechanism is there that the Minister must seek the advice of the Climate Change Advisory Council before making a proposal to carry forward and expand a future budget. Thus, if there has been underachievement, in other words, if the carbon budget has been exceeded and there have been more emissions than expected, then excess emissions will be automatically brought forward to the next budget, so the next carbon budget will be reduced accordingly. We have framed this Bill to provide a suitable balance of flexibility and long-term stability to support necessary investment and implementation over time. Three consecutive five-year carbon budgets budgets are set out every five years, with the third and later carbon budget of the series being set as a provisional budget. This means it can be reviewed and revised as part of finalising the next group of three carbon budgets. Therefore, while the Bill provides certainty on our long-term climate goal, a level of flexibility within these statutory structures is important and will allow, where necessary, a degree of adjustment and reorientation of carbon budgets, plans and strategies over time and within different sectors. This reflects,

as acknowledged in the programme for Government, that not all measures realise our climate ambition in Ireland or other countries. This is also relevant when considering flexibility on how to address any over or underachievement towards our carbon budget ceilings and if we do not achieve our targets then emissions must be carried. Incentivising and encouraging early action, when we know early action is more cost-effective, should be allowed and encouraged.

If one looks at section 6D and the different possibilities or different situations where a carbon budget can be revised, one can see it includes situations like where we have had an agreement with the European Union to change to a new emissions obligation or we have entered into some kind of international agreement with other countries. It also allows for eventualities like where there has been a significant development in scientific knowledge on climate change. Those are all foreseeable situations but what is not foreseeable is what could happen in those situations, so the idea is to provide a level of flexibility. That is our position.

**Chairman:** Do any other members wish to contribute?

**Deputy Denis Naughten:** Yes. If the Minister of State would not mind responding to the point I made, I would appreciate it.

**Deputy Ossian Smyth:** I apologise to the Deputy, is his point again about the role of Government versus the role of the Houses of the Oireachtas in sectoral emissions targets or in revising targets? Is that his basic point?

**Deputy Denis Naughten:** My basic point is that if the overall targets are being altered, positively or negatively as the case may be, for whatever reason, the altered targets should be approved by the Houses of the Oireachtas. Under the legislation as currently drafted, they are not.

**Deputy Ossian Smyth:** Again, if Deputy Naughten looks at section 6D he will see the Minister or the Government are not empowered to just go and change the targets as they see fit. It is really only within very specific circumstances that it can happen. The situation we are in now is that Deputies are examining this legislation and asking are those reasonable situations where they would want the target to be changed or where they would want to allow the Government or the Minister to change the target. If there are any sections in section 6D that Deputies think are unreasonable, or they think there are more which should be added, or if it should be more or less limited, then this is their chance to say it. What we are not going to do is transfer the responsibility away from the Minister onto the Houses and say that now the Houses are accountable to themselves for what the carbon budgets are.

**Deputy Denis Naughten:** With all due respect to the Minister of State, I can say whatever I like; the reality is that no amendment has been accepted to date by Government. The Minister made it clear at the outset he would not be accepting amendments. It is therefore disingenuous to suggest I would put forward an amendment when it has been made crystal clear the Government is not prepared to accept any amendments from the Opposition. The point I am making here is very simple: if the Dáil approves a carbon budget, then the alterations to that carbon budget should also have to come before the Dáil for approval. It is a very basic principle. It reinforces the point I made earlier that effectively the Dáil is only being used as a rubber stamp. If the Dáil rejects the carbon budget, the Minister can bring in whatever budget he likes. Even if the Dáil accepts the carbon budget, the Minister can make amendments without reverting to the House. Again, one of the key provisions in last week's health legislation, and the reason the Government was forced to come back before the Dáil, was my insistence that a sunset clause be

put into it. However, with this Bill, once the first carbon budget is ratified by the Dáil, it does not have a role in approving the second. Subsequent to the enactment of this legislation, the Minister does not have to consult the Dáil, legally, regarding any alterations to both budgets. That is wrong.

**Deputy Alan Farrell:** For the benefit of the discussion and as a point of fact, the Government accepted 68 amendments from the committee arising from the debate we have had thus far. That is worthy of mention in the context of the discussion that has gone on.

**Deputy Jennifer Whitmore:** Everyone on the committee knows there was quite a lot of discussion about whether those amendments were accepted fully or in part. We should not go back down that road and say it was a wholesale acceptance by the Government when in reality it was not. In many instances the amendments were only partially accepted. I wanted to make that point.

**Deputy Ossian Smyth:** On that last point, section 6D was comprehensively revised following pre-legislative scrutiny. That pre-legislative scrutiny stage was very useful. It certainly was not, as Deputy Naughten would say, a box-ticking exercise. It actually strengthened the legislation a lot. I am grateful to all the Deputies for their contributions in that regard.

I would like to come back to Deputy Naughten's suggestion that when the carbon budget is adopted by the Dáil, that will be it and Deputies will never get to speak again. In fact, three carbon budgets will be adopted. Five years later, there will be another chance to look at the carbon budgets and decide where they go from there. Deputy Naughten also stated that if the carbon budget is rejected by the Dáil the Minister can then just go off and make up any carbon budget he or she wants. Ministers are specifically not empowered to do that. The law states they can only make a carbon budget that complies with all the international obligations, the 51% target and all the other categories of requirements in the Bill. The Minister is absolutely not allowed to go off and make a carbon budget that has a terrible level of ambition or is unfair. That is my response and it is why we will not accept this amendment.

**Deputy Denis Naughten:** I withdraw the amendment with leave to reintroduce on Report Stage.

Amendment, by leave, withdrawn.

**Chairman:** As Deputy Connolly is not present, amendment No. 175 is not moved. As Deputies Bríd Smith, Gino Kenny, Paul Murphy and Richard Boyd Barrett are not present, amendment No. 176 is not moved.

Amendments Nos. 175 and 176 not moved.

**Deputy Michael Healy-Rae:** I move amendment No. 177:

In page 18, line 32, to delete "the Government" and substitute "both Houses of the Oireachtas".

Amendment, by leave, withdrawn.

**Chairman:** As Deputies Bríd Smith, Gino Kenny, Paul Murphy and Richard Boyd Barrett are not present, amendments Nos. 178 and 179 are not moved.

Amendments Nos. 178 and 179 not moved.

SECA

**Deputy Michael Healy-Rae:** I move amendment No. 180:

In page 18, line 40, to delete “the Government” and substitute “both Houses of the Oireachtas”.

Amendment, by leave, withdrawn.

**Chairman:** As Deputies Pringle and Joan Collins are not present, amendment No. 181 is not moved.

Amendment No. 181 not moved.

Section 9, as amended, agreed to.

SECTION 10

**Chairman:** Amendments Nos. 182 to 191, inclusive, are related. Amendment No. 186 is a physical alternative to amendment No. 185. Amendments Nos. 182 to 191, inclusive, will be discussed together.

**Deputy Michael Healy-Rae:** I move amendment No. 182:

In page 19, to delete lines 8 to 12.

Amendment, by leave, withdrawn.

**Deputy Darren O’Rourke:** I move amendment No. 183:

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

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

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

(i) on the advice of the Government, and

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

(b) Where a vacancy arises, or is anticipated will arise, on the Advisory Council, the Government shall, for the purposes of identifying persons and making recommendations to the Government in respect of those persons for appointment as members of the Advisory Council, invite the Public Appointments Service to undertake a selection competition.

(c) The Public Appointments Service shall, subject to paragraph (d), appoint a selection panel.

(d) Of the members of the selection panel, one of them shall be nominated by the Director of the Intergovernmental Panel on Climate Change.

(e) The Public Appointments Service shall appoint the members of the selection panel from amongst persons who, in the opinion of the Public Appointments

Service, have relevant experience of, and expertise in relation to, matters outlined in section 9(c)(4)(a) of the Principal Act.

(f) The Minister shall agree with the Public Appointments Service the selection criteria and process to be implemented in respect of the filling of any vacancy on the Advisory Council.

(g) A vacancy on the Advisory Council shall be advertised publicly and shall include details of the agreed selection criteria for the filling of the vacancy and the process to be implemented in respect of the filling of that vacancy.

(h) The Public Appointments Service may adopt such procedures as it thinks fit to carry out its functions under this section.

(i) A person shall not be recommended for appointment by the President under this section unless the person is, in the opinion of the Public Appointments Service and the Government agrees, suitably qualified for such appointment by reason of their possessing such relevant experience, training or expertise as is appropriate having regard to the functions conferred on the Advisory Council by or under this Act.

(j) The Public Appointments Service shall provide the Government with particulars of experience, training and expertise of the person whom it recommends under this section.

(k) Where the Public Appointments Service makes a recommendation for the appointment of a person to the Advisory Council, the Government shall accept that recommendation.

(l) In exceptional circumstances, where the Government, for substantial and stated reasons, is unable to accept the recommendation by the Public Appointments Service of a particular person, it shall inform the Public Appointments Service of that fact and the reasons for it and shall request the Public Appointments Service to make another recommendation in respect of the vacancy and, the Public Appointments Service shall—

(i) consider the Government's reasons, and

(ii) unless the Public Appointments Service disagrees with the reasons and wishes to make representations to the Government in that behalf, make another recommendation for appointment to the Advisory Council.

(m) In making recommendations for appointment of persons to the Advisory Council under this section, the Public Appointments Service, and the Government shall have regard to the need to ensure that the members of the Advisory Council broadly reflect the nature of Irish society and that such persons possess knowledge of, or experience in—

(i) matters outlined in subsection (4)(a) (as amended), and

(ii) without prejudice to the generality of paragraph (a), matters connected with persons or classes of persons who are disadvantaged by reference to the following factors:

- (I) gender;
- (II) civilstatus;
- (III) familystatus;
- (IV) sexualorientation;
- (V) religiousbelief;
- (VI) age;
- (VII) disability;
- (VIII) race, includingcolour, nationality, ethnic or nationalorigin;
- (IX) membership of the Traveller community;
- (X) socio-economic disadvantage.

(n) The factors specified in clauses (II), (III), (IV), (V), (VII) and (IX) of paragraph (m)(ii) have the same meanings they have in section 2 of the Employment Equality Act 1998.”

This amendment is quite self-explanatory. I am sure the Minister of State has had sight of it. From our perspective, it is trying to fill out, and make more complete and comprehensive, the process for appointments. The framing and wording are adapted from that used for appointments to the Irish Human Rights and Equality Commission. We believe it would be an enhancement on the process that already applies.

I also raise a query with the Minister of State. I am conscious that concerns have been raised by the CCAC about some aspects of the Bill. The Department briefed the CCAC. The CCAC has looked for legal advice in recent days. It would be helpful for us to know what that advice related to. Was it related to the appointments process or the tools for measuring emissions? I would like to hear from the Minister of State about that.

**Chairman:** Amendments Nos. 184 and 186 are also in the Deputy’s name. They are all related so I take it the Deputy is speaking to those together.

**Deputy Darren O’Rourke:** Yes. I will move those amendments and we can deal with them one by one then.

**Deputy Ossian Smyth:** I want to be clear on the Deputy’s question. Did he ask if the CCAC had sought legal advice on this section?

**Deputy Darren O’Rourke:** We know from the CCAC’s minutes and agenda for May that it sought legal advice on aspects of the legislation we are now discussing. What does that legal advice relate to? We know from the CCAC minutes on 15 April that it was agreed legal advice would be sought to provide clarity on some aspects of the amendment Bill and to assist the council in approaching its work. At pre-legislative scrutiny stage, we heard from witnesses about the role, and prospective role, of the CCAC. It would be helpful for us to know what its concerns were so we can factor them into our considerations at this stage. Do the CCAC’s concerns relate to the appointments process, for which we have this amendment?

**Deputy Ossian Smyth:** The CCAC is an independent body. I am not aware of what le-

gal advice it has sought. I do not want to speculate on what it could be. If I was in a newly constituted organisation, I would seek legal advice on the limits of my powers and so on. As the CCAC is an independent body, I suggest the Deputy contacts it directly, if that is a useful answer, to ask what concerns it might have. If it does have concerns, they have not been expressed to me.

**Deputy Darren O'Rourke:** My understanding is that the Department is due to brief the CCAC about its concerns. It would be helpful to us, as legislators, if in this session or later ones, or before Report Stage, we had an opportunity to consider the CCAC's concerns in order that they might be either ruled in or out or, at the very least, considered in the context of the legislation we are discussing.

**Deputy Ossian Smyth:** I agree. I think they should be invited to come before the committee so that whatever questions are required can be asked about their concerns, the legal status etc. Would the Chair like me to address some of the amendments?

**Chairman:** Yes, we are discussing them together. The Minister of State can go ahead.

**Deputy Ossian Smyth:** I think amendment No. 183 is from Deputy O'Rourke.

**Chairman:** Yes, Deputy O'Rourke's amendments are Nos. 183, 184 and 186.

**Deputy Ossian Smyth:** This amendment concerns section 10 of the Bill, which includes the constitution of the CCAC, namely, how to form the council and who will sit on it. In the legislation we are proposing-----

**Chairman:** I am sorry to interrupt the Minister of State, but I lost track of the time and we are already up to 2 p.m. We are now due to suspend for half an hour.

*Sitting suspended at 2.01 p.m. and resumed at 2.32 p.m.*

**Chairman:** When we suspended, the Minister of State was about to respond to Deputy O'Rourke. We were discussing amendments Nos. 182 to 191, inclusive, together. Deputy O'Rourke has amendments Nos. 183, 184 and 186.

**Deputy Ossian Smyth:** We are looking at amendment No. 183.

**Chairman:** Correct.

**Deputy Ossian Smyth:** The amendment is a revision of the way in which the members of the Climate Change Advisory Council would be selected. It proposes that the members of the CCAC be appointed by the President and that there be a process involving the Public Appointments Service and so on. My objection to this is that it would take too long. We have a Climate Change Advisory Council, we decided at the pre-legislative stage to revise the way in which that advisory council is composed and what its membership should be and we need to get that in place in order that we will be able to do our carbon budget this year. We do not have enough time to go through a very lengthy process to do that. What is proposed is not simply that the Minister just appoints the people to the advisory council; the legislation includes all the kinds of criteria that have to be matched in order to be on the advisory council, lists who the *ex officio* members shall be and details the gender balance. The Minister for the Environment, Climate and Communications of the day, whoever he or she might be, will not just write down a list of names he or she thinks should be on the advisory council; the list has to match the legislation. The Minister does not have the Executive power to appoint the members directly. He or she has

to bring that list to the Government and have it approved by the Cabinet, which is unusual because, typically, when a Minister appoints people to a board, it is by direct executive order. We have a level of checks and legislative limits as to how the council is appointed. We have had a discussion about who should be on it and how to reconstitute it. The Climate Change Advisory Council will be significantly different from its predecessor. I think that going down the route of the Public Appointments Service would just take us too long. One thing on which we can all agree is that there is a great urgency here. I think the balance in the legislation is right and that is why I am not accepting the amendment.

**Deputy Darren O'Rourke:** This is a formula that is accepted elsewhere in Government. The Minister of State might consider aspects of it or all of it before Report Stage.

**Chairman:** Deputy O'Rourke, do you wish to press the amendment?

**Deputy Darren O'Rourke:** No. I will withdraw it with leave to reintroduce it on Report Stage.

Amendment, by leave, withdrawn.

**Deputy Darren O'Rourke:** I move amendment No. 184:

In page 19, line 15, to delete "Minister" and substitute "President".

I will do the same with this amendment: withdraw it with leave to reintroduce it on Report Stage.

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 185:

In page 19, to delete lines 21 to 31 and substitute the following:

"roles:

- (i) an independent climate scientist;
- (ii) a public policy expert;
- (iii) a rural transport public policy expert;
- (iv) four representatives from various farming organisations;
- (v) an agricultural policy expert;
- (vi) a climate change economist;
- (vii) a climate change financial analyst;
- (viii) a representative to represent the interests of social justice;
- (ix) two representatives from rural communities;".

Amendment, by leave, withdrawn.

**Deputy Darren O'Rourke:** I move amendment No. 186:

In page 19, line 31, to delete "climate," and substitute the following:

- “climate;
- (xi) social justice,
  - (xii) social policy,
  - (xiii) social inclusion;”.

I will withdraw the amendment with leave to reintroduce it on Report Stage. I think the Minister of State can see what we are trying to do with it. Maybe he will give it some consideration between now and Report Stage.

Amendment, by leave, withdrawn.

**Chairman:** A number of Deputies are not present to move the amendments in their names.

Amendments Nos. 187 to 191, inclusive, not moved.

Section 10 agreed to.

## SECTION 11

**Deputy Darren O’Rourke:** I move amendment No. 192:

In page 21, line 19, after “budget” to insert “and the financial, social, economic or rural impact thereof”.

We discussed this earlier. I am not entirely clear on the criteria by which amendments have been excluded. I know that the committee will follow up in that regard and I have done the same myself. This amendment seeks a financial, social, economic and rural impact assessment. We have looked for one elsewhere and those types of amendments have been ruled out for a range of reasons. This is an important opportunity to carry out such assessments to consider the potential impact of this for a range of reasons. We have had this discussion already. We seek adequate involvement and engagement from communities such that there is transparency surrounding decision-making. Nobody for a second is suggesting that anyone will be afforded the opportunity to avoid responsibility, but it is fair to say there are those who would point to what they see as contradictions within decisions that have been made about our response to climate change, whether in one sector or another.

I mention as an example the importation of peat from the Balkans or Germany at a time when restrictions are in place here. We must be sure there is an adequate economic, social, financial and rural impact assessment of these decisions.

**Deputy Ossian Smyth:** There is provision within the Bill, not just for annual public consultation, but also for ongoing citizen engagement. Citizen engagement and citizens’ assemblies are things which we have done well in Ireland in recent years. I expect that will continue in the same way. Also, everybody involved in the process recognises that we must bring people with us to make this a success. Citizen engagement is critical in getting this done and is required by European law and the Aarhus Convention.

If one looks at the Bill, sections 11(2) and 11(3) provide that the CCAC is open to gathering information and meeting persons, as it considers appropriate, and is independent in the performance of its functions. Given that those provisions are there, I do not think it is appropriate to further prescribe the functions of the CCAC. If there are relevant proposals by public bodies, they must undergo a strategic environmental assessment and an appropriate assessment. These

can provide consideration of the impacts of a proposed plan or programme. It is not proposed to extend the requirement to the CCAC in providing its advisory role. It is open to the CCAC to seek additional research or reviews, as it considers necessary, to inform its own advice and recommendations.

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

**Deputy Darren O'Rourke:** I withdraw the amendment with a view to reintroducing it on Report Stage, if that is okay.

Amendment, by leave, withdrawn.

**Chairman:** Amendment No. 193 has been ruled out of order.

Amendment No. 193 not moved.

**Deputy Darren O'Rourke:** I move amendment No. 194:

In page 21, between lines 33 and 34, to insert the following:

“(b) by the insertion of the following paragraphs after paragraph (d):

“(e) Notwithstanding any provisions in paragraphs (a), (b), (c) and (d) of section 11, no recommendation shall be made whereby the domestic reduction or the cessation of a food production activity, for which there is no more sustainable domestic alternative, will result in a net increase of global emissions as a result of increased importation to the EU.

(f) Notwithstanding any provisions in paragraphs (a), (b), (c) and (d) of section 11, in fulfilling obligations under those paragraphs, any recommendation to the effect of a reduction in a food production activity must be made on the basis of sustainability as it pertains to individual aspects of that food production activity and with due regard to the social, economic and rural impact of such a reduction.

(g) Notwithstanding any provisions in paragraphs (a), (b), (c) and (d) of section 11, any recommendation pertaining to livestock numbers must be accompanied by a sustainability, social, economic, and rural impact assessment outlining the effects of such a recommendation on a local and regional basis.””.

I will let Deputy Carthy, who is joining us now, speak to amendment No. 194.

**Chairman:** Deputy Carthy is very welcome to our session. Do you wish to speak to amendment No. 194?

**Deputy Matt Carthy:** Yes. I thank the Chair for his indulgence. I was at his other committee representing him well, I hope. The agriculture committee met at the same time, so my apologies for being here at short notice.

This amendment is fundamental to the many concerns of some people in our farming community with regard to the outworking of the climate action plan and the Bill. When this Bill is enacted, there will be a need to provide assurances that it is not about tokenism and certainly not about hypocrisy. One way we can provide those assurances is by ensuring we do not expect actions to be taken at a domestic level, the net result of which is damaging to the environment. To put this in a framework that people will understand, there would not be much point in us

suggesting that we reduce the production of a certain type of food in Ireland, if the net outworking of that was the importation to the EU of food that was less sustainably produced. People will be aware that there has been much discussion about the Mercosur trade deal, for example. Notwithstanding the Mercosur trade deal, it is a matter of fact that substantial quantities of Brazilian beef already enter the European market. We know there are other types of foods that are produced more sustainably either here in Ireland or in other EU member states. Therefore, the outworking of amendment No. 194 ensures that whatever we do, it does not result in a net increase of global emissions as a result of increased importation to the EU.

In paragraph (g), the amendment proposes a specific reference to the beef sector. There are some concerns in this regard because a substantial amount of the beef produced in Ireland from the suckler herd is among the most sustainably produced beef in the world. It is the prime product for which Ireland is famous. It is important to say that not all beef produced in Ireland meets that high-quality standard. In fact, an increasing amount of the beef which is sold on the basis of the image of our suckler herd is produced within factory-owned feedlots in most instances. This amendment sets forward a mechanism to allow us to ensure that a sustainable product, which is among the most sustainable in the world in relation to beef, is protected, encouraged and facilitated to ensure we do not do something I would regard as utter stupidity. For example, if were to ask for a reduction in our suckler herd in Ireland, the net outworking of that would be an increased level of beef imported from countries like Brazil and other places where the production of that beef warrants the destruction of rainforests. I hope the Minister of State will support this amendment. I ask for the support of this committee.

I would like to make a point in relation to a number of amendments which have been disallowed. They relate to our proposition that the measures in this climate Bill would be assessed to determine their impact on local communities. We need to know the impact on rural, marginalised or peripheral communities as a result of actions taken. Those amendments have been ruled out of order as a result of the budgetary impact they would apparently have. Will the Minister of State consider inserting those amendments into the Bill to ensure, as we have all said, including the Minister of State, that this is not about penalising ordinary workers, families and communities? A full social, economic and rural impact assessment should be carried out on any measures being proposed so that the Government of the day will have the full facts before measures are enacted.

**Deputy Ossian Smyth:** I thank Deputy Carthy for coming to the committee and asking his question. He is right when he suggests that the job of cutting emissions and deciding where the emission cuts go is not just a matter of finding where the cheapest areas are or what is easiest or handiest. It must take into account all the wider impacts and that is why the Bill provides for that. If we look into that, we will see that section 9, which contains the carbon budgets and sets out how they are created, specifically states that the CCAC must take account of the different factors, including the effect on employment and the competitiveness of the economy.

Deputy Carthy made a point about on carbon leakage. I am not sure if he used that phrase. I refer to the idea that if we stop producing beef here, it will be produced somewhere else where it causes more harm. This is a genuine concern and it must be addressed. Deputy Carthy is right when he contends that there is no point in cutting emissions in one place if that leads to worse emissions elsewhere. That is why, in this Bill, when the Government makes its climate action plan, it must take carbon leakage effects into account. The same applies when it does the sectoral emissions ceilings. When it decides what the maximum emissions in a particular sector are, it must consider carbon leakage. It will be required to do that by the Act. It is not the case

that those things can be ignored and a simple view can be taken. It is a complex area which requires much consultation with the public and expert input. It requires cross-party co-operation because it is such a difficult problem facing us all. I want to put the Deputy's mind at rest. The Bill does not ignore carbon leakage and it does not ignore things like employment factors.

Specifically, this amendment, which I am opposing, ties the hands of the CCAC and introduces restrictions on what it can and cannot recommend. It could limit its independence and effectiveness. Also, I do not think it is needed, because the advice of the Climate Change Advisory Council has to be considered by Government. It is a matter for the Government to determine and set climate policy. The Climate Change Advisory Council does not set the policy. It comes back to the comparison with NPHET. The council is an advisory body, not a decision-making body.

On the question of sustainable farming and so on, we are not choosing between climate action and sustainable farming. They are very much one and the same thing. It is not an either-or approach. The two things support each other. As we move towards sustainable farming, we will reduce emissions. We do not do that by pushing them off into another country. For those reasons, I am requesting that the amendment be withdrawn.

**Deputy Matt Carthy:** I must say that I am incredibly disappointed by the Minister of State's response. On the one hand, he is saying this is not needed, and on the other hand he is saying it would have such an impact that it could disrupt the work of the advisory council. This is a fundamental weapon, for want of a better term, that we have at our disposal to show that this House is serious about the concerns that have been raised within rural communities and the agriculture sector, in particular. It sets out that no recommendation will be made whereby the domestic reduction or the cessation of a food production activity, for which there is no other more sustainable domestic alternative, will result in a net increase in global emissions as a result of increased importation to the EU. This allays the very concerns that we have been hearing from people who believe this Bill is about tokenism or that there is a hypocritical element at the core of the measures that have been introduced. It puts to rest all of those concerns. It would be a fundamental part of the work we need to do and of addressing the core aspect to ensure our farming community is not seen as the enemy, but rather as a partner that can play an important role in addressing climate action.

I must say it is a crucial area for me, as agricultural spokesperson for my party, and for my party colleagues in the sense that we want to show that we can be serious about climate action without reverting to tokenistic or meaningless actions. The way to do that has been set out in amendment No.194. Again, I ask the Minister of State to reconsider his position.

**Deputy Darren O'Rourke:** I wish to speak in support of the amendment. There is a consistency through the Sinn Féin amendments. There is a very clear theme not just in our own amendments, but in the various amendments that have been submitted by the full range of opposition parties and groups, in fairness to everybody who went to the bother of scrutinising the Bill and looking at where they felt there was room for improvement in relation to it. Key to those themes are the level of accountability, the democratic nature of the way decisions are made, who has a voice at the table and whose voice is heard and not heard. The amendments also seek to ensure and to make explicit in the Bill the values that will be upheld as we embark upon this journey towards net zero, including fairness in respect of burden sharing and equality.

I have argued - this amendment also speaks to the point - that there is an ethical, moral and environmental rationale for making such things explicit. I also believe there is a political ra-

tionale, because it speaks to the very real concerns communities right across the country have, based on experience to date and many of the arguments that have been made in the past number of days and will be made in the next few hours in relation to the prospect of what we are setting ourselves up for here and the real risk that by the nature of the potential for emission reductions in certain sectors compared to others, there will be unfair burden sharing.

I echo Deputy Carthy’s point. I put it to the Minister of State that given everything he has heard on this amendment and throughout the meeting today, along with the Minister, when he was present, it is clear this Bill is not the finished article. It needs to come back improved on Report Stage.

**Chairman:** Does the Minister of State wish to respond?

**Deputy Ossian Smyth:** I agree with almost all of what Deputies O’Rourke and Carthy have said. I share those objectives. I disagree that this amendment is the way to get there. What we need to do is contained in the Bill already, both in terms of making sure that the emission reductions do not have a negative effect on the environment, employment and food production, and they do not lead to displaced environmental damage. I absolutely agree with all of those things. I also think we have provided for all of those things in the Bill and that the amendment would do more harm than good.

**Deputy Matt Carthy:** I ask the Minister of State to clarify how the amendment would do harm.

**Deputy Ossian Smyth:** It limits the independence of the Climate Change Advisory Council. It also limits its range of options in respect of how it can act. It is important that the Climate Change Advisory Council is fully independent and that it has a full range of options on what it can recommend. It is also important that the process of deciding these emission targets and carbon budgets is not overly bureaucratic. We need to take climate action, but we also need to do it quickly so that we are not stuck in debates about things that are difficult to define. It is important that legislation looks good because it uses good, emotive words, but if it cannot be translated into clear justiciable actions, it can become legislation that is not actually practical. That is my fear in respect of this amendment.

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

**Deputy Matt Carthy:** I do. I also wish to state that the entire Bill is about setting the framework within which the advisory council will be operating. This amendment, in very clear, practical language that is easily understood, and in an impactful way, will address the concerns of those within the farming community in particular who have anxieties that this Bill will be used to force them to do things that cannot be done. In other words, it will drive them away from their agricultural activity with no environmental benefit to show for it. In my view, the Minister, the Government and all members of this committee have an opportunity to set out in very clear terms that this is not the objective and that will not be the outcome of the Bill, by supporting this amendment. Therefore, I wish to press the amendment.

Amendment put.

The Committee divided: Tá;, 3; Níl, 6.	
Tá;	Níl;
Cronin, Réada.	Bruton, Richard.

SECA

O'Rourke, Darren.	Devlin, Cormac.
Whitmore, Jennifer.	Farrell, Alan.
	Leddin, Brian.
	O'Sullivan, Christopher.
	Smyth, Ossian.

Amendment declared lost.

Section 11 agreed to.

*Sitting suspended at 3.09 p.m and resumed at 3.19 p.m.*

SECTION 12

**Chairman:** We will resume now in public session. I see Deputy Whitmore, who is furthest away, has arrived back.

**Deputy Ossian Smyth:** I move amendment No. 195:

In page 22, line 9, to delete “15 September” and substitute “30 October”.

This is a short, technical amendment. I propose to amend section 12(1)(a) to provide that the Climate Change Advisory Council presents its annual report by 30 October rather than 15 September each year. This is to ensure that reports are based on the final rather than the draft EPA emissions inventory for the preceding year.

Amendment agreed to.

Amendments Nos. 196 to 198, inclusive, not moved.

**Deputy Michael Healy-Rae:** I move amendment No. 199:

In page 22, to delete lines 31 and 32 and substitute the following:

“(b) the annual report shall be required to contain the matters referred to in paragraph (ba) and (bb) of section 12(2) of the Principal Act until 2050.”.

Amendment, by leave, withdrawn.

**Deputy Jennifer Whitmore:** I move amendment No. 200:

In page 22, between lines 32 and 33, to insert the following:

“(c) Without prejudice to the generality of subsection (1), the report shall state whether the Advisory Council considers that the target year for achieving the National Climate Objective as defined in section 3 represents the State’s highest possible ambition and progression, and shall give the Advisory Council’s reasons in this regard.

(d) The Minister shall lay a response to the Council’s report under this section before the relevant committee as soon as reasonably practicable after he/she receives that body’s report, setting out any corrective actions required to ensure that carbon budget programme is met.”.

I will address that on Report Stage.

Amendment, by leave, withdrawn.

Section 12, as amended, agreed to.

#### SECTION 13

**Chairman:** Amendment No. 201 in the names of Deputies O'Rourke, Cronin and Carthy has been ruled out of order.

Amendment No. 201 not moved.

Section 13 agreed to.

#### SECTION 14

**Deputy Michael Healy-Rae:** I move amendment No. 202:

In page 23, lines 24 and 25, to delete “, at the written request of a joint committee,”.

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 203:

In page 23, between lines 35 and 36, to insert the following:

“(e) the economic, social or hardship impact of the carbon budget, greenhouse gas reduction measures, mitigation measures, mitigation policies and adaptive measures is having on communities, sectors, rural communities, agriculture, or the less well-off.”.

Amendment, by leave, withdrawn.

Section 14 agreed to.

#### SECTION 15

Amendment No. 204 not moved.

**Chairman:** We move now to amendment No. 205 in the name of Deputy Duffy and we will discuss amendments Nos. 205 to 208, inclusive, together.

Amendments Nos. 205 and 206 not moved.

**Deputy Jennifer Whitmore:** I move amendment No. 207:

In page 25, between lines 17 and 18, to insert the following:

“(d) the importance of the local authority acting to promote the production and consumption of renewable energy, the re-use and recycling of goods and materials, by supporting communities to set up local sustainable development co-operatives.”.

Amendment, by leave, withdrawn.

**Deputy Jennifer Whitmore:** I move amendment No. 208:

In page 25, between lines 17 and 18, to insert the following: “(d) climate justice, just transition and just transition principles.”.

Amendment, by leave, withdrawn.

**Chairman:** We are dealing now with amendments Nos. 209 and 210 in the name of Deputy Duffy who is not present.

Amendments Nos. 209 and 210 not moved.

**Chairman:** I move to amendment No. 211 in the names of Deputies Naughten, Berry, Canney, Lowry, Fitzpatrick, Grealish, Verona Murphy, and Shanahan.

**Deputy Denis Naughten:** I move amendment No. 211:

In page 26, line 15, after “guidelines” to insert “following the approval of each House of the Oireachtas”.

I thank the Chairman. This amendment is fairly self-explanatory and is in respect of the broader issue of consultation with the Oireachtas. Section 15 of the Bill, *inter alia*, states:

The Minister may issue guidelines, consistent with furthering the achievement of the national climate objective, to local authorities in respect of the content and preparation of a local authority climate action plan and a local authority shall comply with any such guidelines.

While the word guideline is used, this is actually a directive because the local authority must comply with whatever direction is provided by the Minister. I am putting forward here a very simple amendment which is that those directions be approved by the Oireachtas. As I said, this is fairly self-explanatory and we have such approval with regard to planning regulations. Where a direction is being issued to local authorities and there is an alteration in the planning regulations, these must come before the Oireachtas for approval before being issued to local authorities. I am making the same argument here as to the direction that the Minister would make here. It makes logical sense and is consistent with what happens across local government and our planning laws and it is important that we have that same level of consistency across the board. I hope that the Minister of State can accept this logical amendment.

**Deputy Ossian Smyth:** I thank the Deputy. The suggestion is that the Houses would need oversight and approval of a supportive tool of guidelines which is to help local authorities in the development of the climate plans. This is an administrative matter and it would not be appropriate for the Dáil to be approving this as it is a matter for Executive action by the the Government. I request that the proposal is withdrawn.

**Deputy Denis Naughten:** I am disappointed with the Minister of State’s response on this. The reality is that a Minister of the day could issue a directive to local authorities that they can no longer have one-off rural homes because of the impact that they have on our climate and emissions profile in respect of transport, in particular. Each local authority would have to comply with that. If the Minister made such a directive under planning regulations, that would then have to be presented to the Dáil. The Minister could, however, make the exact same regulation into a directive in the application of this legislation but because it is under the word “climate” then such a regulation does not have to be presented to the Dáil. It is not right that the Minister has such broad, sweeping powers that he or she can issue a directive to a local

authority or authorities. They have to comply with it without any oversight of such a directive by the parliamentary system. I ask the Minister of State to reconsider his view on this particular amendment.

**Deputy Michael Healy-Rae:** First of all, if one takes this whole issue, and I am aware that the Minister of State will be looking at this in a fair and balanced way, there are enough obstacles and hindrances in the way of people who wish to develop, to get on to building family homes, not to be putting a further quagmire and layer of a way to hold people up. This will not be welcomed by the public at this time. There is enough oversight and busybodies trying to stop people and keep the rural countryside as a sort of national park and reserve for people to go and visit every so often, to look out the window of the car to say that this is beautiful, that we have no people here, and we want to keep it that way. That is not a right way to proceed, will not give us a living, vibrant countryside, and is not about keeping our post offices, our small shops and pubs, and our small communities open. Putting another way of stopping people, another layer of bureaucracy on them and another excuse to say “No” is not a welcome thing. I would like to think that the Minister of State will see this. It is surely the case that the Government does not want the message to go out that it does not want people to live in the countryside. I want to protect all of the species in the countryside, including the human species.

**Deputy Richard Bruton:** I think that this is a very unfair presentation of what the section is about, which is in respect of the Minister issuing guidelines to local authorities so that they can prepare a local authority climate action plan. The idea of this is that local authorities will be to the forefront of driving climate action to ensure that by moving early, there will not be the sort of consequences that people might fear. If one fails to adapt one’s local authority or community to the challenges of climate action, one is going to see the prosperity of that community adversely impacted. We cannot avoid the progressive nature of the global challenge of climate and we will see a progressively higher carbon price to be paid by those who fail to plan ahead.

The Minister of State is seeking here to provide national expertise to support local authorities to be ahead of the curve in this respect. To present this as some sort of negative conspiracy against local communities is unfair to the climate challenge. In my time I have had occasion to meet with the Association of Irish Local Government and most of the local authorities are up for it. They recognise that if they move ahead of this they will create opportunities within their community. The Minister’s guidelines are there to put them in a position to be leaders in climate responses to ensure that their community is ahead of the curve. For people to perceive climate planning guidelines in the wholly negative way in which it seems it is being presented here is unfair to local authorities and communities right across the country. They see what is coming and recognise that future generations will depend on the changes we make in our community today. I put this counter argument to what we have heard. Climate action is the correct thing for us to do if we want to secure more prosperous, competitive and sustainable communities. We must bear that in mind when we are debating the sort of guidelines that the Minister might issue.

**Deputy Jennifer Whitmore:** Following on from what Deputy Bruton said, to have this debate framed as rural versus urban is not only divisive but also unfair to people in rural communities. It paints them as not understanding the science and what is happening in our communities. Those people see and know exactly what is happening first-hand. Anyone over 40 or 50 years old in a rural community will remember when the ecosystem was in much better balance and, for example, bird species such as lapwing and curlew were much more common. Those people will be very familiar with fruits and berries having been much more plentiful in

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hedgerows in years past and they will know exactly what changes have occurred and the pressures that have been put on the land in recent years.

It is unfair to place the issue in this very divisive framing and also not to provide leadership in this area. As politicians, we should be providing leadership in this regard. We should be working with our communities to ensure they are better placed to address these pressures, because they are coming and, indeed, are already here with us. Each of us has a responsibility to provide the requisite leadership and undertake that role. This is not a choice; it is something we must do. We must ensure that people in rural and urban settings are prepared to deal with these issues.

**Deputy Denis Naughten:** Briefly, I set out an extreme in this regard but I put it to Deputies Bruton and Whitmore and the Minister of State that if these guidelines that must be complied with by the local authorities are so innocuous, then why can they not be presented to the Dáil? What is the big fear in that regard? Why is such a provision not in the legislation? There is such a provision for planning guidelines and those directions to the local authorities must come before the Oireachtas. Why is that not the case for these directives? All I am asking is that they be presented to the Dáil. That would let the Minister outline exactly why the guidelines are needed and necessary. What is the big fear, if there is nothing to be concerned about? I hope the Minister of State will reconsider this amendment between now and Report Stage. On that basis, I withdraw the amendment.

Amendment, by leave, withdrawn.

Section 15 agreed to.

## SECTION 16

**Chairman:** Amendment No. 212 is in the names of Deputies Bríd Smith, Gino Kenny, Paul Murphy and Boyd Barrett. Are the Deputies present? They are not present.

Amendment No. 212 not moved.

**Chairman:** Amendments Nos. 213 and 214 are related and may be discussed together. Amendment No. 214 is a physical alternative to amendment No. 213.

**Deputy Jennifer Whitmore:** I move amendment No. 213:

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

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

“ ‘relevant body’ means—

- (a) the Government,
- (b) a prescribed body, and
- (c) a public body;”.

We have pretty much been through this amendment already, so I do not know if there is any point in going through it again. However, I see the Chair is one of the proposers as well and he may wish to press the amendment.

**Chairman:** I do not wish to press the amendment. Are the other Members present? No.

**Deputy Jennifer Whitmore:** I withdraw the amendment, but I will seek to bring it back on Report Stage.

Amendment, by leave, withdrawn.

**Chairman:** Amendment No. 214 is in the names of Deputies Duncan Smith, Bríd Smith, Gino Kenny, Paul Murphy and Boyd Barrett. I do not think any of those Deputies are present.

Amendment No. 214 not moved.

Section 16 agreed to.

Section 17 agreed to.

#### SECTION 18

**Chairman:** Amendment No. 215 has been ruled out of order.

Amendment No. 215 not moved.

Section 18 agreed to.

#### SECTION 19

**Chairman:** Amendments Nos. 216 and 217 have been ruled out of order. Amendment No. 218 is in the names of Deputies Bríd Smith, Gino Kenny, Paul Murphy and Boyd Barrett. The Deputies are not present. Amendment No. 219 is in the name of Deputy Connolly. The Deputy is not present. Amendments Nos. 220 to 223, inclusive, are in the names of Deputies Bríd Smith, Gino Kenny, Paul Murphy and Boyd Barrett. The Deputies are not present.

Amendments Nos. 216 to 223, inclusive, not moved.

**Chairman:** Amendments Nos. 224 to 228, inclusive, are related and will be discussed together.

**Deputy Michael Healy-Rae:** I move amendment No. 224:

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

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

“(9A) All such measures shall not undermine that energy security of the State, increase energy costs for customers or threaten the effectiveness of the State’s overall energy supply system.”.”

I withdraw the amendment.

Amendment, by leave, withdrawn.

**Chairman:** Amendments Nos. 225 to 228, inclusive, are in the names of Deputies Bríd Smith, Gino Kenny, Paul Murphy, Boyd Barrett and Connolly. The Deputies are not present. Amendment No. 229 is in the names of Deputies Bríd Smith, Gino Kenny, Paul Murphy and Boyd Barrett. The Deputies are not present.

Amendments Nos. 225 to 229, inclusive, not moved.

NEW SECTIONS

**Chairman:** Amendment No. 230 would insert a new section into the Bill and was discussed with amendment No. 2.

**Deputy Ossian Smyth:** I move amendment No. 230:

In page 28, after line 33, to insert the following:

**“Repeal of certain provisions of Act of 1960 and transitional provisions**

**20.** (1) Subject to *subsections (2) to (6)*, the following provisions of the Act of 1960 are repealed:

- (a) section 7 (other than subsection (4) of that section);
- (b) section 8;
- (c) section 9;
- (d) section 10 (other than subsection (4) of that section);
- (e) section 13.

(2) Where, prior to the commencement of this section, the Minister has entered into an undertaking with a person under section 7 of the Act of 1960, the Minister may:

- (a) grant an exploration licence under section 8 of the Act of 1960 to the person concerned;
- (b) grant a petroleum prospecting licence under section 9 of the Act of 1960 to the person concerned;
- (c) enter into an undertaking under section 10 of the Act of 1960 with the person concerned.

(3) Where, prior to the commencement of this section or by virtue of this section, the Minister has granted an exploration licence to a person under section 8 of the Act of 1960, the Minister may:

- (a) grant a petroleum prospecting licence under section 9 of the Act of 1960 to the person concerned;
- (b) enter into an undertaking under section 10 of the Act of 1960 with the person concerned;
- (c) grant a petroleum lease under section 13 of the Act of 1960 to the person concerned.

(4) Where, prior to the commencement of this section or by virtue of this section, the Minister has entered into an undertaking with a person under section 10 of the Act of 1960, the Minister may:

(a) grant a petroleum prospecting licence under section 9 of the Act of 1960 to the person concerned;

(b) grant a petroleum lease under section 13 of the Act of 1960 to the person concerned.

(5) Where, prior to the commencement of this section or by virtue of this section, the Minister has granted a petroleum lease to a person under section 13 of the Act of 1960, the Minister may grant a petroleum prospecting licence under section 9 of the Act of 1960 to the person concerned.

(6) The repeal of the sections referred to in *subsection (1)* shall not affect—

(a) an undertaking entered into under section 7 of the Act of 1960,

(b) an exploration licence granted under section 8 of the Act of 1960,

(c) a petroleum prospecting licence granted under section 9 of the Act of 1960,

(d) an undertaking entered into under section 10 of the Act of 1960, or (e) a petroleum lease granted under section 13 of the Act of 1960.”.

Amendment agreed to.

**Deputy Ossian Smyth:** I move amendment No. 231:

In page 28, after line 33, to insert the following:

**“Amendment of Electricity (Supply) (Amendment) Act 1954**

**21.** Section 4 of the Electricity (Supply) (Amendment) Act 1954 is amended—

(a) by the substitution of the following subsection for subsection (1):

“(1) Subject to subsection (5), the Board or an Irish subsidiary may, with the consent of the Minister, given with the approval of the Minister for Public Expenditure and Reform and the Minister for Finance, and subject to any conditions imposed by the Minister, borrow money (including money in a currency other than the currency of the State), whether by means of the issue of debentures (or other debt security) or otherwise, from any person.”,

(b) by the deletion of subsection (2),

(c) by the substitution of the following subsection for subsection (4):

“(4) The aggregate amount at any one time of moneys borrowed by the Board and the subsidiaries, and of any advances under section 5, which have not been repaid shall not exceed €12,000,000,000 and for the purposes of this subsection moneys borrowed in a currency other than the currency of the State shall be deemed to be the equivalent in the currency of the State of the actual moneys borrowed, such equivalent being calculated according to the rate of exchange at the time of the borrowing for that currency and the currency of the State.”,

and

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(d) by the insertion of the following subsections after subsection (4):

“(5) The consent of the Minister shall not be required under subsection (1) in respect of moneys borrowed by—

- (a) the Board from a subsidiary,
- (b) an Irish subsidiary from the Board, or
- (c) an Irish subsidiary from a subsidiary.

(6) The limit specified in subsection (4) shall not apply to moneys borrowed by—

- (a) the Board from a subsidiary,
- (b) a subsidiary from the Board, or
- (c) a subsidiary from a subsidiary.

(7) In this section—‘Irish subsidiary’ means a subsidiary that is incorporated in the State; ‘subsidiary’ means a subsidiary (within the meaning of section 7 of the Companies Act 2014) of the Board.”.

Amendment agreed to.

Section 19, as amended, agreed to.

Amendments Nos. 232 to 235, inclusive, not moved.

TITLE

**Deputy Michael Healy-Rae:** I move amendment No. 236:

In page 5, line 10, after “promote” to insert “social, economic and”.

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 237:

In page 5, line 13, after “to” where it firstly occurs to insert “both Houses of the Oireachtas and”.

Amendment, by leave, withdrawn.

**Deputy Michael Healy-Rae:** I move amendment No. 238:

In page 5, line 15, to delete “shall” and substitute “may”.

Amendment, by leave, withdrawn.

**Deputy Ossian Smyth:** I move amendment No. 239:

In page 5, to delete line 19 and substitute the following:

“amend the National Oil Reserves Agency Act 2007; to provide for the repeal of certain provisions of the Petroleum and Other Minerals Development Act 1960; to amend the Electricity (Supply) (Amendment) Act 1954 to alter the borrowing powers of the Electricity

Supply Board and its subsidiaries; and to provide for related matters.”.

Amendment agreed to.

Title, as amended, agreed to.

Bill reported with amendments.

**Deputy Alan Farrell:** I wish briefly to thank the Minister of State, Deputy Ossian Smyth, and the Minister, Deputy Eamon Ryan, for coming before the committee and giving this Bill another significant hearing following the work of this committee in recent months. I thank my colleagues but especially you, Chairman. I appreciate that this is your first Committee Stage of a Bill and I think you handled it very well. It is appropriate to note that. Thank you very much.

**Chairman:** I thank Deputy Farrell for his kind words. I see other Members are indicating.

**Deputy Richard Bruton:** This is a really important piece of legislation and the committee has done a formidable amount of work in preparing both pre-legislative scrutiny and this Committee Stage debate. From the number of amendments withdrawn during the course of this debate, it will be a long Report Stage in the House. I am sure the Minister of State and the Minister will be put through their paces whether the debate will be in a forum of the scale of the convention centre or back home here in Leinster House. I presume the debate will be in the convention centre. I wish the Ministers well in that work. Thank you, Chair, for your patience and good humour throughout the entire proceedings.

**Chairman:** I thank Deputy Bruton.

**Deputy Cormac Devlin:** I concur with my colleagues and thank you, a Chathaoirligh, for your stewardship. I also thank the Minister, Deputy Eamon Ryan, and my constituency colleague, the Minister of State, Deputy Ossian Smyth, for their engagement. I thank all my colleagues, not only the members of this committee but everybody who contributed to Committee Stage. It was robust in terms of the volume of amendments that was proposed but it was a good day’s work in terms of getting through it. Well done to you, Chairman, for that.

**Deputy Jennifer Whitmore:** I also concur with what has been said. When the Minister, Deputy Ryan, was in a couple of days ago when we were talking about accepting our amendments he did mention the nature-based solution amendment he accepted in the National Oil Reserves Agency (Amendment) and Provision of Central Treasury Services Act. I acknowledge that he did take on board those amendments. They were really important amendments and it is great that the Bill will reflect them. I ask that the Minister of State, Deputy Ossian Smyth, would bring back to the Minister the fact that we are all trying to work together. We have all worked very well together on this Bill. Our objectives are similar although our paths there may be different. We all want to see a much more sustainable future for the country. I urge the Minister of State to look at those issues concerning the main items that were addressed, reflect on them and see if there is perhaps anything he can do prior to Report Stage on the just transition, the electricity sector and climate justice, as that would be very welcome.

**Deputy Darren O’Rourke:** I echo much of what has been said. Thank you Chair for your stewardship. I thank the Minister and the Minister of State for their engagement. The level of engagement and the large number of amendments submitted by the Opposition is a reflection of how serious we all take this issue. That was true of the committee on pre-legislative scrutiny stage also. I ask the Minister of State to reflect on the number of days of engagement and the

debate and discussion we have had. All of us can count to nine or ten on a given day and we know the numbers in terms of the Government and the Opposition, but the amendments coming from the Opposition are being tabled for a reason, which is that there is room for improvement and I ask the Minister of State to reflect on that before the Report Stage debate on the Bill on which we will also fully engage.

**Deputy Michael Healy-Rae:** I acknowledge the Minister of State and thank my colleagues for today. I thank you, Chairman, and the secretariat for an excellently run meeting today. It was very efficient, to the point and factual, which is what I like.

**Chairman:** I thank Deputy Healy-Rae very much.

**Deputy Ossian Smyth:** I thank the committee for having me here today. I wish to say sincerely that the committee is doing significant and meaningful work. Believe it or not, I found watching the pre-legislative scrutiny process moving. All of the members have been constructive whatever their position. It is valuable to have people from a rural Ireland perspective, former Ministers and people from different backgrounds. This has been a constructive session. There has been a lack of theatrics or insincerity. The committee has done fantastic work. We are getting there and are delivering something that will be meaningful and significant for the people of Ireland. I thank the committee for its work. My door is always open.

**Chairman:** There is not much I can add to that other than to express my thanks to members, who have done a phenomenal amount of work over the past seven or eight months. This is such an engaged committee. It has brought a level of nuance and detail to our work that we would not have expected at the outset. We have proven our worth as a committee.

I thank the non-members of the committee who are present and those who joined us over the past few days and on other occasions. Non-members are always welcome to join us and debate. We relish that debate. It is important that the differing views across the Oireachtas are expressed in committee to us. We value those contributions.

I thank the Minister of State for filling in today at short notice, as the Minister, Deputy Eamon Ryan, had to go to Luxembourg. I thank the Minister for the work he has done so far.

I thank the committee secretariat. I also thank those Oireachtas Members who have contributed to our work, especially in recent days, as we tried to hold extra sessions. We attended during the recess week, which posed difficulties for Members and many staff across the Oireachtas, who have been patient with us and worked as hard as we have on this legislation.

### Message to Dáil

**Chairman:** In accordance with Standing Order 90, the following message will be sent to the Clerk of the Dáil:

The Select Committee on Environment and Climate Action has completed its consideration of the Climate Action and Low Carbon Development (Amendment) Bill 2021 and has made amendments thereto.

The select committee adjourned at 3.53 p.m. *sine die*.