



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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## SEANAD ÉIREANN

*Dé hAoine, 17 Iúil 2020*

*Friday, 17 July 2020*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.*  
***Reflection and Prayer.***

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### **Teachtaireacht ón Dáil - Message from Dáil**

**An Cathaoirleach:** Dáil Éireann passed the National Oil Reserves Agency (Amendment) and Provision of Central Treasury Services Bill 2020 on 16 July 2020, to which the agreement of Seanad Éireann is desired.

### **Gnó an tSeanaid - Business of Seanad**

**An Cathaoirleach:** Tomorrow marks Nelson Mandela International Day as designated by the United Nations. Thirty years ago, this month, on 2 July 1990 Nelson Mandela addressed the Dáil in this Chamber after 28 years in prison. He had been six months out of prison when he addressed the Dáil. When he spoke in this Chamber, he referred to the South Africa he wished to see. He said, “We too will be free.” He quoted the line from the Proclamation that they would cherish all the children of the nation equally.

In that theme we are delighted that Senator Flynn has joined us as a Member of Seanad Éireann. This week is Traveller Pride week, whose theme is diversity and inclusion. Hopefully, one day Senator Flynn’s extraordinary achievements will just be ordinary for members of her community.

### **An tOrd Gnó - Order of Business**

**Senator Regina Doherty:** Very well spoken.

The Order of Business is No. 1, motion regarding a report of the Committee on Procedure

and Privileges on the amendment of Standing Order 145, to be taken on the conclusion of the Order of Business without debate; No. 2, motion regarding the Order of Business to be taken on the conclusion of No. 1 without debate; and No. 3, National Oil Reserves Agency (Amendment) and Provision of Central Treasury Services Bill 2020, all Stages to be taken at 12.15 p.m., with the time allocated to group spokespersons in the debate on Second Stage not to exceed eight minutes and all other Senators not to exceed five minutes, and the Minister to be given no less than eight minutes to reply, Committee and Remaining Stages to be taken immediately thereafter.

**Senator Lisa Chambers:** I am happy to support the Order of Business. Today we are debating further legislation in our battle against Covid-19. It shows the extraordinary lengths this House and Dáil Éireann can go to, to work together for the betterment of our people, and, when times are tough and challenging, the speed with which we can make drastic and sweeping changes that are in the interest of the public good.

In that context I wish to raise the childcare issue and a need to re-evaluate. Many people returning to work as we reopen our economy still cannot get access to adequate childcare. Some have been offered part-time childcare or childcare for one or two days a week even though they are expected to go back to work five days per week. Sometimes we have thought that things could not be possible. For example, working from home was thought, by many companies, to be almost impossible, until it was required and needed in the context of Covid-19. We need to re-evaluate how we care for children in this State in the context of Covid-19. In the past weeks we have seen the campaign to extend maternity leave for longer than the six-month period. Many mothers and fathers are feeling under pressure because they have nowhere to put their children as there is no childcare. Would it not be better if there was an option for parents to stay at home? Would it not be better if, for that first year of the child's life, the option was there for mum or dad to be at home with their child? When we consider the financial pressure that will be on the State to fund childcare, which we know we have to do, and when we think of this cost, should there not also be the option to fund childcare in the home? In the context of all of the drastic and sweeping changes we see happening in the country, we need to re-evaluate how we do things and give those options. In the long term it will prove to be less expensive for the Exchequer. It would be more beneficial to families and it would also take the pressure off.

It is unsatisfactory that we have a situation where people are being told that we have to reopen the economy and they must get back to work, which of course we must do, but childcare is not available. This issue is still rumbling on. It has not been sorted and it needs to be sorted. It cannot just be a secondary consideration. It has to be a priority for our country and for this House. It would be prudent to consider how we might facilitate small children remaining in the home if possible, and also have the option of going into childcare. It should be both of those. There is a crèche available for the Oireachtas that requires a parent to use it five days or none. This is not conducive to Members who may not be here five days per week. We need to be a bit more flexible in how we do things. There has been extra pressure. Mums and dads had to take to the gates of Leinster House to have their voices heard because many mothers and fathers did not feel they had support in the last six months and especially for those crucial first few months. It brings to the fore the crucial impact on families when the pressure is there to return to work without proper supports to do so.

**Senator Frances Black:** Last week I spoke about the impact of Covid-19 on the arts sector. Since then I have been inundated by people on the matter. It is very upsetting to be honest. I have been inundated by people from every part of the arts industry, theatre workers, actors and

many musicians who have contacted me. We are all aware that working in the arts is precarious at the best of times but since the lockdown in March the industry has been devastated. Other industries could ask their employees to work from home but this is just not possible for musicians, crew, actors or theatre workers.

The arts sector is totally dependent on people being able to gather in large numbers. It is not possible for a music venue or theatre to reopen if its capacity is reduced by up to 70%. While the financial loss is a huge problem we also have to address the mental health impact of having a person's livelihood and identity being taken away. This should not be underestimated. Musicians have called me this week to ask "Why am I on jobseeker's allowance when I have a job? I am a musician and that is who I am. I have worked all my life as a musician and I want to continue to do so." Not knowing when one can get back to work and be able to provide for one's family is hugely stressful. Utility bills, childcare bills, mortgage repayments or rent still have to be paid. The pandemic unemployment payment has been reduced for many of the people who have contacted me and it is really distressing. A decision on extending these payments until the industry is back to full capacity would go some way to reducing the stress and anxiety being felt by thousands of workers in the arts sector.

Initial findings from a survey of workers in the entertainment industry conducted by the Music and Entertainment Association of Ireland, which is doing a great job at the moment, are very worrying. It is important to state that these are early indications and I will bring the final result of the survey to the House once it is completed. Of the people surveyed 71.5% are wholly dependent on entertainment as their source of income and are now living on €350 or €200 per week. How can anyone survive on this? To ask people who have worked in entertainment for years to go onto jobseeker's allowance is ludicrous as the only jobs for which they are suitable are in entertainment, which is now closed down. Some 52% are self-employed. Many of these workers have spent years building up their businesses and have been forced to sell equipment to meet their living expenses. They will not be able to resume work immediately when the crisis is over. A shocking statistic is that 52% have had their income reduced by more than 50%. I believe that when the final figures are produced, this percentage will be much higher, as the number of people who have contacted me and said they are totally reliant on Covid payments is staggering. Some 60.1% are struggling to deal with the financial stress. Some 11% have never suffered mental health problems but feel that they are now experiencing these problems as a result of financial stress. Another worrying statistic is that 3% have considered or attempted self-harm. As I stated, these are only preliminary findings but I think they are an indication of the crisis being experienced by people in the entertainment sector. The Minister should come into the House and outline the plans that are being delivered to address this crisis, and give people some hope that their situation is being taken seriously.

**Senator Rónán Mullen:** An article in *The Economist* this week refers to Ireland being an unlikely diplomatic superpower. The point is that relative to our population size, we hold extraordinary clout in Europe. The Brexit negotiations being effectively shaped around our interests is an example of that. The article also mentioned our access to the corridors of power in the United States. It might have mentioned our membership of the UN Security Council. Unfortunately, it did not give much focus to how we use our diplomatic clout on issues happening in the wider world. I believe that we have on occasions maintained a shocking silence in the face of some incredible human rights abuses worldwide.

Late last year, Senator McDowell and I raised the issue of the treatment of the Uyghur Muslim minority in north-west China. At least 1 million Uyghur people have been herded into

what are effectively concentration camps to be “re-educated”. There are at least 85 camps. Children are separated from their parents to be brainwashed, forced to speak Chinese and made to abandon their own culture. At least 10% of the entire Uyghur population in the Xinjiang region is now incarcerated. The aim is to systematically destroy their culture. As one writer put it, in that province, every day is Kristallnacht. Needless to say, the Chinese Government lied through its teeth about this for several years until the truth was exposed. In recent weeks, we have had even more grotesque information revealed, with China forcing Uyghur women to be sterilised or fitted with contraceptive devices in an attempt to limit the Muslim population. Pregnant women are threatened with internment in camps if they do not agree to have abortions in a clear, systematic attempt to reduce the Uyghur population.

There has been silence from our Government and the EU, and a conspicuous silence from the political left on this issue, all things considered. Even among the green movement, discussion of China tends to focus on the carbon footprint of our beef exports to China more than the barbarism of the Chinese state to which we are selling that beef. There has been complete silence from the leading Muslim countries, including Saudi Arabia. Of course, they are not bastions of human rights, but one would think they would have a word or two to say about the mass persecution of fellow Muslims. They too seem to be cowed into silence because of their economic dependence on trade with China.

There are other issues that we could talk about. I intend to raise the issue of Hong Kong in the coming days. It is time Ireland joined Britain and other countries in establishing an international contact group to keep pressure on China regarding the defence of human rights and freedoms that we here all take for granted in Hong Kong. Those freedoms are now under severe threat with the imposition of the new Chinese security law. What of our attitude to China’s treatment of Taiwan? As far back as 1990, the then Minister for Foreign Affairs, Gerry Collins, when asked in the Dáil if we would open diplomatic relations with China, baldly replied, “Ireland recognises the Government of the People’s Republic of China as the sole legitimate Government of China”. It was Taiwan that handled the Covid crisis when China was keeping schtum about the emergence of that threat to international health and safety. We need to reassess our attitude to Taiwan and to be vocal on the issue of Hong Kong. It all comes under the umbrella of a consideration of how we regard China, which is a major threat to freedom in the world. If it is bad now, it will be much worse in 20 years. We need to have a debate on this issue.

**Senator Mark Wall:** I raise the immediate problem of public transport in our rural towns, an important matter about which I am sure other Members have also been contacted. An article in *The Irish Times* on Wednesday stated that 64% of licensed coach and bus services throughout the country are now not operational. We also heard this week that, thankfully, 250,000 people have returned to work since the March outbreak of Covid-19, which can help us to appreciate the seriousness of the problem I am raising.

I have been informed, on the basis of representations I made to the National Transport Authority, NTA, that discussions are ongoing with licensed bus operators regarding emergency funding. I ask the Leader to invite the Minister for Transport, Tourism and Sport into the House to discuss this important matter that is affecting so many of our communities. We need funding to be released as quickly as possible. We all hope that many more of our citizens can return to work.

I am raising this issue because I have received many representations from individuals from

different areas, particularly the town of Monasterevin, County Kildare. Monasterevin has had no bus service since March. In fairness, some bus services were arranged through local representations, but for only one day a week. Monasterevin needs regional investment and support. The local authority continues to allow new houses to be built in the town, many hundreds indeed in the past number of months. The social infrastructure and investment needed is simply not keeping pace. The town has been waiting for more than 15 years for a promised new secondary school. There are waiting lists for primary schools, which have also been promised new buildings. The great sports clubs and community centre in the town continue to provide outlets for many but these organisations need further investment and more community space.

I look forward to raising the concerns of the community of Monasterevin with the various Ministers we will debate with in the coming weeks and months. Towns such as Monasterevin are the heartbeat of this country and it is time that we invested in and protected them.

**Senator Niall Ó Donnghaile:** I welcome yesterday's announcement by the Taoiseach that the North-South Ministerial Council will meet at the end of this month. That is a positive and necessary step forward, and I wish all concerned well in their work.

I also welcome the apology issued this week by the Chief Constable of the PSNI to investigative journalists Trevor Birney and Barry McCaffrey. Some colleagues might remember that I hosted a briefing with Trevor and Barry, two respected, experienced and esteemed investigative journalists in the North. They did pioneering and crucial work with the film, "No Stone Unturned". In that film, which investigated the massacre at Loughinisland in 1994, the journalists exposed a stark, albeit not particularly surprising to many of us, level of collusion between the British security services and the people who carried out the murderous attack on the people in Loughinisland. The PSNI Chief Constable apologised and acknowledged that, as opposed to investigating the evidence that was brought forward by these journalists and pursuing those responsible for the massacre, the PSNI searched the offices of the journalists and commandeered the evidence gathered by them. That is a worrying insight into issues that still exist around legacy investigations in the North.

I am proud that the previous Seanad put through all the legislation required of this State under the Stormont House Agreement in one day. Unfortunately, issues such as the one I outlined, and many others relating to unresolved cases, cause much hurt and trauma when they come to the fore. The British Government has not moved one iota towards implementing the mechanisms that it agreed to as part of the Stormont House Agreement. The apology that was given this week was very important. Barry and Trevor did not want any of this trauma brought on them, their families or professional careers.

We must keep the victims of Loughinisland and the people who lost loved ones to the fore of our minds. To this day, like many other families, those bereaved by the massacre still campaign for truth and justice. I hosted those families for a screening of the film in Leinster House during the previous term. The film represented an important and crucial piece of investigative journalism that brought further, important evidence to the fore and the fact that it was the journalists who were arrested brought more trauma to the families of the victims of the massacre. If we are serious about defending free speech and upholding that as a fundamental aspect of democracy, while not disagreeing with anything that has been said by others this morning, we need to start by looking closer to home.

**Senator Rónán Mullen:** That is always a mistake-----



**An Cathaoirleach:** Sorry, not on the Order of Business. I remind Members that there is a motion before the House on the Order Paper about the two-minute rule. There was some extra time yesterday, injury time, as it were, but there is no injury time today. We are going to have to stick to the two-minute rule for contributions of Members other than leaders.

**Senator Ollie Crowe:** Even though it was raised this House yesterday, I want to speak on the Government decision, from the NPHET team in particular, on the hospitality sector. Even though there has been great respect for the NPHET team over recent months and it has done tremendous work, this is a very difficult decision for pubs throughout every village and city in Ireland. Naturally, paramount to all of us in this House is public health and safety, but from that perspective, there were certainly alternatives that did not seem to be included in this decision. We certainly need to look at them and I will be raising this at the highest level. We are talking here about 7,000 publicans throughout the country together with 50,000 jobs. At the end of the day, it is the uncertainty that is creating significant issues and anxiety for many families throughout this country. In this week alone, in Rathmore in the Cathaoirleach's constituency, Cahill's pub has decided to close. This number will continue to rise over the next coming weeks and months. There is a perception in the public that the licensed trade is a goldmine. The fact of the matter is that nothing could be further from the truth. SMEs are facing significant challenges, as has been mentioned in this House, and there are 1,500 fewer publicans and in this country over the past ten years. Many of these are families and provide great service to their community. These are ordinary people who deserve respect and great support.

I will be raising with regard to the July stimulus package that we need support in that sector, particularly while closure is ongoing, but also, as was raised yesterday, we need certainty as to opening. Guidelines need to be issued immediately.

**Senator Aisling Dolan:** It is great to hear that today is Nelson Mandela Day, which is a source of great pride. I also congratulate Senator Flynn for Traveller Pride Week. It is real honour to have her in the Chamber.

Regarding the "Prime Time" programme last night on nursing homes, my query is on the families and the pain and distress showed at not being able to get close to their loved ones in nursing homes. We know from the show last night that there were healthcare workers who were working 12-hour shifts, six days a week. We know from families of loved ones that the pain, anxiety and distress of not being able to be near their loved ones at end of life was phenomenal. From the Oireachtas special committee that was held here, we know that 30,000 people call residential care units home.

On the guidance on visitation to residential care facilities, the positive news we heard yesterday was that there were low numbers of cases identified in residential care units. I ask the Leader to arrange that the Minister for Health or a member of the Health Protection Surveillance Centre would be able to give Members an update on testing. There has been four-week testing of staff in residential care units. Currently, when it comes to visitors, one can have two named visitors, and each of those visitors, one a week, can attend and visit their loved ones for half an hour. Those two named visitor limits are currently set in stone. It would be nice to get an update to see whether, if there are low numbers of cases in residential units and if the testing of residential staff has proved positive, there would be a review from the Health Protection Surveillance Centre of this.

The areas in which visitors could make a difference in terms of their eligibility to attend

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could be the temperature checking that is in place, usage of the Covid app and that if there is a necessity for a period of isolation we would look at that. It is important that we make a society-wide difference. We can do this by wearing a mask and social distancing, which are important. This will ensure we are able to crush the curve and reduce the R number. I ask for that to be considered and for us to get a response from the Health Protection Surveillance Centre.

**Senator Eileen Flynn:** I thank the Cathaoirleach for his input to the House this morning. As he pointed out, it is Traveller Pride week and to mark the week we are celebrating diversity within and asking allies from the general population to also get involved in the two-week event that lasts until 24 July. As many Members of the House will be aware, during the *11 o'clock* term of the previous Government a great Oireachtas committee - the Committee on Key Issues affecting the Traveller Community - had four specific key areas of work: health, education, mental health and accommodation. A lot of work from that committee remains to be done and I know the Ceann Comhairle supports setting it back up. I would welcome the committee being re-established without delay and I ask allies in the House to get involved in it when that happens.

I want to move on from the issues of Traveller Pride week and a new committee on Traveller issues. The outcome of last night's Dáil debate on the extension of maternity leave was disappointing. I ask the Government to consider its decision not to extend maternity leave for parents and I would like to have a debate on it in the House.

**Senator Malcolm Byrne:** I entirely agree with the sentiments expressed by Senator Mullen and I hope we will have a debate on the human rights abuses committed by the Chinese Communist Party.

I wish to focus on a number of education matters. I am sure the House will join me in welcoming the appointment of Professor Kerstin Mey as the interim president of the University of Limerick, UL. This is the first time in Ireland's long and noble history of higher education that we have had a female university president. It is something that is welcome and I would also pay tribute to her predecessor, Dr. Desmond Fitzgerald. I pay tribute to the work of Professor Brian MacCraith, who has stepped down as president of Dublin City University, DCU, as Members know, and who has contributed enormously to public debate in Ireland. I wish all the best to his successor, Professor Daire Keogh. UL and DCU are two institutions that the graduates of which will benefit from the Bill I introduced yesterday. I also pay tribute to Professor Patrick O'Shea, who is retiring as president of University College Cork, UCC.

I have concerns around the decision of the Department of Education and Skills that the leaving certificate results will not be announced until 7 September. I would like the Minister to come into the House to talk about that decision and about how the bell curve and the standardisation measures are being used by the Department. I am also concerned that there was a failure by the Department to consult the Irish Second-Level Students' Union on this decision. It is essential that students who are affected are engaged in this process.

I hope the Minister for Education and Skills will also come in and address the issue of the shortage of second-level school places in Gorey and Wexford town. This is something I highlighted during my brief term as a Deputy. The problem continues. We have a situation whereby there may not be sufficient places within the next year in Wexford town and Gorey and there seem to be no plans coming forward from the Department to address the issue.



**Senator Joe O'Reilly:** Ireland's leadership in the battle against Covid-19 and our continued vigilance is something to be proud of but I recommend to the Leader that we would have a rolling debate on it in the Seanad and that we keep it under constant review. In particular, it is about the way we will cope with the dreaded second surge. We will have to be ready for that possibility and for the winter flu season, etc. There should be a radical improvement in the carer's allowance, a radical upping of the status of our carers and a celebration of them. I commend that that be part of the debate, as well as retirement villages and granny flats.

As Ireland is leading locally on this issue, we should also monitor Ireland's contribution to the international situation during our debates. We cannot fight this pandemic without having equality between northern and southern Europe. We will have to support the poorer regions and areas. When, please God, a vaccine is found, and there seems to be great progress on it, and it becomes available, it will not work if it is not made available to every section of the population in every part of the world. Ireland should lead a call for that internationally, and we have a capital of goodwill to do that. We must ensure that a logistical plan is ready and financial supports available to get the vaccine to people in every part of the world, and particularly into poorer districts in southern Europe and into the migrant and refugee population. I ask the Leader that we would have a rolling debate under review, perhaps, every month or even less and that we would discuss that, update it and make proposals arising therefrom.

I commend Senator Malcolm Byrne's endorsement of the issue raised by Senator Mullen. We have the credentials now to do it. We are a member of the United Nations Security Council and we should stand up to that sort of shocking abuse in China.

**Senator Sharon Keogan:** As we continue to deal with the ongoing impact of the Covid-19 pandemic, I ask that the Minister for Transport, Tourism and Sport would come into the House to outline his plans regarding the resumption of air travel. I call on him to begin the process of administering pre-travel Covid-19 tests at all points of departure for those travelling to the State. There is no doubt that the tourism industry in Ireland has suffered a catastrophic loss as a result of the pandemic. Among the many Irish businesses suffering the effects of the national lockdown is the air travel industry. People have begun to move towards normality and part of that has been an increase in the number of those travelling abroad, including those who are arriving in Ireland. Some people have to travel but others are choosing to accept the risks and travel needlessly. Either way, measures must be put in place to ensure that the safest travel environment possible is created to mitigate the transmission of the virus across international boundaries. There are technology and policy solutions available to us that will serve to provide assurances to those who travel that we are taking the best possible care with their health.

It is paramount that we show leadership on this matter. Our tourism and hospitality industry relies on this market. According to the most recent statistics, 1.25 million people were employed in the sector, although it is unknown how Covid-19 has impacted that figure. We do know that tourism added €6 billion annually to our economy prior to Covid-19. If we hope to retain anything remotely close to that figure this year we need to act now. Currently, the Government requires all those entering this country to complete a public health passenger locator form and mandates that all arrivals quarantine for a period of 14 days before commencing any further travel. As it is not entirely clear how this is enforced, travellers to Ireland could potentially be wandering around Irish towns and cities spreading the virus unbeknownst to themselves. What we do know is that the 14 days quarantine does not contribute one cent towards the tourism sector that we could be trying hard to revive.

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Administering Covid-19 tests to those flying would ensure that those with coronavirus would be found and would remain at their point of origin, leaving those who travel to arrive virus-free and able to contribute towards an industry that is vital to this country, and one that welcomed 11.2 million tourists last year. I acknowledge that this is an evolving situation but I cannot sit idly by because the reality is that if we choose not to invest in testing now, we may have to bail out an industry that lies at the heart of Ireland. As we wait for the July stimulus announcement, the aviation and tourism industries have their seat belts buckled tightly, awaiting leadership. I call on the Minister to act swiftly and decisively and to insist on preflight Covid-19 checks in the country of origin. Ireland must lead the way on this before it is too late. This is too important.

**Senator Fiona O'Loughlin:** I thank the Leader for yesterday agreeing to bring in two Ministers before the House goes into recess but I ask her to also invite the Minister for Education and Skills. Last week, I raised some concerns about the challenges facing students and teachers in schools that hope to reopen in late August and September. It is vital that we be given the opportunity to engage with the Minister on that issue and on the issue of school transport to enable children to get to school. I also wish to engage with the Minister with regard to the new-build projects for St. Paul's secondary school, Monasterevin, for Coláiste Íosagáin, Portarlinton and, most essentially, for a new school in the area around the Curragh, Newbridge and Kildare town.

It is important that we also have the opportunity to debate with the Minister in respect of another particular project, namely, the school completion programme. This programme was under the aegis of Tusla but has now moved back to its rightful home in the Department of Education and Skills. There are 120 such projects around the country which liaise and deal with approximately 460 primary schools and 240 post-primary schools. They deal with vulnerable children who are at risk of leaving school prior to a State examination year and with some children who have already done so. Those projects cater for vulnerable children. They are dealing with 12,000 children. I brought one such group, based in my own area of the Curragh, Kildare, to the Dáil last year. I know of the very valuable work it does. We have an opportunity to look again at the scheme and at the supports and resources needed now that it has moved back to the Department. It is an absolutely crucial and vital service. We need to look at it again and to debate with the Minister as to its potential to support children and families.

**Senator Garret Ahearn:** This week, in my native county of Tipperary and around the country, tillage farmers have started the harvest season. Anyone who comes from a farming family will know how exciting this time of year, when harvest starts, is. I read during the week that Bord Bia cannot insist on Irish grain being used in the grass-fed beef standard. That is really disappointing. We are promoting our beef products around the world as the best one can possibly get. Our grain can be used by farmers wishing to meet the grass-fed standard and we should be encouraging that. This same requirement is in place in the lamb, beef and dairy sectors. I see no reason why it cannot be introduced with regard to grain.

If possible, I would like the Minister for Agriculture, Food and the Marine to come before the House. I know he only took up that brief this week but this is a very important time for the agriculture industry. The next six months are crucial in light of Covid-19, Brexit, and the possible trade deal. It is important that the new Minister, who I wish well in his portfolio, come in to outline his vision for the agriculture industry for the coming years.

**Senator Lynn Boylan:** I offer my condolences to the Keegan family on the passing of Christine Keegan. She had to fight for 39 years for justice for her two daughters, Mary and

Martina, who perished in the Stardust fire in 1981. For decade after decade, this State has treated the families of the victims of the Stardust fire shabbily. It tarred a working-class community with lies and subjected it to cover-ups. Never did the families give up, however. Christine Keegan was a leader in the campaign.

In September 2019, the then Attorney General granted the families of the 48 victims a new inquest into the events of that night. This was a monumental decision taken on the backs of men and woman such as Christine Keegan who refused to give up their fight for justice. It has been ten months since the decision was made and the inquest has yet to begin. Tragically, Christine has died before getting the answers she so rightly deserved. I would like the Minister for Justice and Equality to come to the House to update us on the reason this delay has taken place and to give a commitment that when the inquest is established, it will be given the funding needed to be human rights compliant and will look to the Ballymurphy inquest model as a gold standard on how to treat families who were treated so shabbily in the past. We need this inquest established as soon as possible because the surviving relatives do not have the luxury of time. It is deeply devastating that Christine has died before getting the answers she deserved for her daughters.

**Senator Erin McGreehan:** I want to raise several issues. Yesterday, we saw the second meeting of the Ireland-Northern Ireland Specialised Committee between the UK Government and the European Commission. At this stage in the transition period, the Commission wanted a lot more done. For example, it wanted an office in Belfast, which was originally agreed by the UK but then denied. I requested that Dundalk be an option. I made my request to Josep Borrell in my capacity as a member of the Committee of the Regions. This is still an open option, I might add.

As far as I can see, far too much is up in the air and there is not enough clarity on the commitment by the UK Government on the Northern Ireland protocol. Yesterday, the Commission outlined how concerned it is about the progress of practical and time-consuming preparations needed for the full implementation of this protocol. We heard that last week Angela Merkel asked the EU Parliament to prepare for a no-deal scenario. What are the EU's contingency plans? I have fears about the UK's commitment to this protocol and I would appreciate the Minister of State with responsibility for European affairs updating the House. Towns such as Dundalk and Newry, and all of our citizens along the Border, North and South, could again be collateral damage because of the UK Government refusing to accept that this one island is a unique political quandary, which it created in the first place.

I also welcome the North-South Ministerial Council meeting that will take place in the next two weeks. A very important issue I want pushed at this level is the local cross-Border trade and economy and how towns such as Omeath, which are between two large towns, have been abandoned and left behind because their hinterland is in the North. This is replicated throughout the Border region. A local practical plan has been approved in the context of the M1 corridor and it takes into consideration the importance of the all-Ireland economy of Drogheda, Dundalk, Newry and beyond. We need this pushed at the North-South Ministerial Council.

I also want to raise the issue of Carlingford Lough not being left behind any longer. It is an incredible tourism location. At local level, my Fianna Fáil and SDLP colleagues and I have been trying to push the lough, the Mourne Mountains and the Cooley Mountains as one location. We have a beautiful national resource waiting there and we are not embracing it. We need investment in particular on the Narrow Water bridge, greenway investments and a real cross-

Border co-operation tourism plan.

**Senator Jerry Buttimer:** I join Senator O'Reilly in asking the Leader to facilitate a rolling debate on Covid-19 from a number of perspectives. In particular, it is imperative that Ministers come before the House in advance of the stimulus plan so we can have an input into it aside from being asked for our ideas and suggestions.

I concur with Senator Mullen regarding the issue of Hong Kong and Taiwan. It is important that we have a debate on our one China policy. In particular, it is important that we have a debate on the human rights abuses being inflicted by the Chinese Communist Party. It is very important. Our one-China policy is something we should look at and debate in advance of assuming our seat on the UN Security Council.

I ask that assistance be given today to people who have paid in good faith for holidays. I have been speaking with many people who booked holidays prior to the advice on non-essential travel. People are being asked by the Government not to travel but if the airlines depart, people will lose their money. It is important that we assist people who have worked hard and saved to book and pay for holidays with tour operators and travel agents. I ask that the Minister for Transport, Tourism and Sport be invited to the House to discuss this matter.

I wish the Leader well in her role and thank her for her work so far. I also thank members of the staff in the Houses for their courtesy to us in these difficult times. It is important that we sit in the Houses of the Oireachtas on these hallowed grounds rather than in the convention centre. I hope we can do that as a Parliament. That is not a slight on the Convention Centre Dublin, but these are the Houses of the Oireachtas.

**An Cathaoirleach:** Thank you, a Leas-Chathaoirligh, and I echo your sentiments regarding the staff and their courtesy and hard work. I also thank the Ceann Comhairle for facilitating us with the use of this Chamber.

**Senator Annie Hoey:** The past 24 hours have been a whirlwind for students and the education sector. Yesterday saw the launch of the further education and training, FET, strategy, which I warmly welcome. I look forward to working with the Minister and the further education sector on vital issues relating to upskilling, training and skills. Yesterday, too, the Labour Party launched its July stimulus which called for significant investment in retraining, upskilling and lifelong learning to provide people with real work opportunities. Many of us are concerned about the impact the Covid-19 crisis is going to have on jobs, so we must ensure that people are ready for the challenge ahead. We had a great moment for further education and I am optimistic about the new Minister driving that Department forward.

On the other hand, however, we had a quite abysmal situation yesterday with the revelation that the leaving certificate results will be delayed until 7 September. This revelation only occurred because my party colleague, Deputy Ó Ríordáin, asked the Minister a direct question about when the results would be issued. Incredibly, she did not answer it and instead it emerged two hours later in a press release. There was a desperate lack of consultation on this. The Irish Second-Level Students' Union, the national body for students, was not consulted about it, which is absolutely incredible. One would think that students were not our future. I am worried that this is a sign of things to come. What engagement occurred with key stakeholders such as the higher education institutions, the further education sector, parents and teachers?

Frankly, it is unacceptable that this has happened. I am worried about the Minister declin-

ing to answer that question. I reiterate the call from this House for the Minister for Education and Skills to come to the House to answer a number of questions. I also echo the call from my colleague, Deputy Ó Ríordáin, for that Minister to come to the Dáil on Tuesday to answer questions about the delay, why she failed to inform the Oireachtas, and what stakeholders were consulted about this. I hope this is not a sign of things to come for the education sector in the future.

**Senator Aidan Davitt:** I wish to echo the sentiments expressed this morning, which some Members might have heard, by John Horan, the president of the GAA. I have a background in the GAA and a number of Members have a good knowledge about clubs and county grounds. In my case, I have seen games in Cusack Park in Mullingar, Westmeath, attended by up to 15,000 people. The GAA has been more than responsible during this Covid crisis and to say that we think it could not manage 500 people in that scenario is regrettable. I presume with the Covid measures we must have one brush sweeps all, but there are certain other scenarios. In the case of the Phoenix Park we have seen many photographs of crowds gathering publicly on different occasions and at weekends and enjoying themselves. In a number of the scenarios they had alcohol and barbecues in outdoor areas. This scenario would be very secure and the GAA would certainly play its part. I have no doubt that it would look at all safety measures possible to ensure it is safe for the patrons. Most of these grounds are on more than seven acres and it is hard to believe that games could not go ahead in county grounds. It would give a little chink of light to people who have endured all the Covid measures so far. As I said, I echo the sentiments of the president of the GAA, John Horan.

**Senator Martin Conway:** During this crisis we have seen many examples throughout the country of people being creative and communities coming together. Musicians have performed in parks, greens and housing estates. I ask the Leader to call on the Minister with responsibility for heritage and culture to create a day of recognition of all these different initiatives that helped people in the darkest days of this pandemic. I think of one example in my area, Clahane, County Clare, where all the young people have painted beautiful sea stones. Some Members might have heard Luka Bloom, a fellow constituent of mine who lives in Liscannor. He has written a song, “The Beauty of Everyday Things”, and the video that goes with the song contains pictures of the sea stones that were painted by young people in particular who used their creativity. My secretary Edel’s daughter, Sarah Reidy, painted a number of these beautiful sea stones. This helped people to express themselves and gave them an outlet and something different for them to come together to celebrate: the idea of everyday things being beautiful, the new reality in which people appreciate the simple things in life that they may not have experienced or appreciated before. That absolute power of positive energy out there needs to be recognised by the State when the pandemic is over because it has enriched many people and assisted them in getting through these difficult, dark days.

Finally, I agree with and share the Cathaoirleach’s sentiments in thanking the staff of this House, who are doing a remarkable job under very difficult circumstances.

**Senator Gerard P. Craughwell:** The State Claims Agency has not exactly crowned itself in glory in recent years, when citizens of this State have found themselves having to take legal action against a Department. I understand the role of the State Claims Agency in protecting the resources of the State and ensuring that every claim is scrutinised to its absolute maximum. I cannot understand, however, how the State Claims Agency and Departments are allowed to ignore the orders of the Supreme Court of this land. I am not talking about the merits or demerits of the case - that is a matter for the Judiciary - but there is a case ongoing against the Air



Corps relating to chemicals. The case was taken by one individual, a former member of the Air Corps. The outcome of the case will have major implications for other people who have served in the Air Corps and were subjected to, or working with, the chemicals involved. The Supreme Court has ordered discovery of documents, and that discovery has not been met. The excuse being used at the moment, I understand, is Covid-19, but the order was a year ago, before there was ever such thing as Covid-19. We have seen how the State Claims Agency has put innocent people and people struggling with their health through the wringer. Is it hoping they will die before any action takes place? Is it hoping witnesses will die? This is outrageous. It falls to this House not to get involved in what goes on in the Four Courts but to make damn sure that those who work for the State comply with the orders of the courts at the very least. That is not a lot to ask, and whichever Minister is responsible for the State Claims Agency should be brought before this House to explain why it is that it can do what it is doing. We have seen what happened regarding cervical cancer and various other areas. It is bloody well outrageous.

**Senator Micheál Carrigy:** Today marks a significant milestone in Irish sport, with competitive action recommencing after nearly four months of lockdown. This is very much welcome for the mental and physical health of the nation. Owing, however, to the pause on phase 4 of the roadmap, the limit on attendance at outdoor sports events remains 200, to include all persons at the venue, instead of 500, as had been hoped for. NPHET has adopted a one-size-fits-all approach when this situation clearly is not one size. Crowds are gathering in parks, on beaches and in public places in groups of well in excess of the 200 permitted for sporting events. One need only look at Dundrum Town Centre, where people are 19 times more likely to contract the virus. The centre has a capacity of 6,000 people, while in my local club, Seán Connolly's in Longford, we could host more than 250 people around our pitch safely, adhering to the guidelines.

Through its volunteers, the GAA has been to the forefront of the fight against the pandemic all over the country but especially in rural Ireland. The association has led the way in the development of a safe return to play protocol for teams, which has been shared by other sporting organisations. The protocol includes the completion by all players of a Covid-19 e-learning module, which over 200,000 people have completed, and a questionnaire and confirmation of a person's health status, which over 500,000 members have completed so far through the GAA website. The GAA has also not reopened dressing rooms. All of this proves that the GAA, by being embedded in the community, understands the risks involved and knows how to manage them. These measures have been designed to minimise risk and have been successful so far.

There should be allowances for sporting bodies such as the GAA to apply for an increase in the numbers allowed to attend matches in circumstances where appropriate control measures are in place. As part of the return to play guidelines, bodies such as the GAA have insisted on keeping spectators and participants separate from each other, and there is no interaction between those inside and outside of the game. The GAA and other bodies took a huge leap of faith in returning to action and did so for the benefit of their communities. While it would be great if the proposed 500 spectators could be revisited for sports, allowing these clubs to interpret the figure at outdoor sport gatherings to mean 200 in addition to those on the field would be of immediate importance and a great message from the Government. That would allow for a further minimum of 120 people to attend games and support the clubs and volunteers that have given so much to their communities during this pandemic.

**Senator Eugene Murphy:** I fully support the sentiments expressed by Senator Black regarding people in the arts sector, particularly the music industry. She puts the case very well.



Due to my past involvement with media and so on, I have been dealing with representatives of those groups over recent weeks. I do not mean to repeat everything Senator Black said, but we must remember that those people are definitely going to be at the very end of the line. That should be remembered. They are facing a very bleak autumn and winter so something needs to be done for them.

I also support the sentiments expressed by Senator Mullen. Human rights are extremely important and I very much support him on that.

The most important point I want to raise is the situation of Bord na Móna and ESB workers, particularly in Lanesborough in the Longford-Roscommon area and Shannonbridge on the Offaly-Galway border. Today is the closing date for the just transition fund of €11 million, which is good and welcome. I assure the Leader and others that some very exciting projects are coming under that. They have been submitted and I hope the funding will come forward for them. I think the Minister for Communications, Climate Action and Environment, Deputy Eamon Ryan, has the most responsibility for this area and it is important that he comes to the House and lays out clear guidelines for the future of that region. I ask the Leader to organise that. Bord na Móna was the lifeline of that region for 70 years. For 70 years, communities were built around it and those people cannot be thrown on the scrap heap now. This is a very important issue in our party and the Green Party and Fine Gael have mentioned it as well. I ask everybody, no matter what part of the country they are from, to remember that area and those people because if they do not get jobs and proper support, it will become a very bleak part of the country.

**Senator Tim Lombard:** I raise the announcement by the Minister for Education regarding the leaving certificate results of 60,000 students, which has also been noted by other Members. I am very concerned by the announcement and the lack of joined-up thinking. This morning, I received several phone calls from constituents in west Cork through my office in Bandon who are due to attend Clonakilty Agricultural College. The closing date for them to accept their place in the college is 21 August, which is before the leaving certificate results come out. They are supposed to start their course in Clonakilty on 7 September, the date the leaving certificate results will be published. There are major anomalies in this system. We need clarity and a joined-up plan regarding third level institutions, whether agricultural colleges, institutes of technology or universities. There is great confusion now. I am in this area and I have received many phone calls regarding this issue. There is great confusion in the agricultural community regarding agricultural colleges. People need a pathway and it is not there. The Minister needs to clarify this issue and she needs to do that in the next few hours because parents, children and teachers do not know exactly what they must do. I have students who might have to accept a successful application and who might then get a better offer. That is unacceptable, because if those students accept the offer made for the agricultural application, then their CAO forms falls. Clarity on this issue and a change in process is required in the next few days.

**Senator Fintan Warfield:** I strongly criticise the decision of the Minister for Education and Skills, Deputy Foley, to delay the issuing of the results of the leaving certificate until 7 September. It was supposed to be mid-August. Students have been left high and dry as the Department stumbles from crisis to crisis. Even more unanswered questions remain after the Minister's interview on the "Morning Ireland" programme this morning. It is astonishing that the Minister stated that she did not answer questions in the Dáil because she wanted to consult stakeholders first, yet we have learned that the Irish Second-Level Students' Union, ISSU, has not been consulted at all. Primary stakeholders, young people and their families, have not been

consulted.

While the Minister has stated that CAO and UCAS applications will be facilitated, there remains a lack of clarity for students who may be considering study in other jurisdictions. I am thinking about the North, Dundee and Aberdeen, for example. We need real clarity, therefore, on how the appeals process for results will work, especially given the tight timelines for CAO offers at the beginning of the academic year, as has been mentioned.

Most disappointing is the Minister's failure to acknowledge the issue of families and students finding accommodation. That is no paper exercise. It involves significant financial commitments and this revised timeline adds to the stress involved. I echo other voices in this House and state that we need the Minister to come to these Houses. Sinn Féin has made this call several times since last night and we will do so until the Minister gives clarity to young people and their families.

**Senator Regina Doherty:** Before I turn to individual queries, I want to let the House know that several debates have been secured, the most important one now, I think, involving the Minister for Education and Skills on Tuesday, 28 July. The original debate was sought to discuss the reopening of our primary and secondary schools and the school transport issue. Considering the announcements made yesterday, however, regarding the unfortunate delay in the leaving certificate results for our students, questions on that issue might now need to be put to the Minister. The other debate concerns the July stimulus package and it will take place on the same day. We are hoping to do a block of several hours in the morning on one topic and then several more hours on the other topic in the afternoon. The other outstanding debate that I had hoped to secure is on tourism. I am still pursuing that before we rise for the summer break in August, I do not have a date secured yet, but we will continue to liaise with the Minister's office. As soon as I have that date, I will let the Members know.

It is a good idea that we have a rolling hour or 90 minutes every week on the current issues concerning how the country is dealing with the Covid-19 virus. We all know each week brings up a different issue or additional anomaly. I concur with the comments made by John Horan yesterday. He was devastated and gutted, as were probably all our local clubs, whether GAA or soccer, regarding advancing the great sociability that sport provides to our communities in towns and villages. I know they are gutted by these developments.

I also know that the hospitality sector is on its knees in the context of this week's announcements. Our transport industry, as Senator Keogan has pointed out, is equally as frustrated. The only reassurance I can give to everybody in this House and to the public is that the decisions made on Monday were the best decisions for our public health and our common good. No decision is made lightly. The R number that Professor Philip Nolan spoke about last night is now in a precarious position.

Notwithstanding arguments made here yesterday concerning the virus being more prevalent in certain parts of the country, people are resourceful, and when places are reopened, they will tend to travel to those hotspots. The decisions being made are being made genuinely in the best interests of our public health and our good health. The economic ramifications of those decisions have been felt by hundreds of thousands of people and many thousands of families. I hope the July stimulus package next week and the new task force on aviation that will be established will give results and resolve to those industries that are genuinely struggling. I know they are struggling and we hear it. We will have the July stimulus debate in the coming weeks.

It will give us some succour.

Individual requests were made for debates especially around human rights. That debate is obviously needed. I am unsure whether we will get it in between now and the end of July but I want to make it a priority for the beginning of September when we return.

The North-South Ministerial Council will go ahead on 31 July. Members raised some pertinent issues about some relevant legislation that has been passed by both Houses in Ireland but has not been passed by Westminster. That should be raised on 31 July. The agreements and commitments made in the Stormont House Agreement need to be fulfilled by all the bodies that signed up to it. I agree totally and I would expect an update on 31 July.

I have no wish to keep picking on Senator Flynn but this week is Traveller Pride week. She is incredibly welcome. I concur with the Cathaoirleach's sentiments and I hope it becomes far more normal to hear her voice in the House and on our national airwaves. It is a Traveller Pride week like no other. All our virtual festivals are taking place in a different way to the way we would normally celebrate. Senator Flynn is now here to give voice to that celebration. I believe the special committee we had which did such good work during the term of the last Dáil and Seanad should be re-established. We received a report yesterday on how the committees are going to be established. It referred to the ones that will be established between now and the end of July and the others that will be established in September. The work that was done is vital and much needed. Although that committee will not be re-established between now and the end of the month, it is one of the committees that needs to be established at an early stage in September. We should do that at the next meeting if it is possible.

I think we will establish a rolling debate on Covid-19 given that we have four Bills to pass next week and three Bills to potentially pass the week after that as well as two full days of statements. The rolling debates and Commencement matters will probably now be postponed until we come back in the first week when we return in September, if everyone is okay with that. The Commencement matters have been reinstated but with written replies. I have requested from all Ministers and protocol sections that this be established immediately so that people can start putting in Commencement matters as of today.

My final comment is for Senator Craughwell. I am not sure who is responsible for the State Claims Agency. My head tells me that it is the Minister for Finance but I will find out. We will request a response with regard to the questions raised on complying with the requests of Supreme Court judges.

The Chair opened our discussion this afternoon by talking about the anniversary and commemoration day this Saturday for Nelson Mandela. It is a global call for action for everyone to celebrate the idea that each individual has the power to change something about people's lives and to make a difference in all of our communities. We have an opportunity. There has been considerable talk in the House in recent weeks about hate speech. We saw it yesterday evening when people on social media were talking about how they feel and how they are maligned. I mentioned here yesterday that sometimes I find it strange to see human beings behaving in such a base manner to other human beings. When Nelson Mandela was here he said that no human being is born hating another person because of the colour of their skin, their background or their religion. He said people have to learn how to hate, but if they can learn how to hate then they can certainly be taught how to love. He said love comes more naturally to the human heart than its opposite. I really believe that we have an opportunity in this new Seanad to do something

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about hate speech and to put it firmly on our Statute Book. I appeal for everyone's support to help us to make that happen and make it a reality in the near future.

Order of Business agreed to.

### **Report of Committee on Procedure and Privileges on Standing Order 145: Motion**

**Senator Regina Doherty:** I move: "That the report be adopted, laid before the House and printed."

Question put and agreed to.

### **Order of Business: Motion**

**Senator Regina Doherty:** I move:

That the Leader of the House be called to reply to the Order of Business no later than 55 minutes after the proposal of the Order of Business; the contribution of each group leader shall not exceed three minutes; the contribution of every other Senator shall not exceed two minutes; and the reply of the Leader of the House shall not exceed ten minutes.

Question put and agreed to.

*Sitting suspended at 11.45 a.m. and resumed at 12.15 p.m.*

### **National Oil Reserves Agency (Amendment) and Provision of Central Treasury Services Bill 2020: Second Stage**

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

**An Cathaoirleach:** I welcome the Minister to the House.

**Minister for Communications, Climate Action and Environment (Deputy Eamon Ryan):** I thank the Cathaoirleach and congratulate him on his own elevation. I do not think I have seen him since he was appointed to his new role. I wish him the best of luck with it.

The overall purpose of the Bill is to amend the National Oil Reserves Agency, NORA, Act 2007 to provide for the establishment of the climate action fund on a statutory basis, extend the purposes for which the NORA levy is paid to include funding the climate action fund and provide for the payment of a portion of the levy moneys collected by NORA to the fund. The NORA levy is collected at a rate of 2 cent per litre on most oil products placed on the market and is used to fund the activities of NORA, primarily in the maintenance of the State's strategic oil reserves. The amendments to the NORA Act provided for in the Bill will allow for the

repurposing of NORA levy moneys to support projects and initiatives from the climate action fund and contribute to achieving the State's climate action goals in a cost-effective manner. It is appropriate that surplus NORA levy funds, which are levied primarily on the use of road transportation fuels, are repurposed to assist our national decarbonisation effort. This is entirely consistent with the established polluters pay principle.

The Bill also amends the National Treasury Management Agency (Amendment) Act 2000 to provide for NORA and Irish Water as designated bodies to which the National Treasury Management Agency, NTMA, may provide central treasury services. This allows the NTMA to take deposits from or make advances to NORA, or both, as an alternative to the current utilisation of the commercial banks. It also facilitates the restructuring of Irish Water's funding arrangements, whereby existing short-term funding from mainly commercial banks can be replaced with more competitively priced State-funded debt facilities. Provision is also made in the Bill to provide for technical changes to the biofuels obligation scheme and for fixing of the rate of the biofuels levy to a nominal amount to incentivise the use of biofuels.

We need to show increased ambition and leverage every available mechanism at our disposal to ensure we can deliver the type of innovative projects that will place Ireland at the forefront of the green economy and develop our green infrastructure. In doing this we must ensure no region of the State is left behind as Ireland transitions towards a low-carbon society.

This need has come into sharp focus recently with the announcement that Bord na Móna will suspend peat harvesting and concentrate on enhanced peatland rehabilitation. My Department is examining the potential of the climate action fund to support this work, which will rehabilitate bogs that were formerly milled for peat used in power generation, turning them into effective carbon sinks. As well as providing for carbon sequestration, this work will generate employment for workers previously employed in the milling of peat.

While the fund is clearly focused on climate action, it has also considerable potential to support sustained post Covid-19 investments in infrastructure with resulting positive impacts for economic growth and job creation in communities across the State. The fund's first call led to supports of up to €77 million but is expected to leverage a total of €300 million of investment within the State. Projects being supported on the first call include the national roll-out of ESB electric vehicle high-powered charging infrastructure, supported up to €10 million; Dublin City Council's Dublin district heating system, supported up to €20 million; Gas Networks Ireland's green renewable agricultural zero emissions gas, supported up to €8.5 million; Irish Rail's hybrid drive for intercity rail cars, supported up to €15 million; the local authority public lighting energy efficiency project, supported up to €17.5 million; South Dublin City Council's Tallaght district heating scheme, which uses excess data centre energy, supported up to €4.47 million; and the 3 Counties Energy Agency project to increase efficiency in the road haulage sector, supported up to €1.37 million.

On the enactment of the Bill, it is planned that the fund's second call for applications will open as soon as possible. Based on expressions of interest made to my Department, there will be considerable demands on the fund to support a range of both community-based projects and large infrastructure projects in both the public and private sectors.

This Bill contains 28 sections. I will explain the key provisions within it. Section 5 amends section 8 of the National Oil Reserves Agency Act 2007, expanding the functions and powers of NORA to enable it to pay levy funds into the climate action fund as directed by the Minister.



Section 13 amends section 37 of the National Oil Reserves Agency Act 2007, expanding the purpose for which the levy is paid from the current purpose of funding the expenses of NORA to also include contributing to the climate action fund. This section also sets the rate of the levy at 2 cent per litre by statute.

Section 14 is an important component of the Bill. It amends the National Oil Reserves Agency Act 2007 to permit the Minister to issue an annual direction to NORA to pay a specified amount of levied moneys into the climate action fund. This section provides that only levy moneys collected and recovered after the legislation has commenced may be paid into the climate action fund. Prior to making a direction, the Minister is required to consult with NORA, the Minister for Public Expenditure and Reform and the Minister for Finance. The Minister is also required in making a direction to be reasonably satisfied that NORA will have adequate financial resources remaining after payment has been made to meet its expenses during the remainder of the financial year. In addition, the Minister must consider the amount specified to be appropriate having regard to any further expenditure which may be required by NORA in subsequent years.

Section 15 fulfils the important function of establishing and providing governance arrangements for the climate action fund. The fund shall be controlled by the Minister or by persons to whom the management and control of the fund has been delegated by order of the Minister. The funds will consist of such accounts that the Minister shall determine as necessary. Provision is made for the submission of the accounts of the fund to the Comptroller and Auditor General for audit and the laying of a copy of his report and the audited accounts before each House of the Oireachtas. The purpose of the fund is outlined, which includes supporting projects, initiatives or research that seek to reduce greenhouse gas emissions, to increase the production or use of renewable energy, or to improve energy efficiency in the State. In addition, provision is made for projects or initiatives to support regions and sectors of the economy affected by the transition to a low-carbon economy. Provision is also made for the Minister to invite proposals to avail of moneys from the fund. Moneys may only be paid from the fund to persons who have conducted projects in accordance with the guidelines specified by the Minister in consultation with the Minister for Public Expenditure and Reform. A committee may be established to advise the Minister on any aspect of his or her functions relating to the fund.

Section 22 makes a technical change to the National Oil Reserves Agency Act 2007 with regard to the administration of the biofuels obligations scheme. The amount of biofuels certificates from the two previous obligation periods which may be used in the current period is reduced from the previous cap of 25% to a new cap of 15% of the obligation.

Section 24 amends the National Oil Reserves Agency Act 2007 by setting the rate of the biofuel levy at one tenth of a cent per litre of biofuel placed on the market. Setting the rate of the biofuel levy to a nominal amount removes an anomaly whereby the levy placed on biofuels is the same as that on petroleum products placed on the market.

Section 28 amends section 18 of the National Treasury Management Agency (Amendment) Act 2000 to provide for the designation of both NORA and Irish Water as designated bodies to which the NTMA may provide central treasury services. This allows the NTMA to take deposits from and to make advances to the agencies as required. NORA will be permitted to deposit moneys with the NTMA as an alternative to its current use of commercial banks. This provision also facilitates the restructuring of Irish Water's funding arrangements.



This Bill takes the opportunity to repurpose surplus NORA levy funds and to make them available to the climate action fund, thereby supporting projects that will assist the State in its progress towards net zero carbon emissions by 2050. It also establishes the climate action fund on a statutory basis, enabling it to both receive levy funds and administer the provision of these funds to projects. The funds offer very real potential to support employment and economic development by expanding the green economy in all of the regions of the State, while at the same time supporting a just transition for regions and sectors formally dependent on high carbon activities. I commend the Bill to the House.

**Senator Mary Fitzpatrick:** I am delighted to welcome the Minister to the House. When Fianna Fáil, Fine Gael and the Green Party put aside their differences to form a Government they did so to try to create a stable Government that would address climate change and the threat of Covid-19 and re-establish our society and economy. This third piece of legislation that has been brought before the House today is a manifestation of the Government's serious commitment to start to address climate change and take climate action.

The Bill aims to deliver on the Government's promise in the programme for Government to strengthen the action of the Government and the State on climate change. I thank the Minister for bringing forward the legislation. Its Title, the National Oil Reserves Agencies (Amendment) and Provision of Central Treasury Services Bill 2020, is a mouthful. With a Title like that, it is no wonder people outside the House wonder what we talk about. It is very important legislation. While it is a technical Bill, in plain English what it will do is put the climate action fund on a statutory footing, which means the State will commit to the climate action fund. It will make available to the climate action fund any surplus from the fossil fuel levies so the climate action fund can use the moneys to take climate mitigation measures. This is very welcome.

The Government has promised that in the years until 2027, close to €500 million will be dedicated to the climate action fund. It is estimated that by passing the Bill, a minimum of €50 million from the national oil reserves agencies will be given to the climate action fund. This is very important because this €50 million, while not enough in and of itself to take on all of the climate mitigation measures that will be required, will give vital support and funding to initiatives that can help us address climate change.

The primary aim of the climate action fund is climate mitigation measures but the fund can also help us address Covid-19. In speaking about it today, I want to address four areas, particularly from a Dublin perspective, that I would like to see the Government use the climate action fund to address. These are congestion, housing, jobs and illegal dumping. Dublin is the 17th most congested city in the world and the sixth most congested city in Europe. This takes an enormous toll on the lives of people who are trying to work and live in the city. It makes it a very unpleasant place to live. It is unhealthy, unsustainable and unacceptable. It is right that the Government addresses it and it can use the climate action plan to start to do this.

Back in 2009, there was a smarter travel policy that aimed to reduce work-related travel and commuting by private car by approximately 20% but the policy did not achieve its aims. It is urgent that the Government use the climate action fund to address congestion. I encourage the Minister to use the funds to enable people to move away from petrol and diesel cars and invest in electric vehicles. Critically for public transportation in the city, the public bus service is very friendly. It has kept going and has been available to us all during Covid-19 but we need more bus services. We need the service to be more reliable and more affordable. Most important from the perspective of this fund, we need it to be more energy efficient and environmentally

friendly.

With regard to homes, 10% of our carbon emissions come from the residential sector and here in Dublin we have a very old built environment. Private and public residential homes, including those owned by Dublin City Council, are very old. Many of them are poorly insulated, poorly heated and unable to deal with our damp, wet environment. People living with asthma, chronic obstructive pulmonary disease, COPD, and other respiratory problems were struggling in those homes prior to Covid-19, but now the impact of Covid-19 on them is enormous. In my constituency of Dublin Central, flat complexes such as Henrietta House, Greek Street Flats and Chancery House are fine architectural and important structures for our city, but they are quite uninhabitable for many of the tenants. We must use some of the climate action fund to address the inadequacies of those homes. There is a commitment in the programme for Government to retrofit 500,000 homes and this fund will help that, but it is important to accelerate that programme as soon as possible.

With regard to jobs, yesterday we discussed legislation that will enable the State to participate in European funds, which is very important. Employment is at an all-time low and youth unemployment is at a critically high level. We must take every action possible and be radical and ambitious to ensure that youth unemployment and long-term unemployment do not take hold. The climate action fund can support the protection of jobs and the creation of new jobs, as well as the upskilling and retraining of workers and jobseekers. I urge the Minister to use the climate action fund to do that.

Illegal dumping might seem to be a small thing, but it is a critical issue throughout the country. It is an acute problem in this city. Illegal dumping contributes directly to our greenhouse gases and carbon emissions. We talk about it a great deal but we must tackle it. If we tackle it we will reduce our greenhouse gases and carbon footprint. Dublin Central and the north inner city are repeatedly highlighted as an illegal dumping and litter black spot. That is unacceptable. Dublin City Council is trying to be innovative and is taking initiatives. I urge the Minister to use the climate action fund to support local authorities and local groups. Many voluntary groups give their time voluntarily to go out at weekends or after work in the evenings to clean up our streets. We must support those groups as well.

Finally, we are used to seeing forest fires in California and Australia, but it is startling to have Siberian forest fires in the Arctic. It is a wake-up call for all of us. Climate action is something we all must take seriously and we all must make individual efforts, but we cannot expect individuals alone to do it. The State must commit to this and that is what this legislation does. I commend the Minister on bringing the legislation forward. Fianna Fáil will support it and we look forward to working with the Minister in making it a reality.

**Senator John McGahon:** I welcome the Minister and congratulate him on his new role. As my party spokesperson on climate, communications, energy and natural resources, I am looking forward to working with him in the next couple of years. Indeed, I was talking to a former colleague of the Minister's in Dundalk a couple of hours ago, Mark Dearey, who is a former Member of this House. I worked very closely with him on Louth County Council and had a wonderful relationship with both him and Councillor Marianne Butler, so I am very much looking forward to working with the Minister.

This legislation is quite straightforward and simple. We are repurposing the NORA levy and directing it towards funding for much more worthwhile projects under the climate action

fund. The climate action fund will support initiatives that will contribute to the achievement of Ireland's climate and, more importantly, energy targets. I was examining this last night and it offers the potential for interventions for which funding would not be available without this fund. That is an important point we all must recognise. The seven projects we have been discussing would not be able to proceed without the funding from this body.

I listened to the speeches on Second Stage in the Dáil in the convention centre and some of the comments made by the Deputies were quite disingenuous. They tried to say that the seven projects were a little too Dublin-centric. Of course, this fits into the narrative they want to put forward to show that rural Ireland is somehow missing out. As someone from the town of Dundalk, County Louth, I can certainly say that that is not the case with this legislation because, and I will be quite clear about this, the expressions of interest clarification note for the climate action fund was clear. I will quote from it in order to put it on the record of the House:

[The Department] is not selecting or focusing on any type of organisation, project or technology [or geographical area]. The CAF is not in the style of a tendering process; instead it is up to organisations to apply with what they believe is the best Climate Action idea. Fundamentally, the CAF is a competitive process in which [the Department] seeks to support a project, or group of projects, that will have the best impact across a range of indicators in achieving a low carbon climate resilient economy.

That is what the Government said in black and white, so it is very disingenuous of Members of the other place to try to suggest otherwise.

Of the seven projects already approved, three stand out as being quite impressive. The first was a €15 million investment in the new hybrid power packs for the intercity railcars. This has already been trialled with them. The concept went very well and the investment will now be rolled out to all our intercity rail fleet. That will take anyone on a train from Dundalk, Wexford, Athlone, Cork or Limerick to Dublin. It will really reduce diesel use and greenhouse gas emissions and benefit thousands of commuters at the same time.

The second project I really liked was the local authority public lighting energy-efficiency project. The concept is to retrofit 326,000 non-LED lights throughout the country. I have already seen how effective this has been in my part of the world, County Louth. Louth County Council has embarked on a really ambitious project of replacing nearly all non-LED lights. It is doing so well. The county council has to be commended on this project. The project alone - and this is the most important point to note about non-LED lights - will see an emissions reduction of over 40,000 tonnes of CO<sub>2</sub> from electricity generation per annum.

The third project I wish to speak about is really good and something in which I have always had a strong interest throughout my time in politics. I refer to the €10 million for the ESB e-cars. The project will essentially help to develop a nationwide charging system. This is perhaps one of the most important parts of what the climate action fund will be able to do because it is crucial we direct even more funding towards this. I am 29 years of age. I look at my friends and think that the uptake of e-cars will not improve until people can realistically get from Dublin to Cork without experiencing battery anxiety or the fear that if they get to Portlaoise and pull over to recharge, the charging stations will not be working. Will someone be parked in the charging station while having lunch inside? The only way we can change the culture and people's minds, say this is the way to go and bring people with us is to pump so much funding into electric vehicle charging areas that the concept of battery anxiety will be a thing of the past and people

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will not even consider it when they consider buying e-cars. The more charging points we can create and the quicker the better because it will take an effort to change people's minds and bring them along with us.

A final point about this, and one I made recently when I was on Louth County Council, is that it is very important local authorities come to the Minister with roadmaps of their own local authorities, counties and administrative areas and say, "Minister, if you give us X amount of money tomorrow morning, this is exactly where we will roll out our electric charging points." It would be incumbent on the Minister and his Department to turn around and say, "Okay, we will do this, providing you put in X number of charging spaces", and give the local authority a timeframe by which this would have to be completed before they would lose the funding. That would put the onus back on the local authorities to deliver this at a local level, where, with all due respect to the Minister, they know best.

Those are just three projects out of the seven that will benefit everybody on this island, whether one lives in Dublin city centre or up the side of a mountain in Kerry. I wish to put that on the record of this House because it is so disingenuous of other people, for the sake of their own political narratives, to try to suggest otherwise.

I will wrap up. I know I have two minutes left, unlike yesterday, when the clock was going the other way. My point is-----

**An Cathaoirleach:** The Senator can waste time today if he so wishes.

**Senator John McGahon:** No, it is all right. I will be like Cicero. I will be brief, as the Cathaoirleach has said. The point of this climate action fund and reducing the NORA levy is to create far more projects that are sustainable, such as the seven already outlined. People from communities would be able to come to the Government or the Department and say they have an idea and run with it. It is such a wonderful way to engage local communities and it is definitely one of the big vehicles we can use to reduce greenhouse gas emissions over the next ten years. It is important to stress that it would be very difficult for those projects to find funding otherwise.

This is forward-thinking legislation. As Senator Fitzpatrick said, it is quite technical but it is such a pleasure to see it in the Seanad's first proper week of sitting because that shows the urgency behind this Bill and how committed the Minister is to it. I commend the Minister on bringing the Bill to this House so quickly. It is a much-needed measure and I find it very hard to see how anyone could disagree with it. The sooner we get it through this House, the better.

**Senator Alice-Mary Higgins:** I welcome the Minister to the House. From his perspective, the primary purpose of this Bill is the establishment of the climate action fund. Like everyone else, we welcome the establishment of a climate action fund. However, there is much within that and during the debate in the other House, much of the focus was on what it might fund and the scope and parameters the Minister effectively gives himself in its operation. Some very constructive amendments were tabled which thought in an imaginative way about how that fund might be used and it is regrettable that the Minister did not feel able to accept them. That is important because we will see a lot of legislation moving rapidly and there is no reason not to accept an amendment during the early Stages of a Bill. It would not have added any further time or debate because the Bill as amended would simply have come to us. It would not necessarily have added any time if constructive amendments had been accepted. That is important

because we are going to be getting proposals and if this is a collective challenge on climate change, all Ministers, not just Deputy Eamon Ryan, need to be able to take positive proposals whenever and from wherever they arise.

I will not focus much on the content of what the fund might fund, with one small exception. The Minister spoke about what we hope will be a just transition for sectors of the economy impacted by the actions that need to be taken. However, this should be about sections of the economy and society because we are not simply an economy, but a society as well. Even rural Ireland is not simply an economy or a number of business actors. It is a society. Measures taken through the climate action fund may also serve to sustain societies that are impacted, not necessarily solely focusing through the lens of the economy. It is incredibly important but the economy is only part of the picture.

With due respect to Senator McGahon, I heard alarm bells when he noted that, without this fund, the money would not be available for all these necessary things. Let us be clear; these things are not a wish list. This fund is not a bonus or a prize. These are the essential things we have to do. The climate action fund may have a purpose but these things are necessary. I would like the Minister to put on the record the fact that the climate action fund is not the limit of our ambition when it comes to spending, expenditure and all the projects we are taking forward. In his speech, the Minister spoke about large infrastructural projects. Such projects, which are needed in respect of climate action and biodiversity, must come from every part of our budget. They should not be limited to those selected through competition for the climate action fund. The climate action fund has an important role in identifying cutting-edge new projects, interesting ways of thinking, getting different sectors on board and delivering just transition. Those are important things that it can contribute to but it cannot be the limit of our ambition. I ask the Minister to give us a wider sense of where the climate action fund fits into the financial and fiscal ambition on climate action within this Government. For example, perhaps he could address the European Investment Bank, EIB, fund that went through yesterday. That fund does not contain the hundreds of millions of euro that the climate action fund might, but billions of euro. One of the European investment fund's stated main objectives is climate mitigation and adaptation. How will the Minister ensure that the main objective, which sits within that fund, is reflected in how Ireland engages with the fund?

Regarding the EU recovery fund, which is yet to be finalised and to come before this House, it may include up to €500 billion in grants for countries across Europe. How will we ensure that climate action, biodiversity action and all those elements are reflected in that initiative? This conversation is not simply about our budget. It is part of a European conversation now and Ireland has a leading voice in that context in respect of the beneficiaries, the focus, the priorities and the policy-thinking regarding the funding we are putting towards Europe's recovery. I would like if the Minister could reflect on those aspects and where the fund fits into that wider fiscal picture.

The Bill is not only about the climate action fund. It also concerns an opening up of the National Oil Reserves Agency Act 2007 and much has changed since 2007. The Act was then primarily focused on energy security, but now we know we are facing a climate crisis as well. There is a need to level-up and this is an opportunity to improve the legislation so that it reflects the reality.

I will give a simple example. I suggest that it might be useful to have someone with expertise in climate science on the board of the National Oil Reserve Agency. While we are buying



oil and other reserves, therefore, there would be someone who acknowledges how that fits in a broader perspective. I refer to there being consistency regarding Ireland having an emergency supply, which it must have, but that we also think about divestment and reflect in our international conversations a balance of divesting while having this reserve. We should also think about a sustainable energy reserve for the future. I refer to sustainable energy storage, battery power and other technologies. It is often suggested that there is tension between sustainable energy and energy security, but this is the chance to tackle this issue by having a sustainable energy reserve and making sustainable energy part of our back-up plan as a State.

I turn now to the clean-up costs. As my amendment in this area has been ruled out of order, I am going to highlight it and the Minister might then address it. It is a serious concern as companies are leaving the oil and gas sector that they are leaving massive costs behind for the public. Analysis by Rystad Energy has estimated that 250 oil and gas companies might go broke in America before the end of the year. Just one of them could cost \$40 million for a clean-up operation. Another company gave \$15 million in cash bonuses to its executives and then filed for bankruptcy six days later. That is why I am suggesting we might need a further levy on the capital and other assets of oil companies to ensure that they are preparing us for the cost of their exit from the oil and gas sector and that they are contributing, not on disposal, day-to-day costs or what customers are paying, but on those assets so that we are prepared for the outcome. In the end, it will often be the State that will end up doing much of the clean-up in this area.

I also want to highlight the question of capital assets. When we look at that issue, how do we ensure that we do an audit of the existing oil and gas infrastructure in the State? How can we ensure that the Minister can be informed and have the relevant figures and information that he needs? I tried to give those powers to the Minister in my amendments to the legislation. I will be able to press forward with some of those, but not with others.

I would also like the Minister to address how this levy will be reviewed, because this is a changing landscape. We have seen that oil and gas companies are collapsing and we know that Brexit is around the corner, so this is a shifting landscape. Regarding the 2% levy, Deputy Naughten made some constructive suggestions on giving the Minister the power to move to a 3% levy, for example. I am also trying to give the Minister the power to extend the areas from which the levy might draw. Will the Minister tell us how he will be monitoring that aspect and will there be a plan to open this legislation again? That seems unlikely, so that is why I am trying to get all these powers into the hands of the Minister now.

**Senator Lynn Boylan:** I know the purpose of today's Bill is to amend the National Oil Reserves Agency Act 2007 to facilitate the establishment of the climate action fund on a statutory basis. Given that we are in a climate emergency, a climate action fund is essential so we can carry out the necessary mitigation and adaptation measures to reduce our emissions and to protect those communities most vulnerable to the impact of climate change. Sinn Féin is happy to support this Bill but we would like to make several recommendations and observations. I welcome the Government's amendment to facilitate funding projects of a non-commercial nature. I would, however, encourage the Minister to ensure that project tenders, including those of an economic or commercial nature, would include social clauses. Such clauses can ensure that the local community can avail of job opportunities and social enterprises. The community and voluntary sector should not be excluded from tendering for projects, even for commercial tenders. We have seen first-hand the importance of this sector in the circular economy whereby jobs and training opportunities for disadvantaged workers have been created.



What protections and oversight mechanisms will be put in place regarding the decision-making for the projects? We cannot have a situation whereby Ministers can have pet projects for their constituencies. We have seen the outrage from people who were not appointed Ministers. They said their constituencies were let down. How can we ensure that it will not be like the Lotto funds and other funds that Ministers will allocate for their constituencies?

I wish to speak in favour of the amendment tabled by Senator Higgins on the scaling down of oil and gas in future. To meet our Paris agreement obligations we will have to decarbonise as rapidly as possible and shift away from the use of fossil fuels. We have seen growing concern in the United States about the stranded assets of oil companies. Chief executives have paid themselves out, as my colleague has said, handsome packages a week before filing for bankruptcy without ensuring that the finances were in place to restore the wells to their original state. Instead, they have left citizens with the bill for cleaning up while methane continues to leak into the atmosphere. Can the Minister outline how the National Oil Reserves Agency will ensure that the oil and gas companies in Ireland are adequately funded? Will we have a cast-iron, ring-fenced fund to ensure that we are not left with a situation similar to that in the USA?

I am keen to flag some concerns I have regarding biofuels. In this Bill the levy on biofuels is lower than on petroleum. As the Minister has said, this is in a bid to incentivise the use of biofuels. However, the Government does not have a good track record in ensuring biofuels in the Irish market are sustainably sourced and not the cause of indirect land use change. In fact, only last year the European Commission wrote to the Government about its failure to properly transpose the EU directive on biofuels to ensure the sustainability criteria were met. We know these sustainability criteria are already deeply flawed because they do not take into consideration the entire life cycle of the emissions of the fuels. While the phasing out of palm oil is welcome, it needs to happen far faster than by 2030. What are the Minister's plans to electrify road haulage and public transport? The idea would be to move away from reliance on biofuels. Surely this should be the priority.

I note aviation fuel is exempt from the Bill. I understand addressing this may be a matter for the EU. However, will the Minister pursue changes to this when he next meets his European colleagues? I suggest that in the absence of an aviation fuel tax perhaps we should consider introducing some form of tax on private jets. For example, an individual, who shall not be named, over the course of two and a half years took 698 flights on his €70 million private jet, all in a bid to avoid paying tax in this State. Surely if the Minister stands over the quadrupling of the carbon tax, then he would consider tackling wealth and consumption. This is one such measure that could be taken on board.

I wish to ask the Minister about the financial future of this fund. I note the projected funding is €500 million with annual funding of at least €50 million per annum over ten years. If our long-term goal is to rapidly reduce our reliance on oil and gas, then surely the amount raised in the levy will decrease accordingly. How is this being taken into account? The Bill states that annual expenditure will be €10 million in 2020, €30 million in 2021 and will increase to €100 million in 2027. Surely it would make sense to reverse that and front-load the funding. If we are doing our job right in tackling climate change, then income from the levy should be decreasing over time. Moreover, the Government is rolling out a July stimulus package. Surely it makes economic sense to front-load the investment from the climate action fund to create jobs and accelerate emissions reduction. More crucially, front-loading would also help mitigate against the impacts on struggling families of the increases in the levy and carbon tax. I would appreciate if the Minister could address some of those points.

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**Senator Rebecca Moynihan:** I welcome the Minister, Deputy Ryan, to the Chamber and wish him well in his new job. I had the pleasure of working with many close colleagues of the Minister on Dublin City Council and they are among the most talented of politicians. We shared a great deal in common with respect to how things worked at local authority level.

The Labour Party welcomes the provisions of the Bill and the establishment of the climate action fund. However, we will support Senator Higgins's amendment.

As a word of warning, my party does not believe the challenges of climate change will be tackled by solely relying on a levy on fossil fuels. I echo the call of my colleague in the Dáil, Deputy Duncan Smith, for a further debate on how we will fund the climate action plan. Deputy Smith also asked if there is a timeline for putting the climate action fund on a statutory basis beyond this Bill.

My colleague, Senator Hoey, will address the question of a just transition, particularly for workers employed in what are now considered to be dirty industries. We in the Labour Party will not tolerate a transition that does not put workers and the right to be employed in secure, well-paid jobs at its heart. There can be no green transformation without fairness and justice for workers at its heart.

The first call for applications includes some very good projects, particularly systems such as district heating in Dublin city and south Dublin. However, the second call needs to provide for more investment in retrofitting local authority housing stock, to which Senator Fitzpatrick referred, and for grants to local authorities to make their housing stock and systems more energy efficient, particularly in areas such as green roofs. When I and a couple of the Minister's Green Party colleagues pushed for green roofs to made part of the plans for the development of Chamber Street flats, we were told there was no funding available and there were also issues with sustainability. I would like more funding to go into research on how we can come up with innovative ways of making existing stock and new housing stock more passive, while also mitigating against the flood risks in Dublin, including in the city.

I am a little concerned about the previous Government's approach of pushing electric vehicles. I would like greater investment in sustainable forms of transport and public transport, rather than in moving the car stock from fossil fuels to electric vehicles. The societal cost of congestion has to be incorporated in that. I do not want a significant amount of funding from the climate action fund allocated to funding electric vehicles because they lead to an unsustainable use of land and road space. We need greater investment in sustainable forms of transport, in making our public transport system electric and also, potentially, making it free of charge. I certainly welcome some of the moves by local authorities over the course of Covid to make our roads more cycle-friendly.

One of my concerns about the second round of applications is that the projects that have been funded to date have been large, require large organisations to get involved and feature a great deal of research and development. I would like to see this move towards smaller community initiatives, not to become like lotto funding and the sports capital grants but to ensure that local communities are able to come up with bottom-up ideas that might work in their local areas. A community fund should be established to which communities could apply for small amounts of funding. It should be administered through the local authorities or local communities.

I will now address the issues of density in cities, city fight-back against climate action and the need to invest more in green spaces. As I stated previously, this is not only important for the health and well-being of people in cities. It is an important part of our flood defences.

What were one in 100 years flooding events within cities will now become more frequent. We need to have a way to make smaller concrete spaces greener, for example by putting in pocket parks, to assist in our flood defences. Small things such as giving people grants for gardens and for green roofing would represent an investment in our flood defences.

**Senator Annie Hoey:** I welcome the Minister, Deputy Eamon Ryan. I reiterate my Labour Party colleague's support for the Bill. We broadly agree with the principle of developing a €500 million climate action fund from the proceeds of an existing levy paid by all companies and using it for climate action projects to decarbonise the economy. *1 o'clock* It is not, however, a suitable long-term plan to fund our climate action plans from revenue collected from burning fossil fuels. It is important that a long-term strategy is put in place to fund the climate action plan sustainably. I reiterate Senator Higgins's point that this fund cannot be the limit of our ambition.

As mentioned earlier, the greatest concern for the Labour Party is that workers and households do not bear the brunt or costs of moving to a sustainable economy. There can be no climate justice without social justice. We must ensure a just transition to a low-carbon economy. The State must ensure job guarantees to any worker who faces a potential job loss due to the climate action plan. We must ensure workers in high-emission industries will have reskilling opportunities, retraining and alternative employment. A just transition must be ensured for all regions in Ireland. There is massive concern currently in the midlands in particular around jobs. We must invest in State enterprises such as the ESB, Coillte and Bord na Móna to create new sustainable jobs in clean energy, recycling and land management. I wish to highlight that Bord na Móna is investing in taking people off the milling of peat and moving them into the rehabilitation of peatlands. Will the Minister confirm today that a just transition for workers will be central to the climate action plan? It is crucial and it creates great anxiety for many people. Professor Hans Bruyninckx, director of the European Environment Agency, has outlined that:

A socially just transition planned and implemented over a long term is the only way forward to build a resilient society with a strong and sustainable economy. Moreover, the investments we will make to mitigate the economic impacts of this [Covid-19] crisis should be, and can be, fully aligned with our long-term sustainability goals.

The only way to ensure we have a strong and stable economy is to bring every worker with us. With this change comes great opportunity and this fund will be essential as we look forward. Workers are essential to the just transition to a sustainable green economy. For every penny spent out of this fund we must look at how to mitigate the climate crisis, invest in communities to ensure they are living green and ensure every worker has a sustainable future.

**Senator Mary Seery Kearney:** I very much welcome the Bill and I am particularly delighted that the implementation of the legislation will put the climate action fund on a statutory footing. I welcome also the commitment that once the Bill becomes legislation and is commenced there will be a second call for projects to be announced. It is on the subject of one of those projects that I wish to address the Minister.

I bring to the Minister's attention a group calling itself Metro South West. This group,

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headed by Pauline Foster and Seán Ward, comprises a collection of volunteers and more than 30 residents' associations contained within the Dublin South-Central and Dublin South-West constituencies. They have carried out Trojan work relating to the MetroLink project connecting Firhouse with Rathmines and taking in Kimmage and Harold's Cross, which are within my Dublin South-Central constituency. A commitment to carry out a feasibility study for this proposed metro line was given by all three Government parties in their election manifestos, and supported by the Minister, Deputy Eamon Ryan. A meeting is being sought with the Minister to advance the discussions on that feasibility study. South-west Dublin is the triangle between the green and red Luas lines, but not served by them. The area has only buses as its public transport options. This stands in sharp contrast to south-east Dublin, which is served by the DART, the Luas and a quality bus corridor. The population of the south-west Dublin area proposed to be served by the MetroLink well exceeds that of the catchment area for the Luas green lines. It has been suggested that this is not the case, but arguments that the population is insufficient are simply incorrect.

One of the members of the group, Pauline Foster, managed to get her hands on a 1973 bus timetable. In that, she made a comparison with the bus seats in 1973, with a much smaller population than now. Even if BusConnects delivered everything, including its spines, it is still less than we had with a much smaller population in the area.

We have a unique opportunity with the metro tunnel boring machine that is proposed to be abandoned underground to do something really significant. I strongly advocate that instead of being abandoned, it is turned slightly and moved over in our direction to provide an excellent and energy sustainable public transport option. The benefits are immense. In this area, there is more than 70% reliance on private cars. Modality conversion would be guaranteed and pay dividends on the investment in the environment and quality of life for our residents. Efficiency and diversity of choice in public transport makes hospitals, workplaces and the city more accessible. The more accessible the city, the more life we have in our city centres for families to enjoy it and to have the experience of vibrant city life, as well as all the environmental benefits, which we do not need to lecture the Minister on.

The plans for the metro route are not new. As long ago as 2001, the Dublin Transportation Office published a report entitled *A Platform for Change*, modelling a bus-only solution. That report stated: "In summary, the analysis of the 'Comprehensive Bus' scenario established that buses alone could not address the problem because in many of the main transportation corridors the bus mode cannot provide the necessary capacity to cope with the forecast demand." The report went on to recommend the provision of a metro from Tallaght to the airport, including Kimmage and Harold's Cross. How is it that nearly 20 years later, with a lower density of population then and significantly increased population now, with all that is planned for the coming years, the argument for that transport solution is not made and not sustainable now?

The metro group's straightforward argument is that buses alone cannot provide sufficient public transport capacity in Dublin South-West, and as a result, the south west will remain heavily reliant on cars, which will further damage the environment. On-street Luas is not feasible in this area, so the only way to provide the required capacity is with a metro. In other words, there is no alternative to a metro to meet the public transport needs of those living in Dublin South-West and that portion of Dublin South-Central. This analysis is supported by residents associations, their experience and canvassing of them. It is imperative that this position is reviewed and that the feasibility study is undertaken. With the passing of today's legislation, I strongly propose and urge the Minister that the metro south-west feasibility study is undertaken as one

of the projects under the climate action fund, that the funding is designated for it, and that we take cognisance of the eminently sensible and reasonable terms of reference that are suggested and put forward by the south-west metro campaign.

**Senator Pauline O'Reilly:** I welcome the Minister, Deputy Ryan. This is not just an amended Bill. It is a statement of intent. We have a list of projects. If we can continue in that manner, actually to show the practical ramifications of the Bills that we have passed, that is the best way to get the public on board. We see a number of these projects dealing with climate in tandem with fuel poverty. Let us continue that and show that this is a Government and a House that is putting in place the practical measures that can change people's lives.

I welcome many of the suggestions here today which show that we are all on board with a climate action fund. On top of the measures outlined here, I am especially excited about that second round. As was highlighted earlier by Senator Murphy, today is the closing date for applications for the just transition fund. That gets people really excited. They can ask to put forward their innovative suggestions for how to deal with climate and how to help their community. When I look at some of the community energy projects that people have tried to get off the ground, such as in my own constituency of Galway, it has been incredibly difficult. I have tried to help communities to do that. I would love if the Minister addressed how we can make it easier for people to put these things into action.

The Aran Islands Energy Co-op has been really successful but that took years of effort on the part of a dedicated group of people who live close together. Other things can be done, but people have found it difficult to use the Sustainable Energy Authority of Ireland grant scheme. It is fantastic that there is going to be a second round but I would love to hear more about how we can make it easier for people not only to access funding but also to get projects off the ground.

I thank the Minister for coming in and will not take any more time. I welcome the Bill and the amendments that the Minister has said he will look at further down the line. We are losing money every day that we fail to pass this legislation so we should pass it while taking on board all of the suggestions that have been made and working together across the two Houses of the Oireachtas.

**Senator Eugene Murphy:** I sincerely congratulate the Minister on his appointment. I had the privilege of joining Dáil Éireann in 2016 and one of the greatest working relationships I had was with him. I come from a rural community where people often say that the Minister does not care about them. He does care about people. If I am not mistaken, he has a strong association with County Tipperary. I assure the House that the Minister would speak to any rural community he was asked to. To be quite honest, I want to stop the sense of "us and them" about climate change in this country. I want specifically to say to the people of rural Ireland that it will not be an us-and-them situation. That is true from the perspectives of Fianna Fáil, the Green Party and Fine Gael. The Government will be fair and ensure that difficulties for rural communities will be addressed. We might have problems with emissions but substitutions will be put in place in order to lessen the burden of taxation on people. This matter affects both people in rural Ireland and, as Senator Fitzpatrick said, in urban areas. Let everybody from all political perspectives, whether that of Fianna Fáil, Fine Gael, Independent, Sinn Féin, the Labour Party or whatever, confirm that this is not a situation of us and them.

Decarbonisation is no longer a buzzword, it is a reality for every part of our society. How



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we achieve it and overcome difficulties will be challenging but those difficulties will not be overcome by creating us-and-them situations. Incorrect material is sometimes put out in order to frighten people.

Past Governments may not have lived up to the challenge of looking after people in fuel poverty as well as they should have but the need for supports for such people has always been acknowledged. The issue of fuel poverty, and the need to address it, is often mentioned in the programme for Government and within the three parties. We must look after people who may be challenged by increased taxes. That must be clearly dealt with.

Earlier today, I asked the Leader to suggest that, in the future, the Minister will come before us and specifically talk about my area, notwithstanding the fact that I know that the Minister has much work to do at the moment. The situation relating to Bord na Móna and just transition is shocking. The transition was to occur over an eight-year period but has happened virtually overnight. That has created a great challenge. I know that the Minister has taken a keen interest in the matter. The people of Shannonbridge, Ballinasloe, Lanesborough, Longford and Roscommon look forward to engaging on the matter. Let us come forward with jobs. All the better if they are green jobs. Bord na Móna and the ESB were the economic lifeline of our locality for 70 years and thousands of people relied on them. We all must acknowledge that change is coming rapidly but we must ensure that those communities are not left behind. I am sure the Minister agrees. It is a challenge that I recognise as such and it is one for everybody in this Chamber, if they are sincere about politics. Members of this House must not engage in “us and them” politics. We must not put fear into people about changes that must be made. We must help people along. I know the Minister will engage with communities and he will have my full support in whatever he does. Of course we will have challenges and differences of opinion but this is certainly a challenge we have to meet.

Rural communities should not be afraid. We will meet the challenges. We know there are issues with public transport. Rural areas do not have the public transport system that some urban areas have. We will have to rectify that. While LocalLink has come on board and more people now have access to that type of travel, it still does not solve the problem. Let us move forward. The establishment of the climate action fund is good. I look forward to many people in urban and rural areas putting forward suggestions and ideas for this fund.

**Senator Barry Ward:** I dtús báire ba mhaith liom fáilte a chur roimh an Aire agus comhghairdeas a dhéanamh leis as an bpost nua atá aige. Táim an-sásta é a fheiceáil sa Roinn Cumarsáide, Gníomhaithe ar son na hAeráide agus Comhshaoil agus tá a fhios agam go ndéanfaidh sé an-jab dúinn ag am atá an-tábhachtach ar fad dár gcomhshaol anseo.

I welcome this tremendously important Bill. If I have one criticism, it is that the Title disguises what the legislation is actually doing. I echo Senator Pauline O'Reilly's point that we are now embarking on a new phase in dealing with the climate action crisis. We are building on the work done by the previous Government and the provisions put in place in the last budget. Work was also done by the joint Oireachtas committee on increasing the carbon tax in acknowledgment that this is an expensive problem which can only be solved with the contribution of the economy. The suggestion is that we are merely amending the National Oil Reserves Agency Act, although I accept the Title says more than that. That suggestion takes away from the impetus the Bill gives the Government and the State to deal with the issue that arises.

I also agree with Senator Higgins that the National Oil Reserves Agency Act 2007 was



passed in a totally different time. Attitudes were completely different, as were the economic situation and the approach to carbon fuels. Perhaps the name of the agency should be changed to refer to the national energy reserves agency because it must go beyond safeguarding access to carbon fuels and ensuring Ireland's energy security.

To respond to Senator Moynihan's comments about electric cars, in the context of energy security one of the great aspects of having a greater fleet of electric cars is that it also creates a reserve for electricity generated through wind power, for example. While I agree with the Senator's point on the danger of merely replacing current cars with electric cars, that would have a major benefit and not only in reducing emissions. If we are to move towards renewable forms of energy generation by increasing wind and wave power, that does not stop when night falls and cars come off the road. Energy generated overnight can be stored in the batteries of those cars in the driveways of houses and the car parks of apartment blocks. That is a very important feature of having a fleet of electric cars. Energy generated overnight is stored in those cars and used again during the day in circumstances where we as a nation do not have the capacity to absorb the renewable energy generated overnight because we do not have batteries large enough to do so. To say we should simply not invest in electric cars is slightly short-sighted because it does not acknowledge the important role these vehicles have in providing a battery for the State.

To respond to Senator Boylan's comments on aviation fuel, it is important to recognise that the Bill does not have a role in this regard. I do not dispute that there are major issues with aviation fuel and emissions but we must also recognise that, as an island nation, we are very dependent on aviation in a way that our continental colleagues in Europe are not. We have to be very careful about being the cheerleaders for measures on aviation fuel that will make the provision of goods on this island much more expensive, which would have a massive knock-on economic effect. We must think about that very carefully.

I want to address some of the issues in the Bill, specifically the provision in terms of commencement. I know that when the 2007 Act passed, it was commenced almost immediately, but this is emergency legislation and is going through this House in what can fairly be described as a rushed fashion. Other Senators have expressed reservations in recent weeks about the fact that we are going through all Stages of the Bill and I agree with that, but I also recognise the urgency of this provision. Will the Minister confirm that these provisions will be commenced almost immediately? The power is in the Minister's hands and I would be anxious that there would not be any delay in commencing them. In passing this Bill, the Oireachtas is handing that power over to the Minister rather than requiring that it would commence on its passing.

The Bill has been described as technical. There is an awful lot of amendment in it, and the Bill, apart from the newly inserted sections such as 37A and 37B etc., is mostly amending the principal Act. I wonder if there is room, as we move into this new phase that has already been described, to talk about having consolidating legislation in this regard. It is difficult for the ordinary person to access a document like this, which is long but essentially refers to another document. I wonder if consideration will be given in the future, given that the 2007 Act has already been amended twice, to more consolidated legislation that would make it clear for people.

On section 15, which creates a new section 37B, there is a provision in subsection 6 of that for financial accounts from the fund, as well as a report from the Comptroller and Auditor General on same, to be laid before each House of the Oireachtas, and I welcome that. Would there also be room for the Minister to provide a report on the expenditure and operation of the climate action fund to give greater clarity and transparency to Members and the public in respect of how

this money is generated and spent?

**Senator Gerard P. Craughwell:** I welcome the Minister to the House and I congratulate him on his elevation. We will miss him in the corridors of LH2000. I agree with the speakers who have said the Title of this legislation is somewhat confusing to the ordinary individual and I support Senator Ward in his suggestion regarding the need for consolidated legislation in the not-too-distant future.

There is a lot of talk about retrofitting, particularly when we look towards the Bord na Móna workers and their like. I walk around south Dublin and I watch new developments and I have to congratulate the construction industry on the way in which it has tried to build houses that are more green and eco-friendly, etc. On retrofitting, I was recently talking to a relative of mine and I told him I was thinking of changing my windows again. The response I got was that at my age I might as well leave it for the next guy. When we think about the costs involved for the people who desperately need to retrofit their properties, it must be remembered that, by and large, they are in the more elderly age group in the country.

It struck me when I visited Finland a couple of years ago that the further education and training sector is actively involved in the community and in work such as retrofitting. As a former trade unionist, I realise this would cause problems, but there may be scope to bring in something like the old FÁS projects from years ago, in which community work was done by trainees under the auspices of FÁS, with respect to retrofitting houses for the elderly. The costs involved are prohibitive and they simply could not afford to do it otherwise, so why should they be left out of the loop when it comes to retrofitting their properties? I ask the Minister to engage with his colleague, the Minister for Education and Skills, to see if there is a way we could bring education and training into the area of retrofitting properties and making them more eco-friendly.

There is a lot of talk about electric cars, both in this House and outside of this House. I am 100% supportive of this but I want us to be a little bit more realistic about the human cost of some of the raw materials that are required in the building of electric vehicles and I want us to be honest about the carbon footprint from the manufacture of an electric car. I have heard estimates that suggest it takes up to ten years to write off the carbon footprint for the manufacturing process involved in an electric car. Very few people in this country have cars that are more than ten years old. Those who do will be levied by an insurance company because their cars are too old. We need a more honest debate about replacing petrol or diesel vehicles with electric vehicles. I am not saying it should not be done. I am 100% supportive of it. However, we have to be more honest about the actual costs, both in human and ecological terms.

The Minister will be aware that last year I took to two wheels and cycled around Dublin to try it out for myself. I had not sat on a bicycle for perhaps 50 years. The experience of travelling around Dublin was horrific. In recent days I have seen experienced cyclists bringing their young children onto the roads on bicycles. One of the interesting things I saw over the last few days was a cycleway where young novice cyclists were brought by their parents to experience cycling and become competent in it, only to find that it was a racetrack for more competent cyclists. I am not sure what we can do about that other than consider changes to by-laws. We can at least state in this House that cycleways are for people to travel in a normal cycling capacity. They are not raceways. People who want to race fellow cyclists should find a track somewhere or get out on the main road. For God's sake, young children and novice cyclists should not be put in danger by people racing down cycleways that were not constructed for that purpose.

The cycle to work scheme must be extended and electric bicycles must be included for more elderly persons such as myself. My legs are still reeling from the two days I spent on a bicycle. It would have been nice for my bicycle to have been assisted by electrical power. We need to look at how we can offer more grant aid or subvention to get more and more people on bicycles. That will fall into the Minister's remit and I know he will be 100% committed to it. I wish the Minister well in his portfolio. I hope he brings the educational issue I spoke of to the relevant Minister.

**Senator Seán Kyne:** I would like to congratulate the Minister on his appointment and welcome him to the Chamber. I broadly welcome the National Oil Reserves Agency (Amendment) and Provision of Central Treasury Services Bill 2020. It was legislation which featured regularly at the legislative meetings which I chaired in my previous role but was subject to continued delays and requirements for legal advice. I welcome the fact that it is finally before the Houses. As we have heard, the Bill puts the climate action fund on a statutory footing. The fund is one of four set up under the national development plan in 2018. I know the importance of designated funds with specific aims and objectives. When I was a Minister of State at the Department of Rural and Community Development I put forward the idea for a fund that was to become the rural regeneration and development fund with the support of the Minister, Deputy Ring. For several years, there was no suitable fund to support and progress larger projects with the potential to transform communities and implement positive changes. The rural regeneration and development fund solved that problem, just as the climate action fund is an important part of the solution to the major challenges of climate change. As others have said, I would like to see it grow and develop over the years and form part of mainstream funding rather than being confined to levies.

The projects supported by €77 million under the first round of the climate action fund will be varied and will help our country to transition to a low-carbon future. The projects, which include the ESB electric vehicle charging infrastructure project, the Iarnród Éireann hybrid fleet project and the local authority public lighting energy-efficiency project, were all practical choices.

Cé go bhfáiltím roimh an mBille um an nGníomhaireacht Chúltaca Ola Náisiúnta (Leasú) agus um Sholáthar Seirbhísí Lárnacha Cisteáin 2020 go ginearálta, tá roinnt inní orm. Suas go deich mbliana ó shin, bhí ciste suntasach ag an nGníomhaireacht Chúltaca Ola Náisiúnta, suas le €440 milliún. Ós rud é go ndéanfar an ciste a mhaoiniú, is cúis inní é inmharthanacht an chiste agus muid ag bogadh ó úsáid táirgí ola.

Cúis inní eile dom ná tionchar cuid de na bearta gníomhaíochta aeráide eile ar theaghlaigh, ar chomhlachtaí agus ar phobail lasmuigh de Bhaile Átha Cliath agus na cathracha móra. Rachaidh bearta mar théamh ceantair agus iompar poiblí ar scála mór chun leas na gcathracha. Tá níos lú roghanna dúinn sna bailte beaga, sráidbhailte agus pobail tuaithe. Ní mór dúinn a chinntiú go mbeidh na bearta gníomhaíochta aeráide leathan ionas go mbeidh gach teaghlach agus pobal inár dtír in ann leas a bhaint astu. Ní féidir pionóis a ghearradh ar theaghlaigh ná ar ghnólachtaí as leanúint ar aghaidh ag úsáid fhoinsí breosla atá ann cheana féin le haghaidh fuinnimh agus iompair toisc nach bhfuil aon roghanna eile réidh ná forbartha i gceart.

Tá dóchas agam, áfach, gur féidir foinse fuinnimh in-athnuaite agus bearta eile a thabhairt isteach agus go n-éireoidh leo i bpobail tuaithe nó iargúlta. Is samplaí iontacha iad Oileán Árann agus an chaoi ina mbaineann an pobal áitiúil an-úsáid as tionscnaimh mar an scéim, pobail fuinnimh níos fearr.

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I have a concern over the proposed Committee Stage amendment to section 15 removing the obligation to conduct a competitive project selection process. Instead, the Minister, or such other person as he or she may nominate, will be empowered to invite proposals to receive funding from the NORA fund. We need to be very careful in terms of transparency and fairness. I ask the Minister to clarify how the projects will be upheld with regard to the selection of projects and initiatives.

Section 15 requires the Minister to consult the Minister for Public Expenditure and Reform on the guidelines on the funding of projects. As my party's spokesperson on public expenditure and reform in the Seanad, I will be taking a keen interest in the selection of projects and the use of the NORA fund.

The programme for Government is rightly ambitious on climate action. The Government and the Houses of the Oireachtas need to lead in this area. I cannot emphasise enough the need to ensure that climate action measures are fair, realistic, viable and, above all, will help citizens and communities on our journey to a low-carbon economy and society.

On numerous occasions, I have highlighted the progressive increases in carbon tax and ring-fencing these for rural areas and public transport. If we are to reduce dependency on and usage of private cars, we need to provide alternatives for those rural communities. We need to provide extra bus routes and increase the frequency of services. Without that, as prices of petrol and diesel continue to increase, it will create a tension we do not want. We do not want to create a tension in rural communities which are dependent on private cars if we do not have an alternative in place. I recognise that challenge. As carbon tax increases in the future, we need to ensure part of that is ring-fenced for additional bus routes and increased frequency of service.

**Senator Emer Currie:** I appreciate the opportunity to engage with the Minister on this Bill. I know it has a long name and we refer to it as NORA, but what we are really discussing are the benefits of the climate action fund, the projects that have been approved and potential projects. As previous speakers acknowledged, we are all working towards a transition to a low-carbon economy, while reaping the benefits of that from the point of view of quality of life, work-life balance, the provision of a just transition and secure employment, and climate action in biodiversity.

I have some questions for the Minister. Can the climate action fund be used to develop an ecosystem around remote working? We have a real opportunity at the moment to change the model of how we work and move away from what has gone before in terms of getting up in the morning, commuting into town and coming home. We have an opportunity to bring everything more towards communities by developing community infrastructure around remote work and making a more sophisticated network of co-working spaces.

We frequently talk about the benefits for rural areas from this. We do not necessarily focus on the benefits for suburban life. I live in the constituency of Dublin West. I have always felt there is a great opportunity there in terms of the pressure on our public transport and the pressures parents and commuters feel. In the long term it is about changing the model of how we work and investing in community infrastructure around that. Does the climate action fund have potential to drive that forward?

I want to ask about start-ups. We have rightly spent much time in the House talking about SMEs. Is there potential for start-ups in the climate action fund? Obviously, innovators have

also been hit by Covid. It is not necessarily through jobs yet but it is the time and investment they put into their projects. We have to make sure that the opportunities still exist for them because we need them in this transition to a low-carbon economy and the future of the country.

The third question, which other Members raised so I will not labour it, is the potential for apprenticeships and reskilling within this project.

**Senator Micheál Carrigy:** I welcome the Minister to the Chamber and wish him well in his brief. I welcome the Bill and the increased funding for the climate action fund.

I come from Longford, one of the areas that has been hit with the closure of the plant in Lanesborough. Thousands of people in our area relied on jobs from Bord na Móna and the ESB over the past number of decades. We were hit with a hammer blow by the decision by An Bord Pleanála to turn down the ESB's application, and it has brought forward massive changes in our community. A local collaborative group has been working for the past number of years to try to bring forward plans for alternative jobs in our area. I ask that we would be prioritised as an area, along with Offaly, as the area that is most affected and has the largest number of job losses because of these changes with the ESB and Bord na Móna.

I ask the Minister to also examine the planning conditions for those plants, which means that they must be decommissioned and taken down. I ask that that would be stalled to allow the groups to examine alternatives for the use of the power stations as they currently exist. That is a priority that must be dealt with straight away. We must prioritise these areas for funding, as they are the areas most affected by job losses because of just transition.

I ask also that we would promote the development of the mid-Shannon wilderness park. Our local authority in Longford and the county tourism committee has been working towards developing a natural park in the 20,000 acres of bogland in that part of County Longford.

I ask the Minister to look at those issues. I ask him for his support, and I invite him to come to County Longford to meet the people on the ground in Bord na Móna and ESB who are losing their jobs.

**An Leas-Chathaoirleach:** As there are no other speakers indicating, I ask the Minister to reply.

**Minister for Communications, Climate Action and Environment (Deputy Eamon Ryan):** I very much appreciate the contributions by all the Senators. I will try to reflect on some of the questions, answer them if I can and comment on some of the contributions. I will start with Senator Fitzpatrick who was right in stating that a key in this transition is the health benefits that accrue from the decarbonisation. In terms of the analysis that has been done, for example, in retrofitting, the Senator is right, in that the effects on asthma and lung disease are dramatic. There are huge co-benefits from making this transition.

I want to reassure Senator Higgins, and agree with her, that this fund is only a small part relative to the jigsaw we will have to put in place to make this transition work. It is one fund. It tends towards innovation, experimentation and new technologies that might not make the commercial yardstick but which, by advancing them might give us the scale or the experience to allow them to become much more common. To answer the Senator's question, under section 15 and the proposed new section 37B(8), there is the mechanism, as she suggested, to allow other European or Exchequer funds to go into the fund. It could be added to not just from the



levy but from other sources. That is very much required.

I agree with Senator Boylan on the need for aviation taxes and in respect of shipping. That has to be handled at an international and European level. She will be aware of the task involved in that. We are closer to it in Europe than people had thought. It may be delayed somewhat by the Covid-19 crisis because the aviation industry is in such a downturn but I agree with her that we should be looking at that mechanism. Also, with regard to front-loading of investment, the way this is structured there is a front-loading in the fund in the sense that the National Oil Reserves Agency has a remaining cash pile, as it were, of approximately €200 million. That will be used by the National Oil Reserves Agency in the first few years if it has to buy any additional stocks for us to meet our international obligations under European Union and International Energy Agency agreements. This means that the vast majority of levies collected over the coming years will go into the fund, which can then be disbursed.

The spending of the fund is not a function of availability but of how quickly projects can get up and running. I will provide an example. I agree with and appreciate Senator Moynihan's comments regarding our colleagues on Dublin City Council. An example of a project for which funding has already been agreed is the district heating scheme in Dublin, towards which €20 million has been allocated. In truth, we have not seen this project advance as quickly as I would have liked. The same could be said of a whole variety of projects. Dublin City Council will really need to provide resources to match this funding to progress this project and perhaps even to think more ambitiously about how it and district heating generally might work. It may be the case that it could be extended further rather than being limited to its current scale.

I absolutely agree with Senator Hoey. This must be a just transition and we must prioritise measures that result in social progress and address fuel poverty and inequality.

I could not agree more with Senator Seery Kearney. Her analysis of the history of the bus service in the areas she referred to was very interesting. I would go even further back. The very first rail service came from that south west direction and into the city. It was initially drawn by horse and cart. That need has always been there and it is a strategic objective. As much as I agree with the project, it will not be provided for under this fund. It must be investigated in the first instance by the National Transport Authority. The options must be examined, including the options of running south east along the existing line and of running south west. That is the appropriate way to progress. This fund cannot be used to fund all the projects we might want to fund. I do not disagree with the Senator's analysis that running MetroLink further than the currently envisaged end point is absolutely necessary.

I thank Senator Pauline O'Reilly for her comments. If one was to take any of the Aran Islands as an example, Inis Mór is a good choice. It shows a variety of things, including that things take time, that mistakes are often made along the way, and that things can stop and start again. That Aran Islands project is, however, as good as any. It is very measurable because one can measure the fuel going out to an island. This fund is similar in a sense. One of the amendments to whose purpose I signalled I hoped to come back, in the name of Deputy Whitmore, specifically targeted community resilience projects of that nature. While it is not provided for in the Bill, I agreed with the Deputy that we would come back to the idea of specifically targeting community-led community resilience projects in a later Bill, possibly the climate action fund Bill. The project on the Aran Islands was one of the first and is still a very good example.

I regret that Senator Murphy is no longer in the Chamber as I wished to thank him for his

kind words. I could not agree with him more; it cannot be a case of us and them. As I told Deputy Healy-Rae during yesterday's debate in the Dáil, this will be good for rural Ireland, including Roscommon and Longford. It has to be. Many of these energy projects will be located in rural Ireland. It is hard to site an energy project in my constituency because of the density of the urban environment. They can be sited in rural Ireland, however. I absolutely agree with the Senator that this cannot be a case of them and us.

To answer Senator Ward's point, the reason we are progressing at this unseemly speed - I would prefer it to be done in the ordinary time - is that if we can get it passed today and then passed in the Dáil next week, we can get it to the President straight away. It will fly out to the Phoenix Park. We aim to commence the Act on 1 August. That allows a contribution of €10 million for that month to go straight into the fund. I was talking about front-loading. A sum of €10 million is not small. That is why we are putting this Bill through over such a short period.

I hope Senator Craughwell will be out on his bike a lot more often in light of some of the measures introduced with regard to Covid-19. Senator Currie also asked whether we could use the opportunity Covid-19 presents to change the transport system or the remote working system. These are different pieces of the jigsaw to be solved somewhere else. This is really about energy efficiency rather than transport or remote working. They fit into the national economic plan and that is where we need to do it.

I thank Senator McGahon for the kind words about Mark Dearey and my colleagues in Dundalk. The Senator got it right in terms of focusing on energy efficiency and the lighting scheme in the local authority. Energy efficiency has to come first. The metaphor I always use is that we put the plug in the bath before we fill it. That is not very exciting; it will hardly give us a politician up a pole cutting a ribbon on an LED light bulb but that scale of innovative new thinking is what we should be looking for.

I reassure Senator Kyne that the reason for the amendment, as we will come to in the discussions, is to recognise that there will be some instances where there will not be competitive tendering. In the vast majority of cases we want a competitive tendering process so it will not be about political favours. However, there are certain projects, such as bog rehabilitation, where there is not a market. For a specific bog rehabilitation process where there cannot be, by definition, competition, we want a mechanism. It will not be done through competitive tendering but there will be a call for a specific project to be advanced. This is what the amendment is there to allow. In particular, it recognises that the midlands is where we have to do the just transition first.

To go beyond this, Bord na Móna going from brown to green is a real possibility for the company. The question being asked locally is the correct one, with regard to what we will do with the power stations. They have grid connection links and Bord na Móna has real expertise in energy. Perhaps this can be deployed in a new hydrogen economy. Certainly, it should be applied in the renewable economy. Bord na Móna will start doing this as well as bog rehabilitation. I look forward to visiting Senator Carrigy in Longford.

This fund is designed for thinking outside the box about new sustainable ways of using some of these facilities. These could be quite small. It could be a series of small things such as community projects. It could also be big and really outside the box. There is no limit in terms of the applications so people should think big. If a project really starts to make sense we will be able to draw down funding from Europe as well as from this levy or, indeed, we could go to

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the Exchequer to look for further funding. This is what the levy should trigger. It is only one piece in a series of legislation that we will need.

I think I heard Senator Boylan speak yesterday about the climate action committee. To my mind, it will be critical in contributing. I worked with Senator Higgins on that committee for many years and it was a very good committee. It is through that committee, with Senators, that we should be working together to see how we deploy the fund.

Question put and agreed to.

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

**Senator John McGahon:** Next Thursday-----

**An Leas-Chathaoirleach:** No. It is to be taken now.

**Senator John McGahon:** Now.

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

**Senator John McGahon:** Was that my first mistake in the House?

**Deputy Eamon Ryan:** A €10 million mistake.

**Senator John McGahon:** Do not mention mistakes.

**Deputy Eamon Ryan:** We all make mistakes.

**An Leas-Chathaoirleach:** The Senator recovered very well.

## **National Oil Reserves Agency (Amendment) and Provision of Central Treasury Services Bill 2020: Committee and Remaining Stages**

Sections 1 to 4, inclusive, agreed to.

### **SECTION 5**

**Senator Alice-Mary Higgins:** I move amendment No. 1:

In page 6, between lines 31 and 32, to insert the following:

“and

(c) by the insertion of the following subsection after subsection (5):

“(6) The Agency, in the performance of its functions and powers under this section, shall be cognisant of the Fossil Fuel Divestment Act 2018 and Irish and EU climate targets. A regular report on actions or positions taken in a representative capacity under section 8 will be provided to the Minister.”.”.

Considerable functions and powers are given to the agency under the National Oil Reserves

Agency Act, some of which are subject to the approval of the Minister and some of which are not. I will cite two examples as I am conscious that we have to get through many amendments. The agency may, subject to the approval of the Minister, “enter into joint ventures, partnerships or other commercial arrangements with other persons to construct, acquire, maintain and develop in the State or elsewhere works, plants, equipment, storage tanks” and so forth. This relates back to an issue we have not teased out. Perhaps the Minister will indicate when we will have an opportunity to talk about the scale down and clean up issue, which is important.

Many decisions are going to be made by the agency in the context we discussed, namely, that of an internationally shifting environment in which many companies are going bankrupt and many assets are being purchased and disposed of. There is another function I wish to highlight, which is representing at the request of the Minister a Minister of the Government at meetings of international bodies insofar as those meetings relate to the holdings of oil stocks. Again, I acknowledge there is some specialism within the actions of the agency, but those functions as the agency performs them exist in a climate which is changing and in an environment that is shifting in terms of the political and economic landscape around the energy industries. Most importantly, there has been a changed policy environment in Ireland since 2007. We now have the Fossil Fuel Divestment Act 2018 and climate targets we must meet.

The amendment is simple. It provides that the agency as it performs all these functions, and I am not attempting to take them away, would be cognisant of the Fossil Fuel Divestment Act and of Irish and EU climate targets and that it would report in respect of the actions it takes in a representative capacity on how it was cognisant and did reflect that it was aware of, for example, the exit plan or the scale-down plan or our climate targets in these international meetings. We certainly do not want some agency authorised by the State to take a position at an international meeting in favour of new drilling or the creation of new, unnecessary infrastructure. There is a balance. I recognise the need for the energy reserve. Nobody is contesting that function, but that function should be exercised in a way that is consistent and coherent. I suggest in the amendment that the agency report to the Minister. As many of these actions are subject to the request or approval of the Minister, the Minister could instead assure me that he will ensure that those factors are requested when he gives his request or approval and that he will find a way to be accountable to the Houses for those actions.

**Minister for Communications, Climate Action and Environment (Deputy Eamon Ryan):** I can see the motivation for the amendment but I do not propose to accept it. The agency in its operations has a specific, relatively limited role. It is about energy security and it has always been about the provision of 90 days’ stock of oil. To be honest, the meetings and international obligations in that regard are relatively precise and do not go into the wider energy policy areas. That is appropriate.

I agree with the Senator that the provisions of the Fossil Fuel Divestment Act are important and that we must progress from that. We will do so in the expansion of the ending of oil and gas licences now in Irish waters, which is a significant development. It is agreed in the programme for Government that it would apply to gas exploration as well as oil exploration. Similarly, there is an agreement in the programme for Government that we will remove from the projects of common interest, PCI, list items such as LNG terminal applications and that the Department will issue a policy statement which makes it clear that this is not the future direction in which the country is going. Instead, we are going to provide our energy security through large-scale renewables production, increased interconnection in electricity markets and the development of green hydrogen solutions. There is great potential development in the alternative energy world

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that is now evolving. I absolutely agree that we need to monitor progress and make sure we are up to speed on that, but that is for another day and for different legislation. This is a very precise agency concerning oil stocks maintenance. The function of the Bill is to use some of the revenues that are becoming available for that purpose to invest in a climate fund. I do not think we should try to expand it to the wider energy policy remit.

**Senator Alice-Mary Higgins:** I am not proposing to give the energy policy remit to the agency; I am trying just to ensure coherence. While we have talked about the State, the powers extend to actions in the State or elsewhere, and in international meetings they relate to wider oil stocks. This is very important. We should absolutely be divesting, but we have seen that Japan, for example, divested at home but then was sponsoring oil-fired plants in Bangladesh. We need a consistency and a coherence. I am not suggesting we widen the function of NORA. I have not included such an extension in the amendment. I am just asking the Minister to assure us that he will ensure we do not take actions that are contradictory to that direction, for example, that the agency does not take a position that would undermine the capacity for divestment of another country or other measures. It is just a very small thing. I accept that the Minister might not be able to accept the amendment at this point but I would like an assurance that he will be checking in on this and cognisant of it. We cannot simply say things happen in a silo. We know they do not.

**Deputy Eamon Ryan:** I am happy to give the Senator that commitment. I have a clear understanding of this not only for environmental reasons but also from the point of view of the State's strategic interests as a leader in decarbonisation and the switch to an alternative, community-orientated, sustainable, renewable, local energy supply system. I commit absolutely to keeping abreast of whatever is happening in this regard to make sure that that is how we are positioned.

Amendment, by leave, withdrawn.

Section 5 agreed to.

## NEW SECTIONS

**An Leas-Chathaoirleach:** Amendments Nos. 2 and 3, in the name of Senator Higgins, are out of order as they are not relevant to the subject matter of the Bill.

Amendments Nos. 2 and 3 not moved.

**Senator Alice-Mary Higgins:** I move amendment No. 4:

In page 6, between lines 31 and 32, to insert the following:

### **“Amendment of section 14 of Principal Act**

**6. Section 14 of the Principal Act is amended—**

(a) in subsection (3), by the insertion of the following after paragraph (f):

“(g) sustainable energy or climate science.”,

and

(b) in subsection (8), by the substitution of “the proceeds of the levy collected



and recovered and the proceeds of the biofuel levy collected and recovered” for “the levy and biofuel levy”.”.

The amendment again seeks to strengthen not only the Minister’s discretion and powers in a way that would be useful but also the confidence of us all, as an Oireachtas and a public, in the operations of agencies empowered by our State such as the National Oil Reserves Agency. At the moment those who may be appointed as directors of the National Oil Reserves Agency are persons with a very specific set of experiences and competences. It is very important, especially as we now look to certain parts of the moneys moving towards a climate action fund but also, as I said, because we recognise that the oil industry is not an industry floating alone but one within a wider energy debate and landscape, that we have other expertise available and that the Minister has the capacity to appoint people with other expertise to the directorship of NORA. Currently any director from the board of directors of NORA can come from oil or oil-related industries, chemical or chemical-related industries, finance, economics, legal matters or energy production and supply industries. There are a few issues here, one being the expertise, none of which relates to the geological reality that oil and the oil industry is something that is happening on the planet that has huge implications, including for climate science. There is no sign, recognition or consideration that this industry has very serious impacts on how it does its work. With the exception of finance, economics and legal matters, the other expertise all relate to industry experience. Again, by their nature, the directors of NORA come from industry and business and may potentially have either past or present interests in the area of oil, chemicals or energy production and supply.

The Minister would not have to remove any of those. My amendment would simply add sustainable energy or climate science as two possible considerations when appointing a director to the board of NORA. My other amendment on this matter was ruled out of order and the Minister has not had a chance to address it but in the future, we will hopefully  
*2 o’clock* move towards our reserves not simply being oil reserves but sustainable energy reserves. When assessing oil stocks, for example, someone with a background in climate science would recognise that, given a choice between A, B and C, option B may have a less negative climate impact. That consideration and consistency would be there. This amendment simply gives the Minister the capacity to appoint a director who may not have industry experience but who may have academic experience, for example, in sustainable energy or climate science.

**Senator Barry Ward:** I support Senator Higgins. Sometimes there is a propensity in legislation to overly prescribe the make-up of these boards, but the points she has made are valid ones. The Minister may not be inclined to accept an amendment that would further prescribe the make-up of the board. There may also be room to amend the section in the original Act that prescribes the skill sets of the board members. It could be left up to the Minister of the day and we could trust to his or her discretion who would be the right person to fill the position on the board. I say that in the context of what I said in my Second Stage speech about focusing more on energy reserves than specifically oil reserves, because I understand that Act was brought in at a particular time. Going forward, perhaps we could have more room for manoeuvre for the Minister of the day.

**Deputy Eamon Ryan:** What Senator Ward said about the consolidation of Bills is true in so many different ways. We may have to come back to this legislation in five or ten years as we move out of the fossil fuel era into an alternative where energy storage and security would be completely different. It may involve batteries, hydrogen or interconnection. We do not know

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that yet but in the interim, under international obligations and for our own interests, we need to maintain a certain strategic reserve of oil for transportation. I will be honest; I do not intend to accept the amendment. I can understand where the principle is coming from but the focus of this legislation is very specific. It is not about changing the work NORA has done. It has done its job well, as has the board. The board is made up of people with specific skills in logistics and oil storage, which is what NORA does. It is a very straightforward, specific agency. The real climate expertise has to reside in the Department because that is where the expertise will be required when it comes to how the fund and the community engagement are managed to make sure we get real engagement in coming up with projects. My instinct is to leave well enough alone as regards what NORA does as its core business and focus on the distribution and management of the fund, which is the key new piece. We may need to move away from that in ten or 20 years as we will be in a completely different energy world. I would prefer if we did not have those big storage containers at the end of Poolbeg Peninsula, on Whiddy Island, Whitegate and elsewhere. I would prefer if that was converted to something completely different, but that is legislation for another day. Today is about getting the money from the fund to support climate action.

**Senator Alice-Mary Higgins:** I thank Senator Ward for his comments. They are very reasonable proposals. I recognise that the Government parties might not be able to support this amendment today, but the Minister should consider the constructive proposals Senator Ward has put forward. We should not be waiting for ten or 20 years. The Minister knows he has four or five years in government ahead of him and we should look to have started a sustainable energy reserve fund by the end of that time. It is not simply that we are waiting for the landscape to change or that we are dealing with the downstream element. We need to be ambitious regarding systemic change.

For example, my minor amendment would ensure that someone with sustainable energy and-or climate energy expertise is on the board of NORA and that person would be familiar with how a reserve agency operated. It might be someone skilled in a future sustainable energy reserve, which we may wish to have. This is about laying down arrows towards and ambition for the future, so we are not waiting for a full shift in the landscape. I refer to laying down the expertise, the skills and the conversations that will allow joined-up thinking. The climate action fund is wonderful and everybody supports it, but it is simply a product of NORA. I refer, however, to the operations of NORA and changing systems. As well as adding new things, we also need to change and challenge some of what we were doing before.

In that context, I am afraid I need to press this amendment. I realise I will probably lose, but it is important to press the amendment because I am trying to send a signal to every agency in this State, and most particularly to those in the very delicate areas that impact on climate, that this is a consideration to be taken on board. We cannot leave well enough alone on anything. Everything will need to change and this is a small practical step towards getting relevant skills, analysis and expertise into the room, which will help us make that change in a just and sensible way.

Amendment put:

The Committee divided: Tá, 10; Níl, 27.	
Tá	Níl
Bacik, Ivana.	Ahearn, Garret.

Black, Frances.	Ardagh, Catherine.
Boylan, Lynn.	Blaney, Niall.
Flynn, Eileen.	Burke, Paddy.
Gavan, Paul.	Buttimer, Jerry.
Higgins, Alice-Mary.	Byrne, Malcolm.
Hoey, Annie.	Carrigy, Micheál.
Moynihan, Rebecca.	Casey, Pat.
Wall, Mark.	Cassells, Shane.
Warfield, Fintan.	Conway, Martin.
	Crowe, Ollie.
	Currie, Emer.
	Daly, Paul.
	Davitt, Aidan.
	Dolan, Aisling.
	Fitzpatrick, Mary.
	Keogan, Sharon.
	Kyne, Seán.
	McGahon, John.
	McGreehan, Erin.
	Murphy, Eugene.
	O'Loughlin, Fiona.
	O'Reilly, Joe.
	O'Sullivan, Ned.
	Seery Kearney, Mary.
	Ward, Barry.
	Wilson, Diarmuid.

Tellers: Tá, Senators Alice-Mary Higgins and Frances Black; Níl, Senators Paul Daly and Seán Kyne.

Amendment declared lost.

Sections 6 to 12, inclusive, agreed to.

### SECTION 13

**An Cathaoirleach:** Amendment No. 5 in the name of Senator Higgins is in conflict with the principle of the Bill as there is a potential charge on the people.

Amendment No. 5 not moved.

Section 13 agreed to

Section 14 agreed to.

### SECTION 15

**Senator Alice-Mary Higgins:** I move amendment No. 6:

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In page 12, line 16, after “year.” to insert the following:

“Where the Minister for Public Expenditure and Reform declines consent for monies from a source other than the Houses of the Oireachtas to enter the Climate Action Fund, a rationale for such a decision should be published and laid before both Houses.”.

I was glad to hear the Minister mention that he has an ambition for the EU recovery fund and the European Investment Bank, EIB, pan-European guarantee, for example, and for other sources of funding and fiscal instruments that are set up on a pan-European basis. The EU recovery fund will, crucially, not simply provide money in loans but in grants. It will be money that will not require a future repayment from the Exchequer and will not necessarily create a future cost for the State. There are also international initiatives being taken by UN agencies, for example, and others that are aimed towards accelerating our action on climate change. Those are moneys that may come from a source other than the Houses of the Oireachtas. They are not moneys we need to gather in revenue from any levy or from a loan the State will have to repay in the future. These are grant moneys and emergency moneys that might be made available for the climate action fund.

I note that in the legislation the Minister is correctly given the power to have that money come in but it states, “with the consent of the Minister for Public Expenditure and Reform”. I am sure the Minister for Public Expenditure and Reform will probably give that consent but my amendment was almost akin to a safeguard because we do not want it to be the case that the Minister for Finance or the Minister for Public Expenditure and Reform, whose remits more rightly relate to the expenditure of the moneys the State holds already, effectively determine exactly where the money goes. Every Minister has an important and crucial role in how they ensure the delivery of their briefs. The Minister for Communications, Climate Action and Environment is in the unusual position whereby some of the moneys available to fulfil his brief and his ambition for his Department, may be externally available without cost. If there was a circumstance in which the Minister for Public Expenditure and Reform was to decline consent for such money to come into the State or to enter the climate action fund, it would be reasonable that he or she would be asked to provide a rationale for same.

This is really an attempt to strengthen the Minister’s hand and to ensure that where he sees an opportunity for funding the climate action fund, which will benefit everyone in the State, he is fully empowered to go after that opportunity. The Minister might be able to give me some other assurances that there will never be any obstacle to him doing that or that he will never be told he should not go after funding because another priority is preferred.

**Deputy Eamon Ryan:** I am happy to give that assurance if I can. I cannot see any circumstances where grant funding, in particular, would be available from the European Union or another outside body for a specific project and that it would be refused, particularly if it was recommended by the Department of Communications, Climate Action and Environment, but I will read the note I have for why we cannot accept this amendment. It would be outside of the normal legislative practice, purposes and scope of the Bill. My Department, the Department of Public Expenditure and Reform and the climate action fund are ready and will continue to be subject to the normal financial controls available to Departments and funds, including being subject to the scrutiny of the Comptroller and Auditor General and the laying of accounts before the Oireachtas. As I have said, we must be careful. It is normal procedure for the Department of Public Expenditure and Reform to be involved in this, subject to the provisions of my own technical amendment, amendment No. 8. It is standard practice that a Department does not run

its own budget line. It is normal legislative practice for the Department of Public Expenditure and Reform to be reviewing or involved in most areas of my Department, such as the appointment of chairpersons of boards for example. One often finds that State companies in this area are jointly owned by the Minister for Communications, Climate Action and Environment and the Minister for Public Expenditure and Reform. Moving away from that could create constitutional and legal difficulties and on that basis, I cannot accept the amendment.

**Senator Alice-Mary Higgins:** Can the Minister assure me that he does not see the requirement for consent from the Minister for Public Expenditure and Reform as likely to limit his ambition in seeking revenues for this fund in any way?

**Deputy Eamon Ryan:** It certainly will not. I would raise the issue very publicly if that was the case. I cannot see why we would-----

**Senator Alice-Mary Higgins:** I thank the Minister. In that context, I will withdraw the amendment.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 7:

In page 12, line 38, after “economy” to insert “and society”.

We have spoken about the competitive process. I accept that the Minister has said it will not always be a competitive process. That is appropriate because there are actions in some specific areas that simply need to be taken, for example, in the midlands. Shannon is an area that also will need a just transition, especially as the path forward that was planned has now been changed. A new path will be needed. As the Minister said, there are several areas where there may be calls for specific projects. I am a little concerned that the Bill refers to supporting “projects and initiatives in regions in the State and within sectors of the economy impacted by the transition to a low carbon economy”. My amendment is very simple. The amended wording would simply read “sectors of the economy and society”.

When we think about community development, older people, younger citizens, the question of immigration or the different things that might drive people to leave towns and cities, the concern may not always be about the economy. All the things that make up the fabric of certain areas of the country and various sectors of society will be impacted by a just transition. The Minister’s amendment, which I believe will be taken after this one, moves away from a competitive framing. I seek assurances that projects that aim to enable particular sectors of society to achieve a just transition will also be able to access funding. In other words, I would like assurances that this will not just be about the economy. As I said earlier, it is not just rural Ireland that is made up of communities, but so too are suburban Ireland and urban Ireland as well.

The appropriate intervention in a community that has lost a source of employment may be another form of employment. It may be an economic measure. Alternatively, a social intervention may be needed. For example, some communities are built around power stations. How do we make sure that social interventions keep communities connected and keep life in local towns? Will those projects also be supported? They are also a part of a just transition. Jobs are crucially important but not everything begins with a job. There are other threads in our society that also need to be minded. I am hopeful that the Government amendment No. 8 will address some of the concerns reflected in my amendment No. 7.



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**Deputy Eamon Ryan:** I thank the Senator. I cannot accept the amendment but I can give her the assurances that amendment No. 8 does that. It is envisaged that it will assist us in engaging with these issues. The first work to be done on a just transition will involve spending money on bog rehabilitation to create new jobs and alternative employment for workers who leave companies like Bord na Móna. I also signalled on Committee Stage in the Dáil that we would consider the introduction of some of the provisions suggested in an amendment from Deputy Whitmore with regard to community resilience as an example of a project that could be considered. I indicated that because of the timelines involved in this Bill I would be looking to draft a possible amendment that we might include in the climate action Bill when we introduce it later in the year and that might provide further assurances.

I have one other reflection. I do not disagree with what the Senator said. I cannot accept the amendment because I am concerned about affecting the ability to implement the legislation by 1 August and draw down the funding. There is a third category. Sometimes we will have projects that are purely environmental in nature. We should not be afraid of identifying them as subjects. Sometimes, for example with bog rehabilitation, the actual practice itself is an environmental project as well as a societal and economic one.

I cannot accept the amendment, but I hope Government amendment No. 8 will address some of the Senator's concerns and that the promised further revisions to incorporate community resilience as one of the objectives may also allay some of her concerns.

**Senator Alice-Mary Higgins:** It is interesting that the Minister has mentioned the environmental projects. Care work might not be profitable, but it is important. Ecological care as well as social care are very good examples of things in which the State might wish to invest in a community in transition. Our national parks and monuments could be subjects of community resilience. Given the focus on community resilience in the forthcoming Bill and that the Minister believes that will be able to widen the scope and ambition of the climate action fund in the way I have been seeking, I will not press the amendment at this time.

Amendment, by leave, withdrawn.

Government amendment No. 8:

In page 13, to delete lines 1 to 3 and substitute the following:

“(10) (a) Without prejudice to the generality of subsection (9), the Minister, or such other person as he or she may nominate, may invite proposals to avail of moneys from the Climate Action Fund for any or all of the purposes set out in paragraphs (a) to (f) of subsection (9).”.

**Deputy Eamon Ryan:** This amendment amends section 15 on page 13. The amendment is being undertaken following discussions between my Department and the Office of the Attorney General. It was determined that an amendment to section 15 of the Bill by way of Committee Stage amendment would be appropriate in order to clarify the basis on which the Minister may support climate action projects. The aim of the amendment is to provide legal clarity beyond any doubt in support of the intent of the Bill that it will be possible for the Minister to provide funding for climate action projects by way of either a competitive process or a non-competitive allocation. Therefore, it will not be mandatory for the Minister to conduct a competitive project-selection process prior to supporting a climate project through the Climate Action Fund.

Clarification of this matter in the Bill is important because there may be climate-related projects or investments that are not economic or commercial by nature and therefore may not be applicable for consideration by way of, or successful under, a competitive selection process. This amendment will provide the necessary certainty that the fund can support such non-commercial projects as applicable. This follows on from our previous discussion.

**Senator Alice-Mary Higgins:** I am very glad that such a mechanism is there. I think it will be very important. Not everything always benefits from a competitive process. At times a collaborative process is a more useful approach. In other aspects of community development, competitive tendering has on occasion led to a loss of a sense of empowerment whereby funding needed to be given to projects from the ground up. It is useful to recognise that other funding mechanisms are sometimes more appropriate in order to get engagement, empowerment and buy-in on a scheme, project or initiative.

**Senator Eugene Murphy:** I support the amendment, which widens the scope for communities in an appropriate way. Senator Higgins raised a very important point about communities and community projects. I am very much involved with the Lanesborough community as it is literally down the road from me. Every second household had a job with Bord na Móna or with the ESB. This is why I am so strongly committed on this. The real way to keep a community together is to create jobs. We do not want people going from the area and we do not want unemployment to hit the area because it moves people away.

On the matter of funding, the Minister will be well aware that organisations such as Bord na Móna, ESB and Coillte are currently funding many community projects such as the Sliabh Bawn walkway, which I recently walked backwards, and they are involving themselves in projects for older communities also. While these projects are there, I agree that it is very important to have that as part and parcel of what we are doing.

Amendment agreed to.

Section 15, as amended, agreed to.

Sections 16 to 27, inclusive, agreed to.

## NEW SECTIONS

**Senator Alice-Mary Higgins:** I move amendment No. 9:

In page 16, between lines 1 and 2, to insert the following:

### “Amendment of Principal Act - Report on levy

28. The Principal Act is amended by the insertion of the following after section 64:

#### “Report on levy

**64A.** Within 24 Months of the passing of the *National Oil Reserves Agency (Amendment) and Provision of Central Treasury Services Act 2020* the Minister shall publish and lay before both Houses of the Oireachtas a report on a review which will have considered—

(a) the effectiveness and appropriateness of limiting the levy to ‘disposals of petroleum products’,

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(b) the potential for future introduction of levies which reflect the reserves, material assets, or capital held by oil companies, and

(c) the evolving national and international legal and financial landscape in respect of such potential levies.”.”.

Amendment No. 9 asks that the Minister would publish a review and lay it before both Houses of the Oireachtas. Because the Bill before us today involves the opening up of the National Oil Reserves Agency, it invites us to have consideration and a review of how it has operated, and of the changed landscape and the changing climate that surrounds it. This amendment is simply asking for a report, which the Minister might provide to us. I have given a very long timeline for this because I recognise there might be more immediate work. The timeline is 24 months, that is, within the first two years of the Minister’s tenure, by which time the Minister will publish and lay before the Houses a report looking at: the effectiveness and appropriateness of limiting the levy to disposals of petroleum products; the potential for future introduction of levies which reflect the reserves, material assets, or capital held by oil companies; and the evolving national and international legal and financial landscape in respect of such potential levies.

I recognise that the National Oil Reserves Agency Act reflects a collective European commitment that each country should have an oil reserve, and that it was driven by an issue relating to energy security. I am not in any way disputing that but I believe that the decision was obviously made at that time, perhaps at the European level, that the focus should be in levies on the disposal of petroleum products. This is levies on sale or consumption of the products of oil as it is being sold and products as they are bought on a day-to-day basis. That was brought in at a time when this was entirely focused on a certain vision of energy security that almost presumed an environment in which oil would continue to be one of the main products trading, and that normal purchasing of oil would generate large revenue all the time. In fact, we are in a world where, due to the plastics directive at European level or from Ireland’s divestment policy, we are moving away from the focus on oil and petroleum products on many levels. We want to move away from them being such a large part of the commercial market. We want less consumption. When we look at energy security and the costs of changes in energy, is it appropriate that we base it on a levy on consumption of something that we do not want people to consume? Many other policies and laws that we will be bringing in relate to getting people to consume less of these things. There are nonetheless large accumulated assets. Fortunes have been made over decades from the sale of oil and petroleum products. The cost has been carried by society and by citizens in parts of the world who do not consume a lot but have reaped the impact of climate change for over a decade. This is not the future and is happening now.

Looking at Pigovian taxation, which I know has been looked at in the past, we need to consider how we ensure that oil companies are not simply contributing to our energy security but also contributing to the costs associated with the damage done by oil and petroleum. How do we ensure that oil companies are preparing us for the future so that we do not simply see a move from a long period in which we have subsidised oil and petroleum products because of the wide social dependence on them, but rather a move towards asking them to pay their share? It is not enough simply to ask consumers to pay their share in a levy on the product that they buy in the shop. We need to think in a different way. We know the concerns that have been expressed about that.

The main thing is the capital, assets and financial reserves that companies have. We know

that they have them because, as I described earlier, we have seen that when those companies leave, they take that capital reserve and the moneys that they have and give it to small numbers of executives. I mentioned earlier that 250 oil and gas companies in the USA are likely to declare bankruptcy or close down by the end of next year. One of those companies required a €40 million clean-up. Whiting Petroleum gave €15 million in cash bonuses six days before it declared bankruptcy. There are too many examples to list. The chief executive of MDC received an €8.5 million payment just before the company went bankrupt. I am thinking of those capital reserves and the moneys that are there. Many of these companies will move on and reinvent themselves as the market rightly changes. We will be left with the clean-up costs and the reality that the companies will not be in a position to contribute in the same way to the NORA fund on an ongoing basis.

I am not asking for this today or even tomorrow but that within two years, Ireland would provide leadership. I am not saying to change the European legislation. That is outside our scope. I am asking for a report that shows that Ireland is giving leadership in thinking these issues through and, over the next 24 months, applying some expertise and thought to anticipating what securing a reserve for our energy security and appropriately ensuring that oil companies pay their costs may look like. We should have more imagination about that rather than assuming that things will stay as they are, because we know that is not true.

There may be other ways that the Minister can give this report. He may not have to commit to giving it as part of this legislation but it is crucial. We do not want to be responding after the fact. We do not want to be told that NORA is not paying very much into the climate action fund because those levies are not working as they used to. We do not want to find out that we have substantial clean-up costs associated with companies exiting. Let us get ahead of it and have ideas. When, at the European Environment Council in two years, for example, the ministers are collectively reviewing legislation about oil reserves, Ireland should have some ideas.

**Deputy Eamon Ryan:** I do not propose to accept the amendment. The purpose of the Bill is to establish the climate action fund and provide for the use of surplus NORA levies to be paid to the fund to pay for climate action projects. There may be another mechanism to achieve the Senator's objectives. The programme for Government contains a commitment in respect of the establishment of a tax commission which, in my experience, would typically complete its work within a two-year period. When this energy transition takes place and, hopefully, we see a reduction in the revenues generated from the sale of petroleum and related products, we will be asking the tax commission about the gap that will exist in our tax base and the adjustments that will be required to fill it. That will require wide-ranging thinking and a simultaneous assessment of taxation policy and social welfare policy. Taxation policy in particular will have to evolve to answer the question. I cannot accept the amendment but I think the tax commission should be given a specific brief to answer some of the points that the Senator has raised.

**Senator Alice-Mary Higgins:** I very much welcome the Minister's commitment to bring these issues to the tax commission because that is important. There are many issues I would like to bring to the tax commission and I am aware that the tax commission review will be large and will deal with many issues. I am glad that the Minister intends to bring these issues to the tax commission and I hope that some of the points I have put forward are useful in that regard. However, I wish to emphasise how important I think this is. The Minister can take it as a compliment when I say that I would ideally love him to be doing this review and focusing on these issues. I will press the amendment. I recognise and appreciate that the Minister is going to seek other ways to come at the problems I have outlined but, until they are under way, we

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need to mark the importance of the issue. The clock needs to start now on the changes that are needed. The clock should not start in one or two years after the tax commission is established. At that point, deciding that we should be considering a review would be too late because that could take us to four years from now, by which time the Government might be gone. I want to make sure that we get moving and thinking about these issues now. In that context, I press the amendment. If I am not successful, I look forward to finding other ways to engage on the issue.

Amendment put:

The Committee divided: Tá, 9; Níl, 24.	
Tá	Níl
Bacik, Ivana.	Ahearn, Garret.
Black, Frances.	Burke, Paddy.
Boylan, Lynn.	Buttimer, Jerry.
Craughwell, Gerard P.	Byrne, Malcolm.
Higgins, Alice-Mary.	Carrigy, Micheál.
Hoey, Annie.	Casey, Pat.
Moynihan, Rebecca.	Cassells, Shane.
Wall, Mark.	Conway, Martin.
Warfield, Fintan.	Crowe, Ollie.
	Currie, Emer.
	Daly, Paul.
	Davitt, Aidan.
	Dolan, Aisling.
	Keogan, Sharon.
	Kyne, Seán.
	McGahon, John.
	McGreehan, Erin.
	Murphy, Eugene.
	O'Loughlin, Fiona.
	O'Reilly, Joe.
	O'Sullivan, Ned.
	Seery Kearney, Mary.
	Ward, Barry.
	Wilson, Diarmuid.

Tellers: Tá, Senators Alice-Mary Higgins and Annie Hoey; Níl, Senators Paul Daly and Seán Kyne.

Amendment declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 10:

In page 16, between lines 1 and 2, to insert the following:

**“Amendment of Principal Act - Report on palm oil**



28. The Principal Act is amended by the insertion of the following after section 67:

**“Report on palm oil**

**67A.** Within 12 months of the passing of the National Oil Reserves Agency (Amendment) and Provision of Central Treasury Services Act 2020 the Minister shall publish and lay before both Houses of the Oireachtas a report setting out analysis and direction as to whether palm oil, including any used cooking oil which primarily consists of palm oil, should be excluded from recognition as a ‘biofuel’ for the purposes of this Act.”.

The Minister will be aware that the Bill provides for a more favourable levy on biofuels compared with the levy on other fuels. That was discussed earlier and on Second Stage. I want to highlight a major concern, of which I know the Minister is aware because we have discussed it previously at the Joint Committee on Climate Action. It relates to an aspect of biofuels, specifically palm oil. Palm oil has an extraordinarily negative impact on climate, the environment and biodiversity as a result of the indirect land-use risks and deforestation associated with its production. This deforestation results in a great loss of flora, fauna and biodiversity.

Palm oil is a key issue yet we know from a 2019 report that it has been finding its way into our biofuel supply indirectly, often through the mechanism of being described as used cooking oil. In response to very concerning reports last year which suggested that up to one third of used cooking oil entering the biodiesel supply in Europe could consist of repurposed palm oil, the European Parliament introduced changes that ended some of its policy support for palm oil biodiesel under the renewable energy directive, RED II, scheme. At that time, the Department of Communications, Climate Action and Environment indicated that it was going to review this area.

Biofuels and biodiesel cut across the other part of the Minister’s mandate and brief. Drivers in the European Union are the biggest users of palm oil in the world. They use more than the food and cosmetics industries combined. Many of us have become aware of the food industry’s over-reliance on palm oil and some of us will check labels and try to avoid it. However, palm oil is entering our cars disguised as something good, namely, biofuel. It is almost given an *imprimatur* as a sensible and more environmentally appropriate alternative. Given the lesser rate of levy attached to biofuel, is it possible for the Minister to produce a report or find some other mechanism, either through the Bill or perhaps through his work on transport policy, to make sure there is analysis on palm oil and used cooking oil whereby it is not being factored into the biofuel which, under the Bill, is being given a better levy? Bear in mind that there is a strange anomaly whereby used cooking oil is double counted and has a double benefit in our system.

**Deputy Eamon Ryan:** I do not propose to accept the amendment relating to palm oil being excluded as a biofuel for the purposes of the Act as it is outside the scope of the Bill. However, I do share the Senator’s concerns regarding the use of palm oil as a feedstock in the production of biofuels. The risk in terms of the production of biofuels is that feedstock will be grown on cropland previously used to grow food or feed for livestock or is rich in biodiversity, with the consequent risk that agricultural production is moved to marginal land. This land can include areas important for storing carbon and maintaining biodiversity, such as peatlands and forests.

The recast EU renewable energy directive agreed in 2018 sets limits on the use of certain feedstock for biofuels, bioliquids and biomass fuels, including palm oil. The directive must

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be transposed into Irish law by the middle of next year. I am considering setting a limit of 0% for certain such biofuels which displace the production of food in land use far earlier than the required end date of 2030 permitted under the directive. This would have the effect of ceasing the supply of biofuels produced using palm oil as a feedstock in Ireland.

**Senator Alice-Mary Higgins:** I am very glad to hear the Minister is considering a strong interpretation of the directive. Of course the directive should not set the ceiling but should be the start of what we want in our ambition. I certainly agree that 2030 is far too late to wait and it will be a major issue next year. We really need to be looking for this exit and I hope we see it in the lifetime of the Government at an absolute minimum.

Will the Minister give me a little assurance not so much directly related to palm oil as a feedstock but on the question of used cooking oil? This is oil that purports to be environmentally sound because it is being used a second time. The very nice original concept is that oil which has already been used for cooking is used again as fuel. We know that investigations by EurActiv and many others have pointed to a serious concern whereby in many cases what is marketed as used cooking oil is, in fact, palm oil. Implausible amounts of used cooking oil emerge, which are far ahead of what could credibly be produced in countries if every single drop of oil used in cooking was counted and then trebled. I appreciate the Minister's points on the directive. Will he make a comment on the specific issue of used cooking oil which is, in many cases, palm oil? The Minister does not have to go into detail but perhaps he will indicate whether he plans to look at the issue of double counting of used cooking oil in biodiesel.

**Deputy Eamon Ryan:** I absolutely commit that the implementation of the directive here does include the issue of the double counting of cooking oil. I was aware of the scandal that has emerged in this regard and certainly we will look to address this at the same time as we implement the other conditions in the directive.

**An Leas-Chathaoirleach:** How stands the amendment?

**Senator Alice-Mary Higgins:** As the Minister is looking to engage on this next year I will withdraw the amendment for now.

Amendment, by leave, withdrawn.

Section 28 agreed to.

Title agreed to.

Bill reported with amendment.

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

**Senator John McGahon:** Now.

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

Bill received for final consideration.

Question proposed: "That the Bill do now pass."

**An Leas-Chathaoirleach:** Does the Minister want to make any concluding remarks?

**Minister for Communications, Climate Action and Environment (Deputy Eamon Ryan):** I thank the Members of the Seanad for their support on this. The timing required is unfortunate. I very much appreciate the help given in order that we can avail of the timing to get it commenced on 1 August. I thank everyone for their help in that regard.

Question put and agreed to.

**An Leas-Chathaoirleach:** When is it proposed to sit again?

**Senator John McGahon:** At 10.30 a.m. on Thursday, 23 July next in Leinster House.

The Seanad adjourned at 3.26 p.m. until 10.30 a.m. on Thursday, 23 July 2020.