



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 17 Samhain 2021

Wednesday, 17 November 2021

Chuaigh an Leas-Cheann Comhairle i gceannas ar 9.10 a.m.

Paidir.

Prayer.

Gnó na Dála - Business of Dáil

An Leas-Cheann Comhairle: Before we begin, I want to read out a health and safety note. Members and all in attendance are asked to exercise personal responsibility in respect of protecting themselves and others from the risk of contracting Covid-19. Members are strongly advised to practise good hand hygiene and to observe the chequer board seating arrangement. They should also always maintain an appropriate level of social distance during and after the sitting. Masks, preferably of a medical grade, should be worn at all times during the sitting except when speaking. I ask for Members' full co-operation in this regard.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Jackie Cahill - to discuss the practice of energy providers doubling the cost of fixed price energy bills by adding a new additional market charge to bills; (2) Deputy Louise O'Reilly - to discuss Garda resources for Swords, County Dublin and the surrounding areas; (3) Deputy Christopher O'Sullivan - to address the quality of drinking water in Clonakilty, County Cork; (4) Deputy Bríd Smith - to discuss the crisis in home care packages; (5) Deputy Holly Cairns - to discuss the actions being taken to address men's mental health, particularly the high rates of suicide; (6) Deputy Michael Healy-Rae - to discuss the impending energy crisis in Ireland; (7) Deputies Claire Kerrane, Martin Kenny, Rose Conway-Walsh, David Cullinane, Mairéad Farrell and Pádraig Mac Lochlainn - to address the trolley, waiting list and emergency department crisis in the Saolta hospital group; (8) Deputy Éamon Ó Cuív - to discuss the steps being taken to ensure that enough home carers are available to provide all the home care hours and packages approved by the various Community Health Offices, CHOs; (9) Deputy Brian Stanley - to discuss the need for insulin pump services in the adult diabetic clinic in Portlaoise hospital; (10) Deputy Maurice Quinlivan - to discuss assurances given at the Oireachtas Joint Committee on Transport and Communications that the Limerick northern distributor road remains a key piece of road infrastructure; (11) Deputy David Stanton - to discuss developments with regard to the proposed closure of the Owenacurra mental health centre, Midleton, County Cork; (12) Deputy Seán Sherlock - to discuss the need to simplify proof of marital separation

for parents of students who are engaged in the SUSI application process; (13) Deputy Jennifer Murnane O'Connor - to discuss plans to extend to private bus operators the new young adult travel card scheme recently announced as part of budget 2022; and (14) Deputy Mark Ward - to discuss the report Access to Mental Health Services for People in the Criminal Justice System by the Mental Health Commission. The matters raised by Deputies Cahill, Sherlock, Cairns and O'Reilly have been selected for discussion.

Saincheisteanna Tráthúla - Topical Issue Debate

Energy Prices

Deputy Jackie Cahill: I thank the Leas-Cheann Comhairle for selecting this issue.

Energy costs are rising which is really putting pressure on households and businesses. We have all heard reports of the numerous price hikes that energy providers have inflicted on customers all over the country in the last couple of months. At this stage, people who are living alone and those who are struggling financially are desperately trying to figure out how they will meet their energy bills over this winter.

I wish to raise a specific issue that was brought to my attention yesterday by three different constituents, all of whom have the same energy provider. I am seriously concerned about practices related to fixed price contracts with energy providers, the legality of which must be questioned. One small business owner in Thurles contacted me yesterday about a fixed price contract with an electricity provider. At this time of year, the electricity bill for two months of usage would normally be around €1,200 or €1,300 including VAT. The most recent bill shows energy usage amounting to €1,035, excluding VAT. However, the energy provider has included an additional market charge on the bill of €975 for the two months. This small business owner who is trying to manage overheads has received an electricity bill before VAT which is almost double what it would normally be because of a market charge that the energy provider has suddenly added to the bill.

Many business owners and families opt for fixed price contracts so that they have certainty regarding the bills coming through the door, as long as their consumption does not change dramatically. There are pros and cons to fixed charges but to be landed with an additional market charge out of the blue that effectively doubles an energy bill obliterates any certainty on bimonthly bills for those who opt to avail of fixed price contracts. How can an energy provider that has committed to a fixed price contract double the cost of electricity for its customers overnight? I cannot understand it. The provider may point to some small print on bills but the onus is on us to ensure that we protect those who enter into fixed price contracts. They suffered the negative consequences of such contracts when energy costs were lower in recent years but now, when energy costs are rising due to issues outside of our control, they also suffer. I cannot understand how providers can do this to their customers. An increase of 100% for someone on a fixed price contract makes a mockery of the very concept of fixed price contracting. How can an energy provider do this? Is it legal? Surely customers should be made aware when they enter into fixed price contracts that in the event of increases in the cost of electricity, there is scope for significant increases in their bills. Three people contacted me yesterday about this and while the additional charges were not as high as in the case to which I referred, they were

all in the region of 70% to 80%. How is this happening? Is it legal? If it is legal, I would like it to be explained fully.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Robert Troy): I am taking this matter on behalf of my colleague, the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan. I thank Deputy Cahill for raising this important topic.

The most immediate factor affecting electricity prices in Ireland is the continuing upward trend in international gas prices where we are a price taker. In Europe, wholesale natural gas prices have been on an upward curve since the second half of 2020. This feeds directly through to retail electricity prices, as the wholesale price of electricity correlates strongly with the price of gas. This increase was cited by many suppliers as one of the main reasons they increased their prices recently. The wholesale cost of generating electricity makes up approximately 40% of the final retail price.

The Government is acutely aware of the impact on households of increasing energy costs and its primary response is to utilise the tax and social welfare systems to counter the rising cost of living, of which energy costs are one of the biggest drivers. To address this directly, budget 2022 increased the weekly rate of fuel allowance by 5%. Increases to the qualified child payment, the living alone allowance and the income threshold for the working family payment have also been announced. The position of successive Governments for almost 20 years has been that competitive energy markets result in greater choice for consumers and businesses in terms of suppliers, products and prices and to support competition to drive down prices.

Operating within an overall EU framework, responsibility for the regulation of electricity and gas markets is solely a matter for the Commission for Regulation of Utilities, CRU, the independent energy regulator. The CRU was assigned responsibility for the regulation of the electricity and gas retail markets under the Electricity Regulation Act 1999 and subsequent legislation. The CRU, the independent energy regulator, has a wide range of economic, customer protection and safety responsibilities in both energy and water. In line with long-standing policy on deregulating price setting, the CRU ended its regulation of retail prices in the electricity market in 2011 and in the gas market in 2014. Given that prices are no longer regulated, they are set by all suppliers as entirely commercial and operational matters by them. Each such company has its own different approach to pricing decisions over time, in accordance with factors such as their overall company strategic direction and developments in their cost base. Data from approved price comparison sites show that consumers can make significant savings by switching energy suppliers. Accordingly, one of the main thrusts of Government policy on energy costs is focused on the competitive market. Government policy has supported competition to drive down prices.

Based on CRU data, active customers who switched supplier or renegotiated with their current supplier every year for the last four years could have saved €704 on gas, €1,097 on electricity or €1,696 on their dual-fuel costs. A recent CRU survey found that more than half of electricity and gas consumers have switched supplier at least once. As part of its statutory role, the CRU also has consumer protection functions and monitors energy retail markets to ensure that competition continues to develop for the benefit of the consumer.

As part of its statutory functions, including under SI 630/2011, the CRU carries out various market monitoring and reporting functions in association with its responsibility to ensure that

the market operates competitively for the benefit of the consumer. Under that statutory instrument the CRU may take actions that it considers necessary to ensure that final customers benefit from competition in the supply of electricity and gas.

Measures introduced by the CRU include a stipulation that electricity suppliers provide customers with an estimated annual bill, highlighting the yearly average electricity bill for a particular electricity supplier rather than just the discounted offers. Additionally, suppliers must issue a written notification on an annual basis to prompt consumers who have been on the same tariff or a non-discounted tariff for more than three years to consider switching.

Deputy Jackie Cahill: I thank the Minister of State. The reason most of these people were tempted into fixed-price contracts was following promises of reduced costs to them. While I accept what the Minister of State has outlined that much of the increase in electricity costs is outside of our control, it is not all outside of our control and we have made decisions that have impacted on energy price increases. Consumers in my constituency entered into a fixed-price contract. Such a contract is very simple, it means that a person is on that price for better or worse. Because of market trends, the company has added a market charge, which in one case is an increase of 100% in electricity costs. Where are the consumer's rights in this regard? People switched because they were told they would save and they have made savings in recent years but, unfortunately, the saving has disappeared overnight. For these consumers, a 12-month saving is gone in a two-month period. Have electricity suppliers that have offered fixed-price contracts to consumers the remit to put an additional market charge on them? Where are the consumer rights in this regard? Customers signed a contract believing they would have stable prices for the duration of the contract, but the electricity supplier has completely changed the ground rules and has imposed a significant price increase on them. Can suppliers impose a massive increase under the cloak of an additional market charge on consumers in fixed-price contracts?

Deputy Robert Troy: Price regulation ended many years ago. Suppliers must compete with each other on price and set their own prices accordingly, as one would expect in a liberalised market. The independent regulator, the CRU, has functions in regard to these matters, including consumer protection and monitoring the market more generally. I will undertake to refer the query Deputy Cahill has raised today with the CRU. I would be surprised if the Deputy has not done that already himself. If he has, I am interested to hear what it has said in response to him. The CRU has the responsibility to ensure consumer protection in this area and to ensure that consumers are protected and that energy suppliers live up to what they state on the tin, so to speak.

Deputy Cahill raised the high energy costs for businesses. I wish to highlight a scheme that is available for businesses from funding from the Department of Enterprise, Trade and Employment, through Enterprise Ireland. It is worth €10 million and can be used by businesses to improve their energy efficiency. It is totally undersubscribed at the moment. It is a very good scheme. I ask Members of the House to make sure that businesses in their respective constituencies are aware of this scheme because it will help identify where they can create energy efficiency and, accordingly, bring down their overall costs. I will undertake to refer the matter raised by Deputy Cahill to the CRU and I will report back to him.

Dáil Éireann
Third Level Fees

Deputy Sean Sherlock: The current set-up in respect of SUSI applications in cases where parents have gone through or are going through marital separation is that they must provide proof of separation. That is set out in A15 of the application process, which provides for the necessity to provide evidence of separation. It states:

Please provide one of the following as proof of separation or divorce:

Separation agreement;

Divorce decree;

Court Ordered Maintenance Arrangement;

Decree of dissolution for a civil partnership.

Evidence from the Department of Social Employment Affairs & Protection confirming receipt of Deserted Wife's Allowance or a One-Parent Family Payment;

If there is no legal agreement, a letter from your solicitor, in which your solicitor confirms separation and/or that legal proceedings are pending...

There are other criteria that a person has to meet as well. We have a very good relationship with SUSI, which I deal with on a daily basis. I can confirm the professionalism of the people we deal with in SUSI. However, what I see is clear evidence that there is a problem. Where there is a family separation and applicants clearly meet the thresholds of the proof set out in A15, having furnished the documents, in a statistically significant number of cases where the application for the grant is refused, the subsequent SUSI appeal fails because SUSI upholds the decision to refuse on the basis that the A15 provisions are not being met. When we subsequently guide the applicant through the student grant appeals board, in most cases the decision to refuse is overturned by the board. There is an issue regarding how the assessors assess the separation elements of a SUSI application. It is our view that they are not adequately taking into account the proof that applicants provide.

I ask that the Department engages with SUSI to conduct a look-back of a parcel of cases where there has been a refusal by SUSI and a subsequent awarding of a grant by the student grants appeals board.

There has been a dramatic increase in the number of separations during the pandemic. I am finding that it is often the case with applications for SUSI grants that, where applicants provide proof of separation, they are being put through the wringer and an unnecessary burden and stress is being placed upon them. The proof of this is that, when such applications are refused, a statistically significant number of refusals are overturned by the student grants appeals board. We would like the Department to examine this matter in concert with SUSI.

Minister of State at the Department of Further and Higher Education, Research, Innovation and Science (Deputy Niall Collins): I thank the Deputy for raising this important matter. I have a long written reply before me, but I will only speak to parts of it.

Section 21 of the student grant scheme sets out the person whose income is to be considered. Section 21(2) states: "Where the dependent student's parents are divorced or legally separated,

or it is established to the satisfaction of the relevant awarding authority that they are separated, the reckonable income shall be that of the applicant and of the parent or parents with whom the applicant resides.” In circumstances where the awarding authority is satisfied that a student’s parents are separated, the student will be assessed on the income of the student and the parent with whom the student resides. The outcome of this decision is that the student, who may not have ordinarily qualified for a grant, may now qualify or may qualify for a higher rate of grant. Therefore, it is important for the integrity of the scheme that corroborative evidence be provided by the applicant.

The type of evidence required is dependent on the applicant’s individual circumstances. Evidence of separation must be provided to allow SUSI to satisfy itself fully that the conditions of the exemption are met. In assessing the evidence presented, SUSI will have regard to the particular circumstances in each case and the corroborative nature of the evidence available to support the claim of separation. Ultimately, it is a matter for SUSI to determine what evidence it will accept as proof of separation. However, the scheme does not stipulate precisely how SUSI satisfies itself, which is the issue upon which the Deputy is hitting. This is to allow the applicant sufficient flexibility to provide the necessary corroborating evidence and to give SUSI flexibility in assessing these difficult cases.

As the Deputy stated, the evidence that SUSI accepts as proof of separation includes a separation agreement, a divorce decree, a court-ordered maintenance arrangement, a decree of dissolution of a civil partnership and evidence from the Department of Social Protection confirming receipt of a deserted wife’s allowance or a one-parent family payment. If there is no legal agreement, acceptable evidence includes a letter from a solicitor in which the solicitor confirms that separation and-or legal proceedings are pending, a letter or document from a family mediation service, for example, the Legal Aid Board, that confirms current or past participation in family mediation, and proof of living separately, for example, utility bills for the same period. Where the applicant demonstrates by providing one or more of the above documents that his or her parents are living separately, SUSI will only include the income of the applicant and that of the parent with whom the applicant resides.

All of that said, the Deputy has raised a legitimate point. If there is a trend of the independent appeals board overturning decisions that were appealed internally in the SUSI scheme, it points to an issue. What concerns the Deputy and me, and what should concern everyone, is the delay and stress that this would cause people. If they are ultimately awarded their grants, they will still have been put through an elongated process when it is a fact that their parents are separated.

If the Deputy could furnish us with some of the details of his cases, I will ask my Department to examine them.

Deputy Sean Sherlock: I thank the Minister of State for his considered and sympathetic response. It is clear that he is on top of this issue. Rather than my furnishing him with specific cases, though, I will make a request. Given that there is enough in his acknowledgement that “it is a matter for SUSI to determine what evidence it will accept as proof of separation”, will he signal to his officials to liaise with SUSI on doing a simple look-back and require SUSI to furnish the number of cases? While I know that there is a statistically significant number among the overall number of cases that I deal with in my constituency office, the chances are that this is happening throughout every constituency. Therefore, I respectfully ask that the Minister of State, through his good offices, take it upon himself to ask his officials to engage with SUSI and

seek a look-back or review - it would be a simple administrative exercise - so that the subjectivity of the assessor's decision is taken out of the equation and there is standardisation, thereby taking stress for the applicant out of the process.

I acknowledge his sympathetic and considered response. Arising from it, I am hopeful that some look-back will be taken of at least a parcel of cases where there has been a refusal by SUSI and a subsequent awarding by the appeals board.

Deputy Niall Collins: It is a fair request and the Deputy has raised a legitimate concern. To nail it down, is he asking about appeals to the independent appeals board that have been found in favour of the applicant in circumstances where the parents were divorced or separated?

Deputy Sean Sherlock: Yes.

Deputy Niall Collins: I can ask my Department to undertake that.

Mental Health Services

Deputy Holly Cairns: I will raise a range of mental health topics, including suicide. I thank the Leas-Cheann Comhairle for including this matter in today's Topical Issue debate. International Men's Day is on Friday, giving us a chance to reflect on issues relating to men and boys. Mental health is one of these issues. While it is a significant matter that affects everyone, a focus on men's mental health is important this week. The majority of people who end their lives in Ireland are male, being as high as 80% in some years. As of September, 437 people were recorded by the CSO as dying by suicide in 2018. Of these, 327 were men or 75%, and 110 were women. These figures and comparable ones for previous years demonstrate the need for a strong strategy to address male suicide. The situation is more nuanced, as we know that the rate among middle-aged men aged between 40 and 59 has been the highest of all age cohorts.

Research has shown that economic recession and increased rates of unemployment are associated with a decline in mental health and increased rates of suicide and self-harm, not only in Ireland, but across the world. Compounding this are larger gender issues, such as reticence to seek help, higher rates of alcohol and substance misuse, and belonging to an at-risk group, such as men who are gay, transgender, Travellers, victims of domestic abuse, migrants, former prisoners and rurally isolated. The State's response must acknowledge these complexities and work to address not only mental health, but also the larger societal conditions that exacerbate them and increase suffering.

I appreciate that the Minister of State, Deputy Butler, is committed to improving our mental services, but she can only work with what the Department is given. Mental Health Reform points out that our national mental health budget represents only 5.1% of the total health budget, when the World Health Organization recommends 12% and Sláintecare recommends 10%. This deficiency is being felt with insufficient staff to meet current needs. When it comes to taking mental health seriously, campaigns and champions are important, but specialist healthcare will always have to do the heavy lifting. We need more therapists in the community and we need more psychologists, psychiatrists, nurses, social workers, occupational therapists and peer support workers in all HSE regions. The waiting lists for child and adolescent mental health services, CAMHS, also need to be addressed. The importance of early interventions cannot be

overstated, and yet we have over 2,000 children and young people on CAMHS waiting lists. I have been working with families across Cork South-West to get help for their children, and I know most, if not all, other Deputies, are doing the same.

Another matter I have repeatedly raised is the lack of eating disorder treatment services. Tomorrow evening, RTÉ will broadcast a programme about men who live with an eating disorder, which is under-reported and is not spoken about enough. No funding was allocated under the national eating disorder treatment plan for 2020, and not one cent of the €1.6 million allocated in 2019 was spent. The Minister of State, Deputy Butler, has committed to making change in this area but we have to acknowledge that people are still not getting the treatment they need, as demonstrated recently by a young Cork woman who had to fundraise to get the inpatient bed she needs. There are only three inpatient beds in the entire country. All of those beds are in Dublin, yet eating disorders are the mental health conditions most associated with mortality.

The Government's Sharing the Vision mental health strategy, launched earlier this year, will remain another hollow HSE document unless it is supported with the necessary funding. Medical and healthcare professionals and advocacy groups have repeatedly pointed out what is required to provide the proper mental healthcare for boys, men, and all who need it.

Minister for Justice (Deputy Helen McEntee): I thank the Deputy for raising the important issue of men's mental health, particularly in the context of suicide and the fact that this Friday is International Men's Health Day. Any loss of life to suicide is a tragedy, and my deepest condolences go out to any family or individual who has lost someone to suicide or who has been affected by suicide. As the Deputy rightly pointed out, it is a complex problem and situation that individuals and families find themselves in and it means they need support in many different ways. As the Deputy has outlined, this is not just about the Department of Health; it is about so many other Departments coming together to try to tackle this issue.

International Men's Health Day is this Friday, and it is an opportunity to consider men's mental health and to look at what is being done and what more can be done to try to support men. In doing so, we need to acknowledge that most deaths by suicide are among men. This is an international phenomenon and in this respect, Ireland is unfortunately no different. This was highlighted in a joint report by the Men's Health Forum in Ireland and the HSE National Office for Suicide Prevention in 2018. The report notes that men are more likely to die by suicide than women are and that the highest suicide rate is among those aged 45 to 54. As the Deputy pointed out, it is extremely high among those aged 40 to 59 as well. The report explored the specific mental health and well-being needs of at-risk and vulnerable middle-aged men. It noted the stigma attached to mental health. It is unfortunate that this stigma still exists but we have made huge strides in talking about it, exploring this issue and providing support and help. It still exists, however, and it was highlighted as a significant issue and barrier to seeking help. Middle-aged men are identified as a priority group in Connecting for Life, the national strategy to reduce suicide, and this continues to work with and support the Men's Health Forum in Ireland to implement a number of its strategic recommendations.

Men's Health Week is held in June each year. Many activities highlighting and promoting positive mental health and well-being are supported by the HSE and the Department of Health. The HSE also supports men's sheds, which are a great social network for men, as social contact is vital to positive mental health. Not every man goes to his local men's shed but for those who do it is a vital support and something the Government supports.

We are all determined to reduce the incidence of suicide in Ireland. Last November, the Government extended Connecting for Life by four years to 2024. Implementation of the strategy involves a cross-departmental and cross-sectoral approach, acknowledging the significant complexities involved and the strategy is overseen by the Department of Health. The National Office for Suicide Prevention was specifically established to co-ordinate suicide reduction efforts around the country and to implement Connecting for Life. I appreciate that there are a lot of strategies but all of these elements are connected and it is all being driven by the Department of Health in connection with the various other Departments. Since 2010, funding for Connecting for Life has been increased from €3.7 million to the current level of €13 million.

A key part of Connecting for Life is development of local Connecting for Life plans. These plans were developed in collaboration with the HSE, community groups, organisations and individuals who have been impacted by suicide who want to help and play their part. They are designed to reinforce social supports, follow-up care, tackle stigma at local level and support those bereaved by suicide. We have to always remember that it is not just the individuals involved but that many others are impacted by suicide.

I know we are not where we need to be in the levels of overall funding and we all appreciate that. We are at a point where €1.149 billion has been allocated to mental health and that has increased significantly in the past ten years. That will only continue to increase because we appreciate that more needs to be spent on this issue.

Deputy Holly Cairns: I thank the Minister for her response. That is welcome and I encourage her to push for the necessary resources and services to be allocated and spent. In response to a parliamentary question, I learned that the non-spend of the €1.6 million allocated to eating disorder treatment in 2019 happened because HSE and departmental officials assigned it elsewhere. When we have these allocations, which are so welcome, we cannot allow this to happen again.

Services and groups that help address the larger societal issues are important too. The State's response to domestic violence continues to be inadequate. The Istanbul Convention's standard is one refuge space per 10,000 people but Ireland provides one space per 10,000 women, leaving us with 50% less capacity. We ignore men in that and there is very little infrastructure for men. This structural deficit compounds the stigma for male victims and survivors of domestic violence.

I agree with the Minister that the men's shed movement has made an incredible impact in addressing isolation among men, especially in older cohorts. Any support the Government can give local sheds will have a manifold impact in mental health. Rural transport schemes are also important factors in helping people to socialise. There should be more and later running buses to provide these connections. There is also inadequate supported living and social housing available for people with mental health disabilities in many areas and it is particularly hard for single men to get social housing.

It is essential that we have more conversations to challenge the stigma around mental health to help people get the help they need. It is especially important for boys and men to talk with their families, classmates, teammates, friends and colleagues. If people do anything for International Men's Health Day, they should have that conversation. When discussing these issues it is important to note that the Samaritans are available 24 hours a day for those who need confidential and non-judgemental support. People can use the Freephone number 116 123 and

the number for the helpline of BodyWhys, the eating disorders association of Ireland, is 01-2107906.

Deputy Helen McEntee: The Deputy has highlighted the two most important issues and I agree with and support her wholeheartedly on that. This is about each and every one of us looking after our mental health. I visited my father's grave last night for the first time in a while and it is almost nine years since he died by suicide. When I visit the grave, I always think about my mental health and that of the people around me. It is important that we continue to look out for ourselves and each other and that we allow a space where people feel they can talk about it, come forward and talk to each other, particularly with those in their family, close circle and community as well as with their friends.

When people decide to take that step forward, the support must be there for them when they need it and in the way in which they need it. I appreciate that we still have to make a lot of progress on some of the issues the Deputy highlighted. The Government has increased funding and developed HSE services, including specialist services and the various different programmes. There is still a huge stigma around issues like eating disorders, not only for boys but also girls and in particular men. There is a particular problem there. I am concerned the Deputy says funding has not been spent. That is something I will raise directly with the Minister.

Domestic violence is an issue on which I am particularly focused and determined to address in my role as Minister for Justice. Again, there is a stigma when it comes to men who are victims of domestic violence, and I am trying to address that as part of Supporting a Victim's Journey but also other areas that do not come under health, such as rural transport, isolation, people being on their own and feeling they do not have anyone to turn to or that they are not connected to anyone. Again, that goes back to Connecting for Life. It is about looking at all the Departments to see where we can join up all the dots and make sure people have these supports and, when they do come forward, they are there for them.

I thank the Deputy for raising this important issue. There are a number of things she specifically raised that I will bring back to the Minister.

An Garda Síochána

Deputy Louise O'Reilly: I thank the Ceann Comhairle for selecting this issue and the Minister for being here to discuss it with me. I want to say at the outset that I am 100% aware of her role in the allocation of resources. I know what she can and cannot do. What I am asking her this morning is to give consideration to the needs of the people I represent in Swords and the surrounding area, specifically in relation to Garda resources. While I understand the Minister does not get into the details of resourcing, there are a number of issues I want to bring to her attention that I hope she might be able to bring to the attention of senior management in An Garda Síochána.

I have been contacted by a large number of people, which is what prompted me to submit the matter for the Topical Issue debate. There was a spike in people contacting me about calls made to the Garda station where they were told a car or a garda was not available to come and attend. It is not the fault of the gardaí. I visited the station recently and I know that they are absolutely flat out. Swords is a town with a population of more than 40,000. The Garda resources that are deployed there do not match the population. I was prompted to submit the question

after I was contacted by a parent who had a very disturbing incident where her child was accosted just outside of a school. Her mother happened to be just behind the child. She phoned the Garda but it did not have a car to send out. That is very worrying.

The resources are an issue, as are the personnel and the accommodation in Swords Garda station. Again, I am aware of the Minister's role in this but I want to bring it to her attention. The station is heaving. There are hoardings surrounding it that have been there for several years now. I do not know what is happening with it and I do not believe the gardaí stationed there know either. If the intention is to expand the station and not just rearrange the car park, which is in the works, that is very welcome. If the intention is to move it elsewhere, that is also very welcome if there is more space. We are approximately 40 gardaí short of what would be ideal. I understand the numbers are not ideal around the country, including other areas I represent. We are not aiming for ideal, necessarily, but we are around 40 gardaí short while there has been an increase in gang activity and drug dealing, which is deeply disturbing. I understand it is in keeping with what is happening throughout the State, but it is very stark given the population and the population growth recently. It has been brought to my attention on a number of occasions.

At the joint policing committee, JPC, before the previous one, I and Councillor Ann Graves sought a task force to be established. We know a task force approach has worked in other areas. It has done good work in Coolock and elsewhere. I would like the Minister to lend her support to that this morning if she could. We believe we need a task force that involves not just the Garda but also the community. We all want the same thing in the end. We want the streets to be safe, for the Garda to be resourced and for people to feel safe in their homes. That is not the case now. I was prompted by my constituents contacting me to express their concerns about escalating crime and the need for a more visible Garda presence. I believe the task force is the way to go forward. We have seen good examples in other areas where there is a specific focus and community buy-in. I would like the Minister to lend her support to that this morning, if she could, and to use her good offices to progress that.

Deputy Helen McEntee: I thank the Deputy for raising this matter today. As she stated at the outset, the management or administration of the An Garda Síochána and deployment of resources is a matter for the Garda Commissioner. These decisions are made in the continued context of crime trends in a certain area and policing priorities. When issues arise, as they do, the Commissioner and his team respond to them as quickly as possible. The Deputy will appreciate that where the specific resources go and their allocation is not something I can touch on.

What I can say is the Government and I, as Minister of Justice, are committed to ensuring there is strong, visible policing in local communities. Budget 2022 reflects this commitment very clearly. It has an unprecedented allocation of more than €2 billion in Garda funding for the coming year. This funding will include provision for the recruitment of up to 800 new Garda recruits and 400 Garda staff. I appreciate it will take time for the new recruits to go through Templemore but it is a commitment to additional resources on the ground and it is hoped it will bring us to a figure of about 15,000 next year. The more Garda staff we have, the more people who are now doing desk duties can get out and about on the ground.

This increase in the number of Garda members and staff will deliver significant growth in operational policing hours nationwide and improved services to the public generally. The programme for Government and Justice Plan 2021 contain a range of priority commitments and actions to support visible policing nationwide, chief of which is the implementation of the

report of the Commission on the Future of Policing in Ireland through the Government's implementation plan, A Policing Service for the Future.

The roll-out of the new Garda operating model under A Policing Service for the Future will deliver increased Garda visibility in communities by facilitating a wider range of locally delivered policing services, underpinned by the redeployment of gardaí from non-core duties to front-line policing throughout the country. Visible policing means safer communities that feel supported in daily life and that the benefits of effective Garda resources at community level can be felt by each and every one of us.

Community safety is the cornerstone of the Garda transformation programme and, indeed, has always been the primary focus of An Garda Síochána. This has been especially evident throughout the Covid-19 period, where gardaí throughout the country have consolidated their connection with local communities. They have engaged with local authorities and local organisations and have done a fantastic job in supporting us through what is still a very difficult time.

The Deputy referred to Swords. It is important to outline some of the changes that have happened there and in surrounding areas in terms of overall Garda numbers. As of 31 October, the latest date for when figures are available, Swords Garda station had a station party of 83 members of all ranks assigned, an increase of over 15% since the end of 2016 when there were only 72 members assigned.

The Coolock district, which includes Swords, Coolock and Malahide Garda stations, currently has a strength of 234 members of all ranks. This is an increase of 12.5% since the end of 2016 when there were 208 members assigned to the district. Overall, the Dublin metropolitan region, DMR, north has a strength of 781 members at the end of October, an increase of 15.5% since the end of 2016. I appreciate more are needed - that is the case across the country - but those numbers will continue to increase with the additional 800 members next year.

Three pilots are being rolled out following the very successful task force in Dublin's inner city.

An Leas-Cheann Comhairle: I will have to stop the Minister there.

Deputy Helen McEntee: I will come back to the Deputy on the response.

Deputy Louise O'Reilly: I join the Minister in commending the work of An Garda Síochána throughout Covid, in Swords and across the State. She is bang on; its members did a fantastic job.

I want to return to the issue. There is a difference, and Minister and I both know this, between being safe and feeling safe. I do not want anyone to panic but people do not feel safe and that is a concern to me, because obviously I am sent in here to represent them. There are two cars.

10 o'clock

It is not sufficient that an area the size of Swords, that has housing estates stretching for miles all the way out to Donabate and surrounding areas, would have only two Garda cars available. While 83 gardaí might sound like a big number, at any given time, gardaí will have to be in court, on community duties, on sick leave, on annual leave etc. There are, therefore, not enough gardaí to meet the population need.

I emphasise to the Minister that we need a task force approach for Swords and its surrounding area, particularly given the planned expansion of Donabate. That will place even more demands onto the already stretched gardaí. All we want is a collaborative approach between local representatives, the community, the residents associations, An Garda Síochána, and the local authority, with them all pulling in the one direction. We were promised this at the joint policing committees, JPC. For some reason it has been kicked to touch. I would like the Minister to investigate that and find out what is happening with it. The willingness is certainly there from the gardaí, the local representatives, the residents associations and the community. We all want the same thing. We want not just to feel safe but to be safe. Visible policing is essential in that regard.

Deputy Helen McEntee: As the Deputy has outlined, this is about people not just being safe but feeling safe. It is about visible policing. That means not just having gardaí in stations and in cars but having gardaí on foot and on bikes and making sure people can see that visible presence in their communities. Even seeing a uniform walking about the streets gives people a sense of feeling safe. However, it is not just about gardaí. It is about making sure everyone is pulling together in health, education, various local services and community groups.

Deputy O'Reilly mentioned a task force. Three pilot programmes are being developed. These are community safety partnerships in Longford, Waterford and Dublin's inner city. It is important those partnerships and pilots are allowed to develop and that we identify how they can work best and we ensure, as we roll them out across the country, which will include Co. Wick and the Deputy's own area, we have the best model possible to bring together not just the Garda but all of the legs of society, so to speak, that need to work together to make sure people are safe within their community.

On the overall Garda numbers, the Deputy will appreciate we have had challenges in the past two years, with recruits going in and out of Templemore, and we have not been able, obviously, to have the full complement. I hope, however, coming into next year, that we will be able to see those 800 recruits bringing us up to a number of 15,000. Obviously, I would like to see that number continue to increase over time.

On the capital plan and the overall spend for the justice sector, we have just agreed a figure of €270 million every year for the justice sector right out to 2025 as part of the national development plan. That is for all of the justice sector. It will include investment in buildings and refurbishments, such as doing up old stations, but it will also include opening new stations. All of this needs to be kept under consideration. Of course, I will take on board all of the issues the Deputy raised specifically. However, I am aware the Garda Commissioner is also apprised of issues that are happening on the ground as they arise and is responding accordingly.

National Standards Authority of Ireland (Carbon Footprint Labelling) Bill 2021: Second Stage [Private Members]

Acting Chairman (Deputy Kathleen Funchion): Deputies Bacik, Kelly and Nash are sharing time

Deputy Ivana Bacik: I move: “That the Bill be now read a Second Time.”

I am glad to introduce this important Bill on behalf of the Labour Party. Following the publication of the Government’s climate action plan and the conclusion of the COP26 talks in Glasgow last week, we have seen increased urgency and increased public focus on the need to take urgent measures to tackle the climate crisis and the need to ensure we put in place a just transition and climate justice measures. In all of our constituencies, such as my own in Dublin Bay South, we see individuals, households and communities coming forward wanting to contribute to our communal effort to tackle our carbon emissions and bring about a genuinely decarbonised society. However, we need supports to do this. That is why we are introducing this Bill. We in the Labour Party are a party of serious environmentalists. We are serious about offering practical ways to meet our climate targets. That seriousness of intent was evident at our party conference at the weekend in the Mansion House, where we passed some important motions on climate and where I informed delegates this Bill was just one of a package of measures we would be introducing in the Dáil and which we see as essential to enable us to reach those vital targets of a 51% reduction by 2030 and net zero by 2050.

What does this Bill propose to do and what is carbon labelling? Carbon labelling seeks to give consumers greater information on the environmental impact of goods they will purchase, in other words, the carbon footprint of those goods. Consumers are currently faced with difficulties when seeking to buy sustainably and to buy in a more environmentally friendly fashion. Currently, there is an absence of an overall standard scheme on how to calculate or communicate a product’s carbon footprint to consumers. Increasingly, however, we are seeing moves at international, national and, indeed, corporate levels to develop those standards. There is a clear need for independent, verifiable and universal standards and specifications. The scheme under this Bill would empower consumers by enabling informed choices to be made. It would encourage the purchase of goods with lower environmental impact. That is exactly what this Bill seeks to do.

Carbon footprint labels being developed attempt to itemise all greenhouse gas emissions relief through the product life cycle, from the extraction of raw materials through to manufacture, distribution, use and eventual disposal. Consumers are increasingly demanding this information. Companies are increasingly moving to introduce their own labelling systems. Just this year, big multinationals such as Unilever announced the introduction of labels across thousands of their products. We see legislatures moving to do this. In Colorado, the “Buy Clean Colorado” Bill, which was passed earlier this year, had the same intent. We are increasing momentum around this at EU level. In the circular economy action plan, published in March 2020, the European Commission proposed a revision of consumer law to ensure consumers receive relevant information on products at point of sale. The Commission is also proposing that companies would substantiate environmental claims. It is considering setting minimum requirements for sustainability labels and other information tools. We see this work going on at transnational level. Indeed, we are likely to see significant progress in the near future on the setting of carbon footprint standards. A harmonised EU approach is clearly the preferable way forward on rolling out this system.

We are also seeing already significant progress at national level. That is what this Bill seeks to do - to build on that. The National Standards Authority of Ireland, NSAI, the statutory framework on which we based this Bill, is our official standards body. It operates under the National Standards Authority of Ireland Act 1996 and is accountable to the Minister for Enterprise, Trade and Employment. As the State’s official standards body, its function is to inspire consumer

confidence through a recognisable and reliable infrastructure of standards for products. The NSAI is already working on developing ways to measure carbon footprints. It is doing so with reference to the International Organization for Standardization, ISO, 14060 suite of standards and guidelines, which seeks to develop a set of auditable tools to help address climate change through a systematic approach to greenhouse gas quantification, monitoring, reporting, validation and verification. The NSAI is already offering an auditing and verification service against a number of ISO 14060 standards. This gives us a basis on which we can develop this scheme of carbon accreditation.

We are also seeing civil society pushing forward on this. For example, the NGO, the Carbon Trust, which has been established on our neighbouring island, is already working with companies there to help them measure, manage and reduce the footprint of their products. It provides a blueprint for a product carbon footprint label, which provides consumers with verified information. It provides footprints on a cradle-to-gate basis, used for business-to-business products, measuring emissions from the extraction of raw materials, through to product manufacture, and up to the factory gate. It also provide cradle-to-grave footprints for business-to-consumer products, which is the model we are seeking to develop through this Bill and through the scheme to be established under it.

The Carbon Trust follows a product carbon footprint protocol consisting of a carbon life cycle assessment and additional specific rules to certify the footprint according to type of label. There were a number of different labels. It is a useful model to see how practically this could work. Since we launched the Bill yesterday, we have had huge goodwill and support from members of the public for the principle behind it. The question we have been asked is how it would work in practice. It is worth saying we have models elsewhere, we see this working in practice elsewhere, and there is already a momentum for this. This Bill is not some sort of far-fetched or utopian vision. It seeks to establish, in a very practical way, a framework for providing consumers with necessary information to help them make sustainable choices.

To return to how this would work in practice, we see the Carbon Trust providing a reducing CO₂ label for some products, showing their footprint is reducing year on year and that the company is committed to achieving footprint reductions, in addition to a reducing CO₂ packaging label to show the packaging's carbon footprint is also decreasing. We are familiar with other sorts of verification schemes around calorie counting products, nutritional information, fair trade and sustainable production, which are very well-established labelling schemes. Our Bill would build on these frameworks already in place and with which we are all very familiar. It seeks to confer powers on the National Standards Authority of Ireland, NSAI, the existing body with responsibility in this area, to develop standards to give information about the carbon footprint of commodities and thus to require reporting of greenhouse gas emissions on that cradle-to-grave basis. We want to make it easier for people to take steps to reduce their impact on the environment with this Bill. We know that if we could see this information clearly, it would enable us to make those informed choices.

It also places an onus on companies and corporates to stop flag-flying on climate issues. It would expose those who are carrying out what we might describe as greenwashing and would give credit to those who are taking the challenge seriously and taking substantive steps to reduce their carbon footprint. We know the term "greenwashing" was coined in the 1980s following a series of advertisements commissioned by the oil giant, Chevron, in an attempt to convince the public of its environmental bona fides. Deputies may recall its advertisements showing feel-good pictures of forest, woodland and so on, which diverted attention from the immense envi-

ronmental damage being done by fossil fuel production. The term “greenwashing” has entered the lexicon and we know this is still a practice that may be used to fool customers into buying products that are not in fact environmentally sustainable. As legislators, we need to devise a scheme that will address the practice of greenwashing and give consumers real choice based on independently verified information. We in the Labour Party, as red greens or as green reds, have always sought to achieve a balance between the interests of consumers and those of society in a way that does not place undue obstacles on business but nonetheless recognises the responsibility of corporates and manufacturers in this regard. We are seeking to rebalance power between consumers, or individual citizens, and corporations.

I will briefly mention the issue of gender equality and climate. I am very glad to have been nominated chairperson of the new special Oireachtas committee on gender equality. I note that, as former President Mary Robinson has said, “Climate change is a man-made problem ... [with] a feminist solution”. In any new climate scheme we introduce, we need to be mindful of the gendered impact of climate change. We have seen that the UN estimates 80% of people displaced by climate change are women. All of us know the impact of the climate crisis upon women, in particular. I mention that because the impact of the climate crisis on gender is something I will be very mindful of in my role on the committee on gender equality. In that context, it is worth mentioning that International Day for the Elimination of Violence against Women is next Thursday.

I welcome the Government’s engagement on this matter and the amendment it has put forward in the sense that it shows constructive engagement. We in the Labour Party are about constructive engagement on this. We will accept the amendment, but we will hold the Government to account to ensure that, in 12 months’ time, the Bill will be read a Second Time.

Deputy Alan Kelly: I commend my colleagues, Deputies Duncan Smith and Bacik, on bringing this Bill forward. It is an excellent Bill coming the week after a very disappointing COP26. This Bill is a way to ensure greenwashing by large corporations is tackled once and for all. Companies and producers now want to come across as being as green as possible, but the reality is very few of us can really know the true carbon cost of most things we buy in supermarkets or any other stores. Millions are being spent on marketing and public relations to persuade us that products are sustainable or environmentally friendly, but in most cases all we have to rely on their word, their packaging and their advertising.

We need a reliable national standard people can trust. When doing your weekly grocery shopping, it can be all but impossible to know the environmental impact of what you buy. The famous avocado has a major carbon impact, but so too does Brazilian beef. Many companies have started providing a carbon footprint, but we need a measure people can know is independently decided. If we want to seriously transition to a low-carbon economy, it will mean using local products as much as possible. That means the person buying a product needs to know the impact of this asparagus, hazelnut milk or soya product. This Bill is a way to support local producers in Ireland and responsible producers.

It is not just about food either but everything from electronics to housewares and clothes. Rampant consumerism has gone hand in hand with corporate greenwashing. One of the key reasons we want to bring this Bill forward is to support Irish producers. A standardised carbon footprint label will provide people with a clear sense of what they are buying. If it is introduced, this Bill will provide a competitive advantage, especially for Irish food producers. Our agrifood sector is one of our largest employers, providing jobs for more than 300,000 people.

It is central to the economic fortunes of rural Ireland and contributes to our food security. We need to do more to reduce our carbon emissions from the sector, but we also need to recognise its true strengths. A robust carbon labelling system will provide a further incentive for farmers who produce more environmentally friendly food.

There is an obsession with the national herd at the moment, which is something that does not really exist. What does exist are tens of thousands of farmers, some big, some small, some intensive and some not. Progress is being made. The recent campaign launched by Teagasc and Bord Bia to create awareness among farmers of the carbon footprint of their farms is very welcome. It is a further move in the right direction. Knowing what farmers' baseline emissions are is necessary so that progress can be recorded. More than 54,000 farmers can get access to their footprint through the farmer feedback report under Bord Bia's quality assurance schemes, which also allows them to benchmark their farms against others of a similar size. We have the Origin Green programme and, combined with information on their carbon footprint, would add further to farmers' credentials. Our horticulture sector is worth nearly €500 million and supports thousands of jobs, but we need to do more to encourage home-grown fruit and vegetables. Carbon labelling for our dairy products would also provide a clear advantage on the international market backed up by a robust system developed by the NSAI.

Ireland can be a world leader on this if we want to be. We can lead the way with a carbon standard. We are asking Irish farmers to cut their carbon emissions, and it will be difficult. Our party's legislation is a way to make it a little easier. We know that adding value to the products made here is the best way to support farming incomes. Providing an incentive to supply less carbon-intensive dairy, beef or any other food is the way forward. Carbon labelling is part of that solution. Research from Italy showed that people preferred to buy dairy products with carbon footprint labels. It also allows for informed purchases and supports more environmentally sustained farming.

As I said at the weekend during our party conference, we need a new deal on climate. We cannot delay any more on climate action. It is a betrayal of the next generation, including my children and everyone else's. Only the State can take the action needed to deliver a just transition for workers and families that unites people rather than divides urban and rural communities, which I cannot stand. This Bill is an important part of working with all communities. By putting carbon labelling on products, we are raising awareness of the steps we in our everyday lives can take to slow climate change. No one person or organisation will solve climate change. It is all about the incremental changes we can all make on a daily basis. This Bill would support our local producers and reward them for low-carbon farming.

Deputy Ged Nash: I am very pleased to speak on this very progressive Bill. I acknowledge the lead role played by our colleague, Deputy Duncan Smith, in its genesis, in addition to the work Deputy Bacik has done on it to date.

As we know, climate change is the single most important challenge of our time. It is existential and beyond urgent, though one wonders if that reality has dawned on many of those who attended COP26 in Glasgow. The scale of the task facing us can often feel completely overwhelming. It is understandable that we as individual citizens might say, "This is too big for me; nothing I can do can change anything", but this is simply untrue. We cannot be fatalistic and fall into that trap. Yes, we all despair at the foot-dragging and the incrementalism of the big polluters and leaders of large nations who would keep permitting them to do what they do and to hell with the consequences, but all of us still have a role to play. We all have a responsibility.

We can take some control of our own lives and of our planet's destiny. We all have agency and we all have power and that is what this Bill is fundamentally about.

When we are shopping, most of us these days try, insofar as we can, to be health conscious. We try to make decisions about what we put into our bodies based on the standardised nutritional values on the packaging we see in our supermarkets. I also make decisions, as do many of us, based on labour standards applied by the companies which produce the products we are interested in buying. Do they treat their workers well? Where do they source their ingredients? Were the ingredients sourced sustainably? That is often a very difficult decision to make and a question to answer as there are simply no commonly understood legal standards to define that term. Too much of it involves guesswork and it is a case of finding out what you can for yourself.

The question of labelling is a powerful and often emotive one. There is much about their products companies themselves and indeed entire states do not want you to know. One need only look at the resistance to a modest proposal emanating from these Houses, supported by the Labour Party, to label goods produced in the illegally-occupied territories of Palestine. Labelling matters and so does the presentation of labelling, or rather the misrepresentation of labelling. The phenomenon of greenwashing, mentioned by my colleague, Deputy Bacik, is something we are seeing more and more. We see some of the most egregious carbon- and methane-emitting firms and industries in the world mislead and deliberately misrepresent their environmental credentials because they can get away with it. More often than not they get away with it with impunity because their cant goes unchallenged and there are no robust legal standards that apply to this area. Greenwashing reminds me of the behaviour of some of the biggest firms which think that by wrapping themselves in the rainbow flag they are good employers and they are embracing equality, diversity and basic human respect and decency. Some of these companies are among those that are most openly aggressive and hostile towards trade unions, for example. A company does not get to call itself decent if that is its policy. It cannot define what decency involves. In the very same way, a firm responsible for polluting our air, land and water should not be able to make up their own tailored, customised, bespoke rules on sustainability. That simply cannot be allowed to happen and that is what this Bill is about. At the same time, the Bill does not overpromise. It is a modest proposal designed to make industry and producers honest and to treat consumers as informed citizens, providing all of us with the knowledge we need to do the right thing.

I am pleased Government will not be opposing this Bill. That is very progressive. We are prepared to work with Government on improving this Bill if that is required and we are aware that there is work going on at EU level on the standardisation and harmonisation of this process. I doubt we would have been made aware this week, or indeed earlier, of the Government's plans or the EU plans formally in this House if it were not for the Labour Bill that prompted that action and that information to come forward. On that basis alone this Bill is very welcome and this should prompt the action that is required, needed and is frankly beyond urgent.

Minister of State at the Department of the Environment, Climate and Communications (Deputy Ossian Smyth): I move amendment No. 1:

To delete all words after "That" and substitute the following:

"(a) Dáil Éireann resolves that the National Standards Authority of Ireland (Carbon Footprint Labelling) Bill 2021 be deemed to be read a second time this day twelve months,

to allow for further consideration and analysis, including a Regulatory Impact Assessment, of how the Bill will achieve its objectives; and particularly in light of developments at European Union (EU) level on the proposal for a Sustainable Products Initiative where the EU single market for products requires that labelling on products is developed and implemented on an EU-wide basis with EU-wide adoption. The Sustainable Products Initiative sets out a comprehensive and ambitious proposal in this regard including minimum sustainability standards on a significant array of products, a digital product passport, requirements for circularity, repairability and durability while also proposing the expansion of the Ecodesign directive to apply significant energy and sustainability standards on the most environmentally impactful product types; and for developments on these EU initiatives to be such considered in further scrutiny of the Bill; and

(b) notes that the Private Members' Bill, as initiated, gives rise to several matters, some of which would present concerns and therefore require further consideration after passing Second Stage. These include its interaction with the EU energy label which follows a standard format which is easily recognisable to consumers; the viability of the Bill in achieving the policy objective of carbon footprint labelling at national level, its 2067 interaction with the existing NSAI Ecolabel standard, potential barriers to trade that could be created by Ireland applying national standards that could be considered inconsistent with freedom of movement of goods within the single market; its compatibility from a trade perspective with the World Trade Organization particularly regarding their principles of national treatment and non-discrimination; and the costs and benefits for companies including those additional costs in operating under both an EU and separate national carbon specifications.”

I am moving this amendment on behalf of the Minister for Enterprise, Trade and Employment. I thank Deputies Bacik, Kelly and Nash. I welcome this Bill. This is a timed amendment to this Private Member's Bill so that the Bill would be read a Second Time a year from now, when it is expected the European Commission will have made significant progress in detailing the labelling and sustainability requirements to be introduced under the Sustainable Products Initiative, SPI. The amendment also highlights key issues that will need to be considered at a further reading, including the requirement to recognise we operate within the Single Market and separate regulations for products in Ireland are potentially a barrier to that Single Market. An EU-level approach under the Sustainable Products Initiative is therefore the ideal mechanism to progress this shared objective. We also need to recognise we operate within the existing Ecodesign and energy labelling regulations for some products and that these regulations are improving the environmental performance of products. We need to assess the viability of the Bill in achieving the policy objective of carbon footprint labelling at national level and the costs and benefits for companies, including those additional costs that would arise from operating under both an EU and separate national carbon specifications. We need to assess the interaction of the Bill with the existing NSAI Ecolabel standard. We need to assess the compatibility of the Bill from a trade perspective with the World Trade Organisation particularly regarding its principles of national treatment and non-discrimination.

I thank the Deputy and the Labour Party for raising this important issue.

As we transition our economy and society to a low-carbon one, we need to empower consumers to make good and informed choices. Consumer preference for climate-friendly products will further encourage innovation and creativity from product manufacturers and suppliers to provide products through decarbonised supply chains or new products that replace those with negative environmental impacts with respect to their production, use, redundancy or as waste.

The Government shares the intention of the Private Member's Bill. We need product sustainability standards and labelling to drive down the carbon footprint of the goods we consume and also to provide for evolving consumer preferences and the choice to select a low-carbon alternative when possible. These standards need to be the complete opposite of the greenwashing we often see and hear, where a product claims to be good for the environment but does not provide the rigorous analysis necessary to substantiate that claim. We need robust and verifiable product sustainability standards and in my view these need to be appropriate to the product category. For example, the type of information consumers need for a construction product like cement and the type of information required for a mobile phone will be very different. Indeed, the assessment to establish the carbon footprint of those products would be very different. That is why a European-level approach to this under the EU Green Deal, a component of which is the Sustainable Products Initiative which takes a product by product approach, is the most appropriate mechanism to deliver on this important objective.

I welcome the opportunity to speak on the Sustainable Products Initiative and embodied carbon in buildings and construction. The Commission's 2020 Circular Economy Action Plan included a commitment to a new sustainable product policy legislative initiative, commonly referred to as the Sustainable Product Initiative. Under the SPI, the Ecodesign directive will be revised with additional measures to make products placed on the EU market more sustainable. The directive will be widened beyond energy-related products to apply to a much wider range of products. The Ecodesign directive will also be amended to support the circular economy further by establishing new EU rules for product durability, repairability, re-usability and high quality recycling. A ban on the destruction of unsold durable goods will also be introduced. The sustainable products initiative will also address the presence of harmful chemicals in products such as electronics and ICT equipment, textiles, furniture, steel, cement, chemicals and textiles. Consumers, the environment and the climate will significantly benefit from these new rules. Earlier this year, the Commission carried out a public consultation on the SPI to gather information and views from stakeholders. Government strongly supports the initiative which has the potential to have significant environmental and climate benefits. I look forward to the Commission's legislative proposal on the SPI in early 2022.

Nationally, my Department is preparing a whole-of-Government high level circular economy strategy for publication before the end of this year. The strategy will set out high level objectives for the transition to a circular economy. Following publication, my Department will establish an interdepartmental working group which will advance a number of circular economy topics including sustainable design.

The built environment has a significant impact on many sectors of the economy, on local jobs and quality of life. It requires vast amounts of resources and accounts for about 50% of all extracted material. The construction sector is responsible for over 35% of the EU's total waste generation.

Greenhouse gas emissions from material extraction, manufacturing of construction products, as well as construction and renovation of buildings are estimated at between 5% and 12% of total national greenhouse gas emissions. Greater material efficiency could save 80% of those emissions. To increase material efficiency and reduce climate impact, the Commission is launching a comprehensive new strategy for a sustainable built environment based on learnt lessons. This strategy will ensure coherence across relevant policy areas such as climate, energy and resource efficiency, management of construction and demolition waste, accessibility, digitalisation and skills. It will promote circularity principles throughout the life cycle of build-

ings by addressing construction products' sustainability in line with the construction product regulation's revision, including potential recycled content requirements for certain construction products, promoting the durability and adaptability of built assets in line with the circular economy principles for building design. We are committed to working with industry stakeholders to increase the use of low-carbon materials and technologies in the construction and renovation of buildings in Ireland. This will be informed by evolving EU standards and by best practice in other jurisdictions.

Recent experience with defective materials in new home construction underlines the need to take a robust performance-based approach to the adoption of low-carbon materials. Alternative materials must meet the requirements of all parts of the building regulations, including regulations related to durability, fire safety, structure and resistance to moisture. We will base our approach on environmental certification, and a framework for calculating the embodied carbon of a building, with a view to the implementation of Basis Works Requirement 7, Sustainable Use of Natural Resources, BWR7, and the environmental certification of construction products.

The Sustainable Energy Authority of Ireland, SEAI, has commissioned a life-cycle analysis study to compare the contribution of different construction materials to the embodied carbon in buildings. Our approach will include distinct steps for demonstration, certification, standardisation and commercialisation of construction practices. This will include the research and development of alternatives to traditional building materials and the increased use of low-carbon materials in construction. It will also allow for the decarbonisation and recertification of existing construction products when lower carbon manufacturing processes are implemented.

The Office of Public Works, OPW, is currently developing a roadmap to promote the use of low-carbon building alternatives in construction and we will identify opportunities to locate and build an exemplar public building using best available sustainable materials and, in particular, buildings using wood. We can see examples of predominantly timber and clay buildings in many of our local Lidl supermarket stores where they have embraced low-carbon construction and operation of buildings, and act as a leader in this regard.

Furthermore, the green deal's renovation wave initiative can lead to significant improvements in energy efficiency in the EU. The Commission will implement the initiative in line with circular economy principles, notably optimised life-cycle performance and longer life expectancy of built assets. As part of revising the recovery targets for construction and demolition waste, they will pay special attention to insulation materials, which generate a growing waste stream.

Ireland will be obliged to follow this harmonised procedure via harmonised technical specifications for construction products when a consensus of approach emerges. In that regard, it would be counter to harmonisation to develop national rules for matters covered by the Internal Market regulation.

Finally, as a note of caution, all businesses must adopt a Paris-aligned path-to-zero approach to their carbon emissions. Any business that does not, through delay or denial, risks its sustainable economic future and that of its employees. Wholesale carbon prices rose 10% across the European Union last week on the completion of COP26 and this will directly impact the cost of high-carbon materials. Everyone in every business needs to treat the climate emergency as an emergency. I thank the House for allowing me to speak on this important debate this morning.

Deputy Aodhán Ó Ríordáin: I thank the Minister of State for his contribution and for the Government not opposing our Bill. I congratulate my colleagues, Deputies Duncan Smith and Ivana Bacik for bringing forward this legislation. All of us in this House are possibly haunted by the fact that in 20 or 30 years' time younger members of our family may be asking us what on earth we did when we had the chance to do something. That is why it is all our responsibility to do something. Any of us who think we can radically address this existential crisis without it involving any pain for anybody is fooling themselves. It shows zero political leadership for any political entity or grouping to suggest we can all live our lives as we have in the past and address this issue; we cannot.

Mary Robinson stated at COP26:

COP26 has made progress but nowhere near enough to avoid climate disaster. While millions around the world are in crisis not enough leaders were in crisis mode. People will see this as a historically shameful dereliction of duty. Leaders have extended by a year this window of opportunity to avert the worse of the climate crisis. The world currently needs them to step up more decisively next year.

What she said on national radio this week really stopped me in my tracks. She said anyone under the age of 60 in our world is likely to have a world that is less liveable in, which is facing terrible fires, floods and droughts and millions of people having to leave their homes. Anybody under the age of 30 is sure to live in that world, and that is what we are talking about.

I am mindful of some of the very hot and heavy contributions that have been made to debates like this one in this Oireachtas and particularly this Dáil. Those who tend to make these hot and heavy contributions, and who accuse those of us who are trying to address climate change of driving a wedge between urban and rural Ireland, should ask themselves how many people in their families are under the age of 30 and what they will say to those family members in 30 years' time. This is not about urban or rural Ireland; it is about all of us making an effective change and changing the ways in which we have been living.

We can make positive changes to the way we live by trying to understand what the carbon impact is of buying one product or service over another, which is what our Bill seeks to achieve. It can be difficult to see beyond the massive greenwashing of companies that are trying to tap into an increased appetite for change and at the same time hide or obscure the actual level of carbon which contributes to any product or service. We in the Labour Party are justifiably sceptical of any corporate entity which looks at the massive mobilisation of young people and wonders how it can tap into that consciousness and their ethic in order to make money.

In a shop or online, it should be easy to identify which of two products or services has a greater impact on global warming. This Bill seeks to put in place an independent and transparent carbon labelling system for all corporations. In the same way that people have nutritional data to manage their health, we need to provide clear carbon data in order that people can manage their climate impact. It also creates a clear way of comparing which companies are serious about working towards a liveable, sustainable future and those who are not. At present, customers still have no way to compare how companies are doing on their climate credentials. This leaves them open to misleading claims and confusing messages designed to persuade us that corporations are pulling their weight when many are not. I often think of the phrase "recyclable versus recycled".

In early 2020, Ryanair made a claim that it was the UK's lowest emission airline. The statistics it used were completely misleading based on data from 2011 and left out many of its leading competitors. There is no way big corporations like Ryanair will magically publish accurate and independent measures of unflattering climate change data. At present, so-called green measures are more likely driven by marketing departments trying to tap into ethical consumer dollars. Companies that are making genuine strides to be low-carbon suppliers find it genuinely hard to differentiate themselves against the claims and counter-claims from their less scrupulous competitors.

As spokesperson on enterprise and employment for the Labour Party, it is essential we reward those companies which are doing things right by giving them an independent, transparent and standardised mechanism for showing their customers they are working to help to save us all. Businesses which are paying marketing lip service can be forced to publish their carbon sums in order that they can be monitored, tested and interrogated. We need honest data and information to allow us to publicly support those who are on the side of the fight against climate change and to abandon those who are not pulling their weight.

This Bill is not a magic bullet. We do not pretend that it is. The State will have to go way beyond labelling in managing a just transition to a liveable future but this Bill sets out a straightforward mechanism for the Government to let us start, at least, to monitor and measure the carbon impact of everyday choices in living our lives. I hope this Bill will be supported by all parties as a positive step towards the change that we need. There is no doubt there are a thousand different areas where we need to take action. This Bill is a small but nonetheless essential component in allowing people to make positive climate choices when they spend their money. We think climate change is too important to play games with.

Representatives from all parties and groupings in this Oireachtas should work to support each other and help to lead our people into a just transition to a more sustainable future. Often the struggle within parties will be as important as those between parties. The Labour Party is particularly aware of the work of Labour Youth in championing action on climate change as a core Labour Party value. I would ask those young people who are supporters of other political parties to exert all the pressure they can on their own political movements to ensure the vast majority of this Dáil is united in doing what needs to be done. We need to support those in government or in opposition when they take principled stances to support climate measures. We need to reach across party lines to help each other in the political world to make the right choices. If those of us who are serious on this issue could work together in opposition and in government to do the right thing always and not just oppose taxes or painful choices to cause difficulty for the Government, then we in Ireland can become leaders, not laggards, in international climate action. This Bill is a step towards that process. In ten, 15, 20 or 30 years, I want to be able to say I did everything in my power to make the changes we needed when the call was made. Supporting this Bill and acting on the outcomes is a small part of that commitment.

Deputy Darren O'Rourke: I thank the Labour Party for bringing forward this Bill. It seeks to amend the National Standards Authority of Ireland Act 1996 in order to "confer functions on the [NSAI] in relation to promoting the use of standard specifications and standard marks to give information about the carbon footprint of commodities, process and practices". Sinn Féin will support the Bill.

It is important now and will be increasingly so into the future that we have such mechanisms in place to ensure transparency and accountability. We have heard speakers from the Labour

Party and they agree the Bill will not crack that nut but is a step in the right direction and can be built upon. There are questions in terms of how we operationalise such a system of accounting but it will be important, not least because we already see how some large corporations are bombarding consumers with more and more dubious claims about their green credentials.

My colleague, Senator Boylan, has highlighted how several energy suppliers that claim to offer electricity from 100% renewable sources are simultaneously raising their prices during this period of extortionate gas prices on the international markets. That raises the question of how companies who are supposedly 100% renewable are so exposed to the volatility in the gas market. At least part of the answer relates to the fact they are not 100% renewable, but by marketing manoeuvre and advertising sleight of hand, they present it as such. When a person signs up to a 100% renewable supplier, he or she is probably expecting the electricity will be generated by wind, solar or hydropower but, in many cases, 100% renewable involves suppliers getting electricity from whatever fossil fuel source they like and buying certificates to offset the non-renewable electricity, so-called guarantees of origin. One guarantee of origin corresponds to 1 MWh of renewable electricity. It is a financial document. If a supplier wants 100% renewable electricity, it buys from a producer that offers the guarantees alongside the sales. An energy supplier offering 100% renewable can buy the guarantees from anywhere in Europe but the electricity delivered will still most likely come from fossil fuel power plants in Ireland or on the Continent. For example, a consumer on a 100% renewable tariff could be getting coal-fired power from Moneypoint. On paper, it reads as 100% renewable because the supplier has bought guarantees, but it is not. This practice is damaging because people have a right to know where their energy is coming from. If people want to avoid fossil fuels, there is no way of knowing which energy companies do not use them.

Several of the 18 suppliers that had their fuel mixes disclosed this week by the Commission for Regulation of Utilities, CRU, claimed to be 100% renewable but this is not the case. Customers are being misled and this needs to be addressed. This is one example, but greenwashing, as has already been referenced, is bad and getting worse. While this Bill seeks to appoint the NSAI to provide independent and comparable figures that include corporate processes and practices in recognisable and reliable standard measures, we also need tighter advertising standards to ensure companies cannot make outlandish climate claims, green claims or greenwashing claims without rigorous oversight and verification. This stuff really does matter. The current advertising standards are not robust enough.

Elsewhere, the Bill seeks to introduce carbon footprint information on all products. The aim of this would be to provide consumers with information about the environmental impacts of products, in a similar vein to how ingredients or calories are presented on products. Some companies already do this voluntarily. For example, Quorn, the meat alternative company has carbon labelling on some products, and BrewDog, the brewery, pub and restaurant chain, highlights the carbon footprint of individual items on its menu. The widespread use and standardisation of such an approach would provide for improved tracing, transparency, accountability and better information for consumers, remembering the old maxim to the effect that if you cannot measure it, you cannot manage it. It should not simply be seen as a tool to influence consumer behaviour. That is an important point and I do not think that is the suggestion from the proposers.

We are in a climate crisis. We need to address the root causes of the crisis and we need systems change in energy, transport, economics and food. While individuals can and will play their part, the focus should not be diverted from the major corporations that are responsible for

huge amounts of emissions or from the failure of successive governments to take appropriate action and lead from the front to stem the impact of climate change. The climate crisis will not be tackled by shifting the focus onto individual behaviours or individual consumer choices. Carbon labelling can be for the climate crisis what calorific labelling is for the obesity epidemic. It can be a waste of time, an irrelevance, or worse, a tool to be used to give the semblance of action as powerful corporations drive on, ever more rampant and reckless. Other forces at play, such as predatory advertising, need to be tackled. Tighter regulation and proper deterrents are needed in tandem with providing consumers with more information if we are to tackle this issue successfully.

We need to recognise the disproportionate contribution of the world's wealthiest on the climate emergency. Last week, the CEO of Amazon waxed lyrical about climate change at COP26. With no shame, the same man took a vanity trip to space a few weeks before. He did not mention that or the fact that a few miles up the road from Glasgow in Dunfermline, Amazon was found to be in the practice of destroying millions of items in unsold stock every year, including smart TVs, laptops, drones and hairdryers. Let us not talk about product obsolescence. I welcome the moves the Government is making in relation to the circular economy and that needs to happen as quickly as possible.

Oxfam's report on confronting carbon inequality highlights the fact that during a critical 25-year period of unprecedented emissions growth, the richest 1% of the world's population were responsible for more than twice as much carbon pollution as the 3.1 billion people who make up the poorer half of humanity. Ordinary people would be correct in thinking there is one rule for them and one for the wealthy when it comes to climate action. We will not successfully tackle the climate crisis with a business as usual, *status quo* approach. The market and unregulated consumption created the climate emergency; they will not solve it. While the private sector will play a role in the solution, states must lead. They must not outsource their obligations to commercial interests.

One area where the State is outsourcing its obligations is offshore wind. We have almost unlimited potential for green offshore winds but the slow pace of planning and regulation is putting off some investors and the State is not leading from the front. Sinn Féin acknowledged the role of private companies in the development of offshore wind but we want to see semi-State bodies such as the ESB and Bord na Móna invest, develop and, importantly, retain ownership of renewable energy projects. It is essential the State does not become as reliant on private renewable energy production as it is on fossil fuels energy production now. The constant energy price hikes demonstrate how dependent and exposed the State is to volatility in the international energy markets and highlight the need to eliminate this threat.

I welcome the legislation and note the Government's amendment. It is an approach the Government has used consistently. It buys a year. I urge that action take place. We are in the middle of a climate emergency and need to see action. I am concerned in another respect. There is lots that could be done at European level. Some of what this Bill could deliver is, for example, an assessment of the carbon labelling of mushrooms grown on Irish peat versus international horticultural peat. Similarly, there is the comparison between Irish beef and Brazilian beef. That is an important contribution it could make. The European Union also has a responsibility in terms of the Mercosur deal and international trade deals. It needs to watch its own carbon footprint as well.

I also want to make reference to young people, who are ahead of us in this regard. At the last

Young Scientist competition I attended, a local school from my own area, Eureka Secondary School, put forward proposals in line with this. We need to get on board with that.

Deputy Ruairí Ó Murchú: This pandemic, which we are still in the middle of, has proven to us on some level how we have failed to manage this planet. Unfortunately, we have seen it come back to hurt us and hurt our people in a really dreadful and tragic way, and we are far from through it. Within the last period, we have had COP26 and, for all the failings there may have been, it was particularly useful in reinforcing the issues we are facing as a planet. There are sometimes very simple statements that the planet is burning. Greta Thunberg's "blah, blah, blah" speech reinforced the fact we have all failed to do a sufficient amount.

I welcome this Bill from the Labour Party. There is a piece of work that needs to be done. In fairness, this is the sort of due diligence that could be done on Committee Stage rather than the kicking down the road that has been the way of the Government, particularly in regard to Private Members' legislation in the last while. It is unfortunate given the seriousness of the issue we are dealing with.

Obviously, we need carbon footprint labelling done as best as possible. We will all benefit from the point of view of having real data in regard to the supply chain, the process in regard to goods, the actual carbon footprint and the real environmental cost. It will also mean we do not have some of the false claims we are dealing with at this point in time. I also accept that, as with all of these things, we should do the best we can. However, there is a necessity to deal with this on an international basis. We need to make sure, particularly at the European Union, that we get this element of best practice and due diligence.

I understand that companies may sometimes be particularly good at one aspect that we believe is beneficial. I welcome the commentary earlier that we need to deal with companies on the basis that not only are they environmentally good, but they are good in regard to their workers' rights and their international relations. I have heard mention of, and I would add my voice on, the plight of the Palestinian people and the fact an awful lot of goods are still being produced in the occupied territories. We had the issue of the occupied territories Bill here. While there can be an over and back in regard to the Attorney General and whether it should be at this point or somewhere within the European Union, we need trade deals that have an element of fairness.

That fairness also relates to climate change. Deputy O'Rourke spoke about it being very difficult to sell to people the best practice and due diligence they need in their sector. If it is agriculture we are talking about, we have the impending madness of Mercosur. There is the possibility that if we have alterations to how we deal with agriculture here, where we may have best practice in many cases in regard to how beef is produced, we will be swapping that for Brazilian beef, with all the difficulties that relate to it.

We need to have a real conversation, and this Bill and the idea of carbon footprint labelling will play a definite role. I would also accept that for a huge number of people, when they go shopping these sorts of issues will not determine what they buy, and that will be on the basis of the choice that is in front of them. In many cases, if we are dealing with people who are suffering from poverty, they will not necessarily look at this.

On the wider issue, I reiterate Deputy O'Rourke's point that what really needs to happen in regard to making the big moves that need to be made is that states have to play a huge part. I

get that we are looking at changing the rules across the board. At European level, we are talking about green bonds but what are we really talking about? We all know the fiscal constraints within which we operate. We know some of those constraints were jettisoned during the pandemic but we all need to have a real conversation on what needs to be done. States need to play a lead role, as they played in the pandemic, particularly across Europe. We need to look at the means of freeing up the credit that is available at this point in time in a way that enables this State and other states, operating together on an international basis, to bring about real and meaningful change.

This Bill is a small piece of a solution and it will work. We have to do what we can to enact it as soon as possible.

Deputy Martin Browne: I thank Deputy Bacik and the Labour Party for introducing this Bill to the House. Every one of us has a part to play in reducing emissions, for example through identifying and purchasing products that have a lower carbon footprint or choosing to implement changes to our everyday habits. Every effort we make as individuals is worthwhile, and we should remain committed to these measures. This Bill has a role to play in this overall effort by giving us the opportunity every day to consider the products we are purchasing or the services we are acquiring, and being able to incorporate the well-being of our planet into such decisions.

A number of companies have taken it upon themselves to include carbon footprint labelling on their products, allowing customers to make an informed decision on the environmental impact of their purchases. This is a welcome initiative and, therefore, we will be supporting this Bill. There are aspects of the overall Bill that we must be aware of but they have nothing to do with its intentions, which are important and welcome. We cannot allow the focus of responsibility to be taken away from the key emitters in this world, or the measures that are pursued by governments that run contrary to the campaign to reduce emissions.

I will deal with the first matter at the outset. At the recent COP26, we were reminded that the aim to reduce emissions to the extent needed is doomed to failure unless the key emitters in this world are forced by governments across the world to change their ways in a manner that is meaningful. Fine words, positive tones and aspirations are not enough to ward off the calamity of climate change. Huge efforts were put into coming to a consensus on how the globe will collectively tackle climate change but those efforts were made all the more difficult by the fact that hundreds of fossil fuel lobbyists were also at that event. These are the people who should not be allowed to lobby for preferential treatment. Instead, those industries which make billions of euro out of pumping emissions into the atmosphere should be called out for what they are and treated accordingly - as the main source of emissions on this planet. The focus must primarily be on them to change their ways and contribute significantly to the global effort. That is why we must take care to ensure that when talking about Bills that focus on the individual responsibility of us all, we do not take the focus off the large emitters.

Ordinary households face challenges of their own. Funding for county councils to ensure the upkeep of often draughty houses is inadequate, with people waiting years for attention. Unsuitable living conditions have been reported in a large number of local authority houses. We cannot allow people living in such conditions to be the ones who lift the burden of soaring fuel prices while subsidies are given to industries that are the main global contributors to climate change, yet they are being targeted nonetheless.

This is a point that can be extended to the world's poorest people, those living in countries where climate change is already leading to forced emigration, natural disasters and total upheaval. Oxfam's Confronting Carbon Inequality report highlights the fact that the richest 1% of the world's population are responsible for more than twice as much carbon pollution as the 3.1 billion people who make up the poorest half of the world. The report goes on to outline how "our current economic model has been an enabler of catastrophic climate change and equally catastrophic inequality". Ban Ki-moon, Deputy Chair of The Elders and former Secretary General of the United Nations, said that "to tackle climate change we must fight for social and economic justice for everyone." We must heed these words and show compassion to those suffering from poverty but also from the effects of climate change. Targeting those industries and the most wasteful must be prioritised. They have the resources that can effect meaningful change.

I want to comment on some counterintuitive measures that are being adopted here when it comes to actions that are being taken to tackle the emission of CO₂. We have seen a situation arise in which shiploads of horticultural peat are being imported into this country from Latvia, Estonia and elsewhere because a decision has been taken to restrict the harvesting of horticultural peat. It is something I have raised here and at the agriculture committee on a regular basis, and is something I will continue to call out. When is the Government going to examine the carbon footprint involved in the introduction of this peat into Ireland, when we could harvest a comparatively small and limited amount without the need for the environmental impact of importing it from 3,000 miles away?

11 o'clock

This is a measure that runs counter to the purpose for which the ban on horticultural peat harvesting was said to have been imposed. Would the Government like to account for the carbon footprint involved in these imports as opposed to harvesting this small amount of peat here? It makes no environmental or economic sense, damages businesses and yet is being presided over through a number of Departments. There is a report sitting on the desk of the Minister of State, Deputy Noonan, which is reported to state precisely the nonsensical nature of what we have been seeing in recent months. Common sense needs to prevail, both here and in our overall efforts to tackle emissions and climate change.

We will support this Bill. Everyone needs to be informed and to use that knowledge to act responsibly, but it is only right that we also point out that in advocating personal responsibility, we do not allow the people who are responsible for the lion's share of emissions to go unmentioned.

Deputy Jennifer Whitmore: I welcome the opportunity to speak on the National Standards Authority of Ireland (Carbon Footprint Labelling) Bill 2021 and I congratulate Deputies Bacik and Duncan Smith for drafting and proposing the Bill. The Bill, if enacted, would provide the carbon footprint on every product to provide consumers with carbon information and would place an obligation on the NSAI to define a standard approach to carbon labelling as well as to ensure consistency in labelling.

Yesterday, when I introduced my Bill to ban car-idling near schools, I reiterated the point that individuals in society can often feel overwhelmed when it comes to looking at ways they can make an impact on climate change and pointed out that simple initiatives like this can make all the difference. Climate change is often seen as too big a problem and yet the Government continues to send out the message that individuals must do their bit. This has placed enormous

pressure on individuals to reduce their carbon footprint, change their lifestyle and buy the often more expensive but greener product, but people are not yet empowered with the relevant information to help them make the greener, more sustainable choices.

As consumers, people continue to be fooled into believing that the choices they are making are green when, in fact, they are not or could, at worst, contribute to the harm of our planet through often aggressive greenwashing exercises by large corporations. The Bill, if implemented, could assist people in their decision-making by informing their decisions and empowering them as consumers. They could then make real and impactful changes if they knew the amount of carbon emitted in sourcing, producing, manufacturing, transporting and packaging a product by the time it gets to the shelves of their local shops.

It would also prevent the widespread use of greenwashing by companies and the misleading information that is out there in the selling of products. The culture of greenwashing is, in my view, the consumerisation of climate action. We are starting to go in the direction of a consumer world where false impressions or misleading information about how a company's product is environmentally friendly is making people believe that consuming products are one way to fight climate change when often the opposite is true.

While I welcome this Bill, I recognise that there will be complexities in implementing it. These are complexities that we will need to overcome and this is an important starting point for that. We are asking producers of products to research, examine and source information on all the ingredients, activities and resources that were used to make a product and the carbon footprint as a result of all that. For some products, this might be particularly difficult to calculate. We are looking at a global and supply chain approach to it as well which would also add complexities.

We would need to be cognisant of our small local businesses, particularly their capacity to make significant changes in the way their products are labelled and the additional demands on them. The Government can lead by providing supports and the framework for businesses to adapt to these and future changes in our effort to combat climate change. It would be another reason for us to promote locally grown and locally produced and home-run businesses. The complexity of the job of putting in place carbon labelling will demonstrate that local is best, particularly when it comes to food. Our focus needs to be on ensuring that this happens and that, when large structural changes occur, we act on climate change. However, supporting our local businesses will be key to the success of the implementation of climate actions such as this.

While I support this Bill, I believe that carbon is only one piece of a bigger puzzle when it comes to the information that consumers require to be fully informed of their impact on the climate. This comes back to the fact that we cannot be talking about climate separate from biodiversity. We have two crises but they are very much the same crisis. The impact on one will have an impact on the other and our measures to address one will also address the other.

The issue of climate change is not only about emissions. It is also about other forms of pollution. It is about unsustainable use of resources and the continuing degradation of our biodiversity and our natural heritage. What about the water footprint of our clothes? I worked in Australia for ten years, through the worst drought in history there. The water impact of the food we were eating, the houses we were living in and the products we were using was a key consideration. Sometimes we forget this element of our natural resources and the environment that we utilise.

What about the ecological footprint of our food plates or the products we are using? We could have a product that is carbon sustainable but very damaging from a biodiversity perspective. Trees are very good at capturing carbon but they could be devastating for the local biodiversity in the area. It is about having that full picture. To gauge the real impact of a product on our environment, a company should have to demonstrate the full environmental impact and not only its carbon footprint. I acknowledge that this will add to the complexity of the work that would need to be done.

The carbon footprint of a product may be low but it could be negatively impacting on the environment in terms of how much water the product needs. Even the most trivial products can have some kind of impact on the environment. Developing something akin to a life-cycle assessment of a product would paint a more accurate picture when the ecological and resource impact of a product is taken into consideration.

When we introduce initiatives like these, it is about facilitating a cultural shift, providing more information and developing an education piece to work beside our current exploration of what it is we need to be doing to stop climate change. For individuals, the feeling of wanting to do something tangible and with a real impact can seem overwhelming, especially in the age of endless information, whether true or false. On top of greenwashing, people are faced with an ever-growing list of things that they need to be seen to be doing as legitimately contributing to climate action. It can have almost a paralysing effect on people. Should a person give up using plastic straws, move away from fast fashion, stop eating avocados, grow their own vegetables or buy bamboo toothbrushes? There are so many choices out there with so little information. It makes it difficult for people to make informed individual choices, and ones that they feel will actually have the impact we need.

I welcome this Bill. As I said, it is a starting point. I hope the Government works with the Labour Party and with the Opposition on this. It is a good stepping stone to what we need to achieve.

Deputy Paul Murphy: I wish to share time with Deputy Barry.

I thank the Labour Party for bringing forward the Bill, which we support. We support anything that will enable people to take the action that they want to take. The evidence strongly suggests that people are in favour of doing everything they can to try to contribute to the collective effort to avoid the climate catastrophe we are currently hurtling towards. That attitude of ordinary people obviously contrasts sharply with the attitude of the global leaders seen, unfortunately, over the past two weeks, at COP26.

The failure of COP26 also highlights the thrust of the approach. We have no problem in agreeing with the Bill. However, the thrust of the approach of focusing on the question of carbon footprints and people's individual choices is pointing in the wrong direction as the main direction of what needs to be done. That is highlighted by the fact that the Bill is using the phrase "carbon footprint" but it was big oil that invented the phrase. It was the brainchild of an advertising agency employed by British Petroleum precisely to point away from the main responsibility of global corporations and global capitalism for the climate catastrophe we are experiencing. To quote Mr. Mark Kaufman:

British Petroleum, the second largest non-state owned oil company in the world, with 18,700 gas and service stations worldwide, hired the public relations professionals Ogilvy

& Mather to promote the slant that climate change is not the fault of an oil giant, but that of individuals. It's here that British Petroleum, or BP, first promoted and soon successfully popularized the term "carbon footprint" in the early aughts. The company unveiled its "carbon footprint calculator" in 2004 so one could assess how their normal daily life – going to work, buying food, and (gasp) traveling – is largely responsible for heating the globe.

That covers up the very important truth that by the time the individual gets to the shop, work or wherever, many choices have been made such that he or she is not able to take the most important choices on the nature of food production, the nature of energy production, etc. Those are political choices and economic choices that are made by the capitalist class and its political representatives. There is a danger of assisting them in avoiding the truth that the climate catastrophe is being driven by a handful of major corporations, which have names, addresses and headquarters. They are who we should target.

Ordinary people have, and will, over and over again, show that they want to take whatever actions they can. This is fundamentally a systemic problem that requires systemic solutions. Focusing on personal responsibility will not solve the climate crisis. There is a parallel with Covid where, of course, personal responsibility is very important and so on, but it is not enough such is the scale and the nature of the problem that we face. Rather than just labelling products with their carbon footprint, which we should do, we need to tackle the polluting major corporations directly. Simply put, we need to ban any further data centres in this country and not just put out a sign stating how bad they are. We need to force fossil fuel companies to keep the oil and gas in the ground even though that will come at a cost to them of \$5 trillion in respect of the assets currently on their books that simply cannot be realised, as well as the various investment in fossil fuel infrastructure that will have to be stranded.

We need to transform our transport system such that people have the real option of availing of free green and frequent public transport, safe cycle lanes and walking to overcome their reliance on private cars either of the petrol or diesel variety, but also of the electric variety, which is also not the answer. Fundamentally, as the slogan goes, which has been widely taken up, we need system change to stop climate change. The system that needs to be changed is the system of capitalism, production for profit and the exploitation and treatment of nature as something taken for free, as well as the exploitation of labour. The type of change we need is socialist change.

Individual actions that we can all take are welcome, but the crisis is beyond individual action. It requires transformation not only of our public transport, but our energy system, our housing system and, fundamentally, our economic system. That way of organising society of private ownership of the core sections of the economy and production and private for-profit must go. We need an alternative eco-socialist system that puts people and planet before profit. We need the current big polluters in democratic public ownership and then we need to plan for a society, which prioritises the quality of people's lives and which centres the idea of a good life for people as opposed to the drive of consumption that capitalism pushes onto people.

Deputy Mick Barry: I will vote in support of the Bill. Recording the carbon footprint on the labelling of products would represent a small step forward. It is something large numbers of ordinary people will respond to. The point has to be made that a measure such as this is a drop in the bucket. I support it. Let us get it done, but there are much bigger issues that we need to address such as free public transport for all, a massive State programme to retrofit homes, a four-day working week with a 32-hour maximum, a massive State programme for green jobs

and green energy, and a ban on new fossil fuel projects, including LNG in east Cork and at Shannon.

The weekend before last, I travelled to Glasgow to take part in the magnificent COP protests. Inside the conference hall, there were more than 500 accredited visitors from the fossil fuel industry, many of them part of national delegations, including the Canadian and Russian delegations. It was a scandal. It is akin to letting arms dealers into a peace conference. Outside on the streets, we had the future. Many of the 100,000 people there, mainly young, were pointing an accusing finger at corporate capitalism and the governments whose strings they pull. That movement can grow into a force that goes beyond just pointing the finger at capitalism to challenging the very rule of that system. My sincere hope is that it will grow into a movement of hundreds of millions in the years ahead.

I will support this Bill but, let us be clear, it is a drop in the bucket. Much bigger mountains need to be climbed in this battle in the time ahead.

Deputy Michael Collins: I will vote against this Bill. According to it, there is increasing awareness of the need to make informed consumer choices based on the environmental impact of goods in light of their carbon footprint. While we all want to be aware of our own carbon footprint, carbon footprint labelling is not easy or feasible for many businesses. There are a range of issues attached to carbon labelling, which raise a highly complex set of interlocking problems. This policy has the potential to put hundreds of small food and artisan producers in Ireland out of business due to red tape compliance and transaction costs. In support and protection of so many of these small businesses in west Cork, I will not support the Bill.

On a practical level, most farmers, food processors, hauliers and shop owners have never considered the carbon content of their work. A farmer may know how much fertiliser is being used, but have only rudimentary energy accounts, often in money rather than energy units, or detailed measurements. It is likely that large-scale and multinational manufacturers will be better informed but, even so, a requirement to provide carbon statistics would create a major revolution. I could support carbon labelling of imported goods, which might already be manufactured in this country. Where is the carbon labelling on the peat being imported from Latvia, which we are doing instead of using peat produced in Ireland? What is the carbon footprint of importing Colombian briquettes? Are there any concerns in that regard?

In regard to COP 26 owing to the stance taken by India, China, Russia and Australia, it was all over before it even started. However, a good number of people got a holiday out of it. The American President arrived in one aeroplane, followed by a second plane carrying a number of fuel guzzling SUVs. Where was the carbon footprint there? Did anyone care? They did not. It was all about the lovely talks, which some people slept through because they had no intention of changing.

This Bill presents an impossible situation for small businesses. I will not support it.

Deputy Michael Healy-Rae: I also will not support the Bill. Have the proposers of the Bill and those who propose to support it considered the implications it will have for small businesses in particular? Who is going to pay for this? I will set out exactly who is going to pay for it. The people selling the produce will have to pay for it, but they will then pass that cost on to the consumer. As such, the person consuming the goods will pay for the labelling of the goods. I am not sure if Members realise it, but families are struggling. People are struggling

to pay their energy bills, put food on the table and send their children to school and college in order that they can be educated.

What is this all about? This Bill relating to carbon footprint labelling is about putting more expense on struggling families. That is exactly what it will do because this will not happen automatically or without a cost, and that cost will be passed on to the consumer. People need to wake up. As stated by Deputy Michael Collins in regard to the bales of briquettes, people thought it was a good idea to stop the production here of briquettes. Where is the carbon footprint on the labels of the peat being imported from Latvia or the briquettes being imported from Germany? Wake up and smell the roses. Some Members have spoken about a move to a four-day working week, everybody having something for nothing and the need for us to reduce the time we spend working. For God's sake, who is going to pay for it? Sure, do you know what we will do? We will stop working all together, every one of us, and we will stop paying tax and the money will just fall out of the sky. The people sitting over here are living in a never-never wonderland, where they make it all up, with their "the sooner we go to a four day week" and so on. Of course, we should not work at all. We should all stop. Will people wake up and get real? They need to realise that people have to work, pay taxes and keep the wheels of our economy rolling.

Deputy Richard O'Donoghue: Globally, consumers want food that has a low environmental impact, which provides a huge opportunity for Ireland. There are three aspects to this that need to be capitalised on. Ireland has the lowest carbon footprint for milk in the EU and the fifth lowest carbon footprint for beef because we use grass to produce milk and beef. Ireland has one of the lowest levels of forestry cover in Europe. Trees and hedges help to reduce climate change effects as they absorb CO₂ from the atmosphere. My colleagues and I have consistently campaigned for the Government to tackle the licensing bottleneck to enable forestry planting and harvesting. The harvesting of trees is taking too long. Carbon gets locked into wood and wood products. When this happens, new trees can be replanted and the cycle of storage happens again.

What I want to say to everyone in Ireland and everyone in this House, particularly those on my right who are completely out of touch with reality, is that Ireland is 0.01 in terms of carbon in Europe and 0.04 globally. I want to point out to our Government and a lot of those on the left in this House that all we are doing is importing products from countries that are 40% and 50% of the problem in terms of global emissions. Wake up. We want to save the planet but the Government is killing everyone in Ireland with price increases because we are importing everything. Why not encourage people in Ireland to produce their own products and not kill this world?

Deputy Danny Healy-Rae: You could not make it up. As I look around me, I see a few people who I know are sane but this House is the most lunatic place in the world at the present time. This is a good piece of blackguarding, to try to get people to pay more for their produce and to try to get producers to get involved in intricate actions to try to account for their carbon footprint. At the same time, this Government cannot put a process in place to measure the carbon that farmers are sequestering. The Government has said that this will not happen until 2027 but now we are being told that we need a carbon footprint label for the products on the shelves, including information on how they got there. It is totally and absolutely unfair. At the same time, the Government is importing peat from Latvia and briquettes from Germany. What is their carbon footprint?

The Government put a working group in charge of the provision of peat for horticulture, which has recommended the resumption of peat harvesting next year up until 2030 or 2035, until a suitable viable alternative is found. It is critically important that this happens to save the 17,000 jobs in the horticultural industry. Dr. Munoo Prasad sent his report to the Minister of State, Deputy Malcolm Noonan, on 20 October last. Where is that report and when is the Government going to act on it? Is the Government going to keep people in the horticultural business in suspense? That is what is going on and now we have this Labour Party Bill, which is supported by Sinn Féin. Some Sinn Féin Deputies say they will vote in favour of the Bill but then they are critical of its contents. As Tom Mike from Kilgarvan would say, if you try to sit on two stools, you will fall down between them. That is what will happen to the Sinn Féin Deputies if they carry on with this. They cannot fool the people by trying to carry the two sides of the road. That is what they are doing here and the Labour Party is trying to suggest that we put more expense on the consumer and more work on the producer-----

Deputy Ivana Bacik: That is not true.

Acting Chairman (Deputy Kathleen Funchion): Thank you Deputy Healy-Rae..

Deputy Danny Healy-Rae: We are producing the most economical and safe food-----

Deputy Ivana Bacik: That is simply not true.

Acting Chairman (Deputy Kathleen Funchion): You are 30 seconds over your time.

Deputy Danny Healy-Rae: We are producing the most economical food and agricultural produce in the world-----

Deputy Ivana Bacik: That is ludicrous.

Acting Chairman (Deputy Kathleen Funchion): Thank you Deputy, you are over time.

Deputy Danny Healy-Rae: It is the truth. The Labour Party is trying to blackguard the people-----

Deputy Ivana Bacik: This is farcical.

Deputy Danny Healy-Rae: They are trying to blackguard them again. They did from 2011 to 2016-----

Acting Chairman (Deputy Kathleen Funchion): Deputy, you are a full minute over your time.

Deputy Danny Healy-Rae: They made a right job of it when they cut the pensions on the women-----

Acting Chairman (Deputy Kathleen Funchion): Deputy, please show some respect.

Deputy Danny Healy-Rae: -----and they took away the death grant as well. When they could not get it from the living, they got it from the dead. They tried to get it from them as well.

Deputy Ivana Bacik: Rubbish.

Deputy Thomas Pringle: I am grateful for the opportunity to speak on the Labour Party's carbon labelling Bill. In general, I support introducing carbon labelling on products as a way

of educating citizens on the carbon footprint of each product. Ms Mary Robinson's prediction that anyone under 60 is likely to face a less liveable world and that anyone under 30 is sure to live in that world is incredibly concerning. It is clear that we need to start shifting our focus more directly to the climate crisis to try to reverse the damage done and make the world somewhat more liveable for the generations to follow. Carbon labelling on products will help us to identify which producers are the greatest carbon emitters and this has the potential to educate citizens on the environmental impact of the products they are buying. It would allow them to compare the sustainability of products and I support any attempt to encourage the purchase of locally-produced goods.

As a Bill that aims to tackle climate change, however, it is incredibly weak and does not even begin to address the systemic problems that we face and need to address in this country. The Bill is nothing more than tokenism in that regard. The idea that we all need to take personal responsibility to effectively address the climate crisis is ridiculous and demonstrably false, especially when we have data centres using up an incredible amount of energy. If we are to address the climate crisis in a real and impactful way, we need good environmental and just transition policies that target the largest producers of emissions and not the working classes. Families on lower incomes are more likely to buy products with a higher carbon footprint because they are cheaper. We cannot begin to penalise those who can only afford to compare price instead of carbon footprint. This Bill is just one of the many climate Bills that disproportionately affect lower-income families instead of targeting the real problem of high emissions from farming and industry and the macro-structures of unsustainability such as capitalism and colonialism.

In this instance, the Labour Party is just assisting the Government in leading the population to associate environmentalism with unfair taxation, causing an understandable resistance and resentment towards the green movement. In fact, the very idea of the carbon footprint was invented by oil companies. The notion of focusing on individual responsibility was popularised by British Petroleum, BP, the second largest, non-state owned oil company in the world to shift the blame away from itself and to suggest instead that climate change is the fault of individuals and not of fossil fuel companies. Does that not tell us everything we need to know? In the context of the terrible climate crisis that we face, it is incredibly important that climate legislation should be our primary focus but we must step away from the greenwashing and do this in a real and just way. We must make sure that our actions will benefit the future of society.

Deputy Brian Leddin: I welcome this Bill and I commend the Labour Party on bringing it to the House. I asked for time to speak on this Bill, and I am grateful to the Minister of State, Deputy Troy, for facilitating me, because it is exactly the type of initiative we need in this House. As a Government Deputy, I recognise that the Government does not have all the answers as we face our immense climate challenge. We can, and must, seek out ideas from all parties in this House. I have already said this to Deputy Bacik, the climate spokesperson for the Labour Party, but in my capacity as Chairman of the Oireachtas Joint Committee on the Environment and Climate Action, if there is anything I can do to facilitate parties or Deputies not represented on our committee, I am more than happy to do so. We need every voice heard and we need every idea on the table.

While I accept some of the complexities outlined by the Minister of State, Deputy Ossian Smyth, regarding the implementation of the measures suggested in the Bill, and we do need to be mindful of the impact on businesses, especially small businesses, I support its thrust and the general idea behind it. I was fortunate to attend COP26 on behalf of the Joint Committee on the Environment and Climate Action. One of the initiatives the organisers took was to provide

information on the carbon footprint of each dish the menu in the vast canteen at the conference venue. It made a difference, just to put that information in people's hands. I know it was probably a captive audience at COP26, but I believe people's purchasing decisions would change if they had the right information about the carbon footprint of the products they were buying. It is not about banning anything or forcing people to buy something; it is about empowering them with information.

It is also the case, as Deputy Bacik pointed out earlier, that people want to know. They want the information and they want to be empowered. We will see carbon labelling in this country sooner than we think, because that is where consumer demand is going. I recognise the work of the Minister of State's Department, in helping companies get ready for this green transition. Companies that have high scope 2 and scope 3 emissions will find themselves at a large disadvantage in the market compared to more sustainable competitors. Once again, I commend the Labour Party on bringing forward this Bill. I hope we can make progress in the next 12 months both here in Ireland and with our European colleagues. I look forward to future legislative initiatives from both sides of the House to help us tackle the climate crisis.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Robert Troy): I thank Deputy Bacik for raising this important issue and giving us an opportunity to debate it. I also thank all speakers for their important contributions on this Bill. It is clear that we have some way to go to ensure that we all embrace climate change going forward.

As we transition to a low-carbon economy and society, we need to empower consumers to make good and informed choices. There is already a shift in consumer preference for climate-friendly products, which itself will further encourage innovation and creativity from product manufacturers and suppliers to provide products through decarbonised supply chains or new products that replace those with negative environmental impacts in their production, use, and waste.

The Government shares the intention of the Bill. We need product sustainability standards and labelling to drive down the carbon footprint of the goods we consume and to provide for evolving consumer preferences and the choice to select a low-carbon alternative when possible. These standards need to be the complete opposite of the greenwashing we often see and hear - where a product claims to be good for the environment but does not provide the rigorous analysis necessary to substantiate that claim. We need robust, and verifiable product sustainability standards, and in my view these need to be appropriate to the product category. That is why a European-level approach under the EU Green Deal is the most appropriate mechanism to deliver on this important objective. I would like to briefly emphasise the importance of the EU standards approach, under the sustainable product initiative that my colleague, the Minister of State, Deputy Ossian Smyth, outlined. The Single Market for products requires that any effective labelling standards for products are developed and implemented on an EU-wide basis. Ireland is a strong supporter of the Single Market. A unilateral national approach to carbon footprint labelling would undermine these efforts, and place an undue administrative burden on Irish producers and make them less competitive when exporting products. It would also make it more complex for manufacturers based elsewhere in the EU to sell into our market. As such, a standard EU approach is required to effectively balance the important objectives of informing consumers with the need to avoid placing an additional administrative burden on manufacturers.

Another EU instrument currently under negotiation at the Council working party, as part

of the sustainable finance agenda, is a proposal for a corporate sustainability reporting directive, CSRD, which would impose mandatory sustainability reporting requirements on all large businesses. This is something I have a keen interest in from a company law perspective. It will substantially revise existing non-financial reporting rules. The proposal comprises environmental and social matters and introduces more detailed and mandatory EU sustainability reporting standards. It is expected that the new obligations will be phased in so that companies will publish their first reports according to mandatory standards in 2024.

Given the scale of the climate challenge, the interconnectedness of economies and the global nature of many manufacturing supply chains, the best approach will be to continue working closely with the European Commission and other member states on these legislative requirements relating to sustainability reporting. The Bill proposed by the Deputy suggests an amendment to existing legislation that governs the National Standards Authority of Ireland, NSAI, which falls under the remit of my Department, and so I want touch on the important role of standards to help measure emissions and positively change behaviour. The NSAI recognises the need to tackle climate change and the related environmental challenges as this generation's defining task and considers standards to be a critical enabler of the solutions needed for a green transition. There is great potential to apply the NSAI's toolset - certification, standards, and legal and national metrology.

The National Standards Authority of Ireland Act 1996, to a significant extent, facilitates what is proposed within the amendments to legislation suggested in the Bill, and enables the NSAI to develop standards and certification on any product. There are existing applicable standards in the area of carbon measurement. These standards are relevant, not only for their content, which is derived from global ISO standards, but also because they are official European norms, which are adopted as Irish standards. The NSAI is playing a key role, as Irish adoption of international standards in this area supports the shift towards a more sustainable future. On a national level, the NSAI is achieving significant traction in its extensive contributions to standards required under the climate action plan.

To provide robust carbon footprint information to consumers and compete in low-carbon supply chains, many businesses, and in particular smaller manufacturers, are going to need to educate their teams and equip themselves to meet these requirements. With that in mind, my Department, together with the Department of the Environment, Climate and Communications, is developing an online climate toolkit 4 business. This toolkit will give them an understanding of where carbon emissions arise in their activity, get them started on their journey to zero carbon and act as a signposting tool to the available State supports.

The Government is looking to amend the proposed Bill and defer its reading for a year, in order for progress on the detail to be made at European level. However, I highlight that there is plenty that businesses and consumers can and should progress in the meantime. For example, the NSAI can provide businesses with the EU Ecolabel, which is a label of environmental excellence that is awarded to products and services meeting high environmental standards throughout their life cycle. Many producers find that it gives them a competitive advantage. It allows companies that have made real commitments to sustainability demonstrate that to customers.

We also have a role to play as consumers when we are purchasing energy-consuming products such as dishwashers, fridges, or similar. We should be alert that manufacturers and retailers are legally required to provide consumers with information about the energy efficiency of these products. EU energy labelling helps consumers to choose the most energy-efficient prod-

uct, lowering energy bills and reducing the impact on the environment.

The Government agrees that it is important that there is transparency and consumer choice around the carbon footprint of products. I hope that on further discussion of this Bill we can discuss the detail of the new product standards being developed at European level, and that Members can agree to a product-specific, robust and proportionate approach to sustainability and labelling requirements on products across the EU Single Market.

Deputy Danny Healy-Rae: I call on the Government to vote against the Bill, never mind kicking the can down the road. The Government must show that it has guts and stand up for the people.

Acting Chairman (Deputy Kathleen Funchion): I ask Deputy Healy-Rae to resume his seat please.

Deputy Danny Healy-Rae: That is what I am asking it to do. It is kicking the can down the road just to please the Green Party.

Acting Chairman (Deputy Kathleen Funchion): I ask Deputy Healy-Rae to resume his seat please.

Deputy Danny Healy-Rae: That is what this is about. The Minister of State knows that I am right about this. The Government must vote against the Bill once and for all.

Deputy Sean Sherlock: Thank you, a Chathaoirligh. I understand that the Order of the House is set out by Members by agreement. I also understand that you have a difficult job to do, a Chathaoirligh, in trying to chair these proceedings. I further understand that everybody who wants to speak is allocated time. If we are to act in consort and to obey the rules, then people might afford me the time that has been allocated to me and my party.

Acting Chairman (Deputy Kathleen Funchion): Is the Deputy taking his full ten minutes or is he sharing time?

Deputy Sean Sherlock: I will take the ten minutes. I welcome the debate on this Bill. I welcome that people are exercised about it. I welcome the fact there is a majority consensus around the Bill. That is what this House is about - hearing voices that are against and for a proposition. However, each and every one of us is entitled to promulgate legislation and we are entitled to be heard. I understand the argy-bargy that happens, but it sometimes gets a bit much. Sometimes, it is a bit ridiculous.

To Deputy Duncan Smith's credit, he set out an explanatory memorandum when he was drafting this Bill. It reads, "There is increasing awareness of the need to make informed consumer choices based on the environmental impact of goods – their 'carbon footprint'." We can argue about the language of what constitutes a carbon footprint and who designed that language in the first instance, but the concept of a carbon footprint is broadly accepted. The memorandum continues, "Some companies have introduced their own labelling system showing, for example, the quantity of greenhouse gas emitted in the process of manufacturing and shipping products to consumers." We can all accept the fact there are such things as global warming and greenhouse gas emissions. If we accept those fundamental principles, then we are off to a good start. Some may not accept them, and that is their entitlement. The memorandum continues:

A fuller carbon inventory will attempt to itemise all greenhouse gas emissions released

throughout the product life-cycle, from the extractions of raw materials through to the product's manufacture, distribution, use and eventual disposal.

However, while many consumers are willing to make more sustainable choices, they face difficulties. For a sustainable purchase choice to become easier, consumers need better information. Currently, there are no commonly used and accepted standards on how to calculate or communicate a product's carbon footprint to consumers.

This is all that the Bill seeks to do. We recognise and openly acknowledge, as does Deputy Smith, the person who wrote the legislation, that this presents enormous challenges for every stakeholder involved. Regardless of where someone is in the economy and society, be he or she a farmer in north Cork, the chief executive of a global multinational like Nestlé or the producer of a sub-supply part for the aeronautical sector in Shannon, it presents a major challenge. All we are trying to do in promulgating this legislation - we accept the Government's amendment - is to acknowledge that consumers want to make informed decisions.

No one who introduces a Private Members' Bill professes to have the wisdom of Solomon when writing it. We write our Bills in the expectation they can get to Committee Stage to be amended as needs be. We accept this Bill is not a perfect document, but it can be made perfect if it is given a chance to proceed. We are not entirely happy that the Government is seeking a year to do that - I contend that a year is a long time, but we accept it on the basis of the argument that has been proposed by two Ministers of State in respect of the amendment. If I interpreted them correctly, the Ministers of State, Deputies Ossian Smyth and Troy, have stated we cannot move ahead of the EU because of Single Market and harmonisation considerations. I understand the same applied in the case of the smoking ban and possibly the plastic bag levy - I am unsure about the latter - but we understand and accept the principle.

At least we are at a starting point in a process where there is an acceptance by individuals. I wish to disaggregate the principle of the consumer from the principle of the individual. We recognise that consumers are individuals, but people broadly have a level of consciousness now about what they are purchasing and, in using their purchasing power with their hard-earned money, they want to see transparency when buying a product, regardless of what that product is, about what its carbon footprint is. That is not a bad thing. Rather, it is inherently good. Increasingly, we are seeing behavioural change. We are changing our behaviours in our own households in a way that tries to contribute to the reduction of global warming and cut greenhouse gas emissions. That is all this legislation is trying to do.

If we look at the Government's response, what is a little discomfiting is the fact we do not have timelines for the sustainable product initiative or the eco design directive, for instance. Neither do we know how the Commission's 2020 circular economy action plan will be promulgated. Timing is important. We do not have time, if that makes sense. I do not mean to be partisan, but COP26 was not the end point. Rather, it was the starting point for the next steps forward. That is why, in introducing this legislation, we want to maintain the momentum of what arose from COP26. As such, we are hopeful the timeline will be shortened and there will be an urgency on the part of the Government in respect of its proposed amendment. All we are trying to do is put in place a framework.

The costs to small businesses can be offset easily through Enterprise Ireland, an agency for which the Minister of State, Deputy Troy, has responsibility. We spend millions upon millions of euro of taxpayers' money funding companies through Enterprise Ireland. I know that be-

cause I used to sit where the Minister of State is now.

I represent an agricultural community and I speak, as I am entitled to do, for the agricultural community as well. I live in a town that has one of the largest milk processing plants in the country. I recognise the value of a beast and of a blade of grass as much as the next person. I recognise the value of what farming brings to this economy. However, the purchasers of the primary product, be it a side of beef, a carton of milk, baby powder, infant formula or yoghurt, are the Yoplait, Nestlé and Unilevers and the Lidl, Aldi and other multiples, and they are placing a downward pressure on the primary producer because they are going to start mapping their carbon footprints. This will result in the market determining from whom inside the farm gate the Unilevers, Nestlé and Dairygold are going to purchase. The farmer or primary producer who has his or her carbon footprint mapped will be the person from whom they will purchase. That is the reality of the market. We have researched this extensively.

Through this legislation, we are trying to give those primary producers a fighting chance so that they can offset any cost that they might incur inside the farm gate. This can easily be done through Pillar 2 of the next round of the Common Agricultural Policy, CAP, for instance, by mapping it into the eco schemes. We can subsidise the effort of the farmers or the cost of the expert advice they might procure to reduce their carbon footprints. That can be easily done.

It will happen whether we like it or not because the consumer demands it, regardless of whether it is done today, tomorrow or in two or three years' time. We want to make sure those farmers, primary producers and small businesses are given a fighting chance. We are introducing this legislation so that we can get this on the agenda now and get Enterprise Ireland, Teagasc and all the might of the State, through its research and funding arms, to support the people who produce the excellent produce we have in this country and to give them a fighting chance on this agenda. I fear that if we do not give them a fighting chance, then the likes of Unilever, Nestlé, Lidl and Aldi will exclude a lot of the people we are seeking to fight for. That is why we are introducing this Bill.

Amendment put.

Acting Chairman (Deputy Kathleen Funchion): In accordance with Standing Order 80(2), the division is postponed until the next weekly division time.

Sitting suspended at 11.52 a.m and resumed at 12 noon.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Mary Lou McDonald: Last night the Taoiseach announced measures to curb the Covid-19 surge. Nobody wanted a backwards step in the progress won over a long, hard and often heartbreaking 18 months. We now find ourselves in a very difficult situation. Difficult situations require decisive leadership, forward planning and thoughtful management, all of which are absent from the Taoiseach's Government. Indeed, there has been Government paralysis facing into this wave of infection. The surge in Covid-19 numbers did not happen overnight. Public health officials have been ringing the alarm bells loudly for weeks. That is why it is so very difficult to understand the Government's dithering, delaying and indecision on antigen testing, the resourcing of our health services and on the booster vaccination campaign.

The use of antigen testing was recommended as far back as last April, but on the radio this morning the Minister for Health, Deputy Stephen Donnelly, still could not detail any plan. Other countries are streets ahead of us on antigen testing, with free and subsidised schemes to reduce costs for people. The Government's failure to prepare to increase capacity in our health service is demonstrated in its winter plan and it leaves us dangerously exposed. The lack of pace and planning around the booster campaign has also set us back. The majority of healthcare workers were ready for their third dose in October, but many will not now be done until December. A quick and efficient roll-out of boosters was a no-brainer and, again, other countries have been up and at it much faster.

The only thing the Government seems capable of doing quickly is shutting things down. The Taoiseach can call it whatever he wants, but he has effectively shut down the late-night sector with less than 48 hours' notice and no consultation. Three weeks ago, the Taoiseach announced the reopening of this sector and last night he closed it back down like the flick of a switch. This is a massive blow to workers and businesses in the live entertainment and late-night industries that have endured a devastating 18 months. Now, weeks before Christmas and with the cost of living soaring, these workers are prevented from earning again. The Taoiseach told the Dáil yesterday that there is no plan to reopen the pandemic unemployment payment, PUP, or to delay cuts to it. The Minister, Deputy Stephen Donnelly, reiterated that position on the radio this morning. This is not a runner.

This shutdown stops thousands of workers earning the money they need to pay their bills. They and families must be protected. The message from the Government to these workers so far, that they should go and find another job, is deeply insulting. These are skilled people, such as musicians, event planners, DJs, comedians and entertainers, and it is important that their skills are maintained within their sector so that it has the chance to flourish when it reopens. Tá easpa pleanála agus ullmhúcháin an Rialtais leis an mborradh Covid seo do-ghlactha. Ní mór a chinntiú go gcoinnítear tacaíochtaí d'oibrithe agus do ghnóthai a bhfuil thíos leis an dúnadh. I want the Taoiseach to tell the workers and employers affected by this shutdown that they will be provided with the PUP, that the cuts will be halted and that they will be supported.

The Taoiseach: It has always been a source of regret for me that since this Government was elected and officially nominated that the Deputy and her party have taken a divisive approach to Covid-19. She has always sought to exploit the pandemic for political and electoral ends. I regret having to say that, but it is absolutely clear.

Deputy Matt Carthy: Pathetic.

The Taoiseach: The hallmark of her position from the outset has been one of running with the hare and hunting with the hound. She has undermined NPHET advice at different stages of the pandemic, with calls for pubs to be opened in advance of any advice, then rushing to get the airports closed and then rushing to get them opened again. It has been the classic presentation from the Deputy from the get-go.

I want to keep this in perspective, however. If we look at where we are now, connectivity has reopened and travel into and out of the country is happening. Hospitality, personal services, sports events, schools, construction and childcare have all reopened at a time when we have 4,500 thousand cases daily. The challenge now, as we move through different phases of the pandemic, is that we must assess the most appropriate response to that increased socialisation. Thousands of people have been brought back to work because of a very effective and successful

vaccination programme that the Deputy lacks the generosity of spirit to acknowledge. That is a fact. The people have stood up and were counted by coming forward and getting vaccinated.

The effectiveness of the vaccines is waning; that is a global phenomenon. There will be a need for a booster campaign and close to 400,000 people have already received a booster vaccination. I do not know if it is the Deputy's position that we should just simply up end the process that we have for recommending the use of vaccines. Is the Deputy saying to me that the advisory processes we have should be put to one side? If so, I ask the Deputy please to say that and not just do the generalisation of attacking the Government because it suits on each and every occasion.

The difference between the booster program and the primary vaccination programme is that the booster programme will take place five months - the recommendation is six months but can be given after five months - after people's second doses and not sooner than that. The advice, from the European Medicines Agency, EMA, or nationally, does not allow for it earlier, unless people are in one of the eligible categories, such as those who received a Johnson & Johnson vaccine. It is a period of three months for people in those eligible categories who are advised and recommended to get a booster vaccination. The national immunisation advisory committee, NIAC, keeps this continually under review.

In the Dáil, yesterday, I outlined the various sectors and categories now involved in the booster campaign, from the residents of long-term care facilities aged over 65, who were substantially completed by the end of October; to the residents of long-term care aged under 65, who will be completed by early to mid-December; to healthcare workers who will be completed by the end of December; and then those aged 80 and older, who will be done by mid-November. The programme continues with those aged 70 to 79, followed by those aged 60 to 69 and now those aged over 50 have now been advised-----

Deputy Matt Carthy: The Taoiseach has 30 seconds to answer the question.

The Taoiseach: Deputy Carthy is not the leader of the Sinn Féin Party yet.

Deputy Matt Carthy: I came in here to hear answers to the questions, but the Taoiseach was not answering them.

The Taoiseach: I would appreciate it if the Deputy would allow me to answer the questions without being interrupted, which is again a further tactical parliamentary device that he is prone to use.

An Ceann Comhairle: Please, Deputies.

The Taoiseach: That is where our booster campaign stands and we will drive it forward, just as we drove the primary vaccination programme forward. What is crucial now is that we have to reduce socialisation. I did not do anything with a switch. Deputy McDonald talked about planning, but two weeks ago her party's spokesperson on health was saying that the time had come when the powers under the health legislation were no longer necessary. He was so far ahead of planning that he wanted to get rid of them, and he was not supporting them.

Deputy Mary Lou McDonald: He was not giving them-----

An Ceann Comhairle: The time is up, please.

The Taoiseach: Equally, Sinn Féin did not support vaccination certificates. The party opposed them as well. It has been so behind the curve on Covid-19, and the only reason it has been behind the curve is that it has suited it to be so politically, because it has only sought to exploit it at each and every turn.

An Ceann Comhairle: We are way over time. I call Deputy McDonald.

Deputy Mary Lou McDonald: It is a source of deep regret to me that not alone can Mícheál Martin's Government not take decisive action, but that he is singularly unable to answer very straightforward questions again.

Deputy Matt Carthy: Hear, hear.

Deputy Mary Lou McDonald: The facts are these: the Government is behind the curve on antigen testing and on the booster programme and the facts stack that up.

The Taoiseach: They do not. We are ahead of many other countries on the booster programme, and quite significantly.

Deputy Mary Lou McDonald: Attacking me and conjuring up all of this does not prove anything.

Let us deal with the most immediate matter at hand. The Government has taken a decision which shuts down late-night industries, such as events, hospitality etc. This is going to have an impact on thousands of workers who can no longer earn their living. I ask the Taoiseach to forget his political smoke and mirrors, and I put it to him as a matter of just straightforward fairness that those workers and businesses have to be supported.

The Taoiseach: They are and have been supported, and the Deputy knows that well.

An Ceann Comhairle: I thank the Deputies.

Deputy Mary Lou McDonald: I again invite the Taoiseach to make clear that workers will be able to avail of the PUP, that businesses will be supported and that he will not throw thousands of workers under the bus as a consequence of his poor management and lack of decisive leadership. I call on him to support those workers and their families.

The Taoiseach: Last night, I thought you supported the decisions we took. Which way is it? Do you support what we decided? You might confirm that in the fullness of time.

Deputy Mary Lou McDonald: Do you want to trade seats? When I am in your seat, I will answer questions. You should not worry about that.

The Taoiseach: I will tell you now. As you know well, we have supported industry and businesses throughout the pandemic to an unprecedented scale. We will continue to engage with the night-time economy, in this case, in respect of the supports such as the Covid-19 restrictions support scheme, CRSS, that we have made available. People in any sector will acknowledge that although, of course, the Deputy will not. Those people will acknowledge that extraordinary supports have been provided to businesses across the length and breadth of the country, and rightly so. It is incredible that the Deputy comes in here and tries to suggest they have not been. It is the hallmark of the Deputy's approach.

Deputy Matt Carthy: The Government cut the PUP this week.

(Interruptions).

The Taoiseach: Antigen testing has been extended to meat plants, nursing homes and close contacts. Antigen tests are now being sent out free to close contacts of Covid cases. The Deputy knows that. The same situation applies in third level education. They will be deployed more widely. That must be done in the proper way in accordance with the public health advice we have received.

Deputy Mary Lou McDonald: Will workers be able to avail of the PUP? I am asking for a “Yes” or a “No”.

The Taoiseach: I said to the Deputy that we will continue to work with the sectors and support them. In respect of the PUP, the most consistent message we are hearing is that businesses cannot get people to work in different sectors and are short of staff. We will engage with the sector through the various schemes we have had so far to keep enterprises together. Where Government decisions affect those enterprises, we will support them to get through this period.

Deputy Alan Kelly: I have been in this House a few years and have never accused anyone of telling porkies, let alone the Taoiseach. I asked him about schools yesterday because I am genuinely concerned about them. My colleague, Deputy Ó Ríordáin, has been articulating those concerns for some time. When I spoke to the Taoiseach after Taoiseach’s Questions, I said that schools will be additionally affected by the new five-day rule. I have young kids and my wife is a teacher. The Taoiseach told me that teachers are exempt. He knows that.

I know the Taoiseach is annoyed because he messed up, but this was not a total misconstruction. He even denied we had a conversation in the Chamber, which made him look rather silly, considering there is a video of it. I will not dwell on it because there are more serious things to discuss but if he wants to call me a liar during his reply, he can. The Taoiseach messed up and had to reverse immediately, which I am glad he did. Teachers, special needs assistants, SNAs, and early years workers cannot be treated differently. The public do not care about such a schoolboy row.

My party, as the Taoiseach knows, is the only Opposition party that has supported the two most recent extensions of public health measures. We will support and work with the Government. However, there is now widespread confusion among the public about what actions they should take. I say this to be constructive. We are sleepwalking into another lockdown. Financial supports need to be put in place for businesses and workers. People out there now are being told to get another job. How is that a way to treat workers?

I spoke this morning to Ms Trina Golden, the exhausted principal of Owenabue Educate Together primary school. She believes schools are going to close all over the country. She had to tell parents not to send their kids to school yesterday. That is in the Taoiseach’s constituency. He should ring her and talk to her.

The Minister for Education is absent without leave. The Taoiseach is so embarrassed by the Minister for Health that they have not been seen at a press conference together for more than a year. The Minister for Education said this morning that antigen testing would be operational in schools by the end of the week. Will the Taoiseach confirm that is going to happen? It is a year since I raised the issue of antigen tests. I have been taking them for a year because I

have elderly parents. They are not a panacea but they help. Will a subsidy be put in place for antigen tests? Will the Taoiseach consider giving them away for free until 1 January? I would do that, and then subsidise them, so people can get used to them. Will the Taoiseach provide a public information campaign on antigen tests? What additional measures will be provided for schools? As the Labour Party has suggested because of the situation we are in, will the Government provide boosters for schoolteachers, SNAs and early years staff? Is the Taoiseach going to consider taking over private hospitals again? I have never seen the HSE as worried as it is now. Will the Taoiseach commit to putting back in place the PUP and supports for businesses that are now closing because of decisions the Government has had to make?

The Taoiseach: I have been in the House longer than the Deputy.

Deputy Alan Kelly: That is right.

The Taoiseach: You learn something every day. I learned something about the Deputy yesterday-----

Deputy Alan Kelly: And I about the Taoiseach.

The Taoiseach: -----that I will not forget.

Deputy Alan Kelly: Is that a threat?

The Taoiseach: What I learned will govern our relationship from here onwards in terms of the nature of the engagements we will have.

Deputy Alan Kelly: That is good.

The Taoiseach: I have never before seen the likes of what transpired. As I was engaged here, the Deputy came along over here. I will refer him to what he asked me on the record of the House immediately before our exchange. The Deputy asked, “Given the complication RSV causes, will the Government consider prioritising front-line workers such as gardaí, retail workers, transport workers and, most of all, teachers, SNAs, and early years workers for boosters, primarily so that the schools system does not fall over?”. He asked me nothing at all about the household contacts or the decision the Government took and publicised yesterday.

Deputy Alan Kelly: I asked the Taoiseach about those things over there.

The Taoiseach: I just want to put that on the record. The Deputy came over to me for a 30-second or 40-second engagement. He scampered off and told his education spokesperson who tweeted something that was then reported as fact. It is extraordinary.

Deputy Alan Kelly: The Taoiseach told me that. If we wants to call me a liar, call me a liar.

The Taoiseach: I am putting it straight. I have learned some things about the Deputy.

Deputy Alan Kelly: What is the difference between a misconception and a lie? Was it a misconception? You are not denying you said those words.

The Taoiseach: I am. I never said those words.

Deputy Alan Kelly: Was it a misconception? You are calling me a liar so.

The Taoiseach: I never said what the Deputy construed I said. I rang you afterwards to

make it very clear to you how I regarded the interchange. You cannot do things like that.

Deputy Alan Kelly: You roared and shouted down the phone. That is what you did.

The Taoiseach: If I may say, the issue is that we have 4,500 cases a day. We have expanded the use of antigen testing. The Deputy knows that public health advice has not been very enthusiastic about the wider deployment of antigen testing. Progress has been made. Antigen testing is being used in meat processing plants, nursing homes and third level education and for close contacts. Those tests are being sent out to people. In many ways, we can learn from the UK experience where the wider deployment of antigen testing did not all go to plan. The deployment of antigen testing will be expanded. I take the Deputy's point about a public information campaign and a wider communication campaign. That is what the public health advice was saying as recently as Monday evening. Our public health teams have said, because of the research they have been doing, that there is a need to communicate with the public extensively on the best way to use antigen testing. However, even the expert advisory group is saying it is not a silver bullet. We have dramatically expanded PCR testing. We have done 196,000 PCR tests in the past seven days and tribute should be paid to the HSE and its teams in that regard. People here were lambasting the HSE about PCR testing. Our capacity for PCR testing is now one of the strongest in Europe. That will be supplemented by antigen testing, which will be operational in schools. However, it is not a silver bullet by any means.

Deputy Alan Kelly: The Taoiseach also said that the banks were not bailed out. His roaring down the phone and threats in here do not bother me. I will let the public decide who they believe. I think we already know.

The Taoiseach does not seem to be getting that this is Groundhog Day for this country. People around the country are very worried. The Taoiseach is consistent in his inconsistency. Will the Taoiseach consider giving antigen tests to everyone until 1 January? That is a reasonable request. Will the Taoiseach please put it out there and consider it? Will he give boosters to school teachers, SNAs and early years staff? Schools are going to fall over. It is happening already in the Taoiseach's constituency. Is the Taoiseach going to do something with the private hospitals? The situation is absolutely untenable. A record number of people are on trolleys in University Hospital Limerick, my closest hospital. Those numbers have never before been seen in the history of the State. We are not even at the crux or height of it yet. On these three matters, I am asking the Taoiseach, on behalf of the public, to help. I am making the suggestions as someone who supported public health advice and the Government in its measures. Will the Taoiseach consider the three suggestions, please?

The Taoiseach: The Deputy is being populist-----

Deputy Alan Kelly: Populist?

The Taoiseach: -----in saying the boosters should be given to everybody.

Deputy Alan Kelly: The teachers.

Deputy Aodhán Ó Ríordáin: The teachers.

Deputy Alan Kelly: Keep the schools open.

The Taoiseach: Keep your voice down and calm it down. Cool it.

Deputy Alan Kelly: No, you cool it.

The Taoiseach: The bottom line is this: NIAC has advised as to the cohort that should get the booster. Why? Who is in the ICU departments at the moment? Those in the ICU departments are the immunocompromised, the unvaccinated, people with underlying conditions and those in older age cohorts.

Deputy Alan Kelly: We can do both.

The Taoiseach: Who are most at risk? They include those in older age cohorts, the immunocompromised-----

Deputy Alan Kelly: Does the Taoiseach want the schools closed?

The Taoiseach: -----and people with underlying conditions. The advice is that they need the booster before anybody else. We have been through this before. I have heard it suggested in this House that the booster should be given to this group, that group or the next group. It is all popular stuff; it courts the group and it courts the sector but-----

Deputy Alan Kelly: The Taoiseach knows the reason. When the schools close, what is he going to do?

The Taoiseach: -----the most effective thing we can do is proceed in accordance with the medical advice, public health advice and advice of those who advise on immunisation, which is to give the booster to those who need it most first. I thought we were all in agreement on that.

On private hospital capacity, 1,100 to 1,200 beds are already being used on a continuing basis by the HSE in this respect. That figure will grow. That will go up to 2,800 bed days per week. That is where we are right now. It will expand significantly-----

Deputy Alan Kelly: At this point, it would be cheaper to buy them.

The Taoiseach: -----under agreements that have already been arrived at and planned for in respect of growing numbers of cases and pressures on the health system.

Deputy Denis Naughten: Some 63 days ago I said to the Taoiseach that budget 2022 must be different. I pointed out that we had a once-in-a-generation opportunity to restructure our economy. Sadly, that did not happen. Budget 2022 was just a little bit for everyone. The families who are just over the income thresholds for various State supports have again been forgotten. These are the hard-working families, the so-called squeezed middle, who pay for everything and who have remained invisible when it comes to State supports because they may be just a few euro, or sometimes just as little as €1, over some arbitrary income threshold. Take childcare as an example. It is one of the challenges faced by many of the families in question. An average family spends 12% of its disposable income on the care of a three-year-old child. That is, of course, if it is lucky enough to be able to secure a childcare place. While the budget 2022 childcare changes are welcome, the families will see an average disposable income gain of 0.2%, according to the ESRI. However, low- or middle-income families will actually lose part of their subsidy due to the freezing of the childcare income thresholds for 2022.

At the other end of the age spectrum, the story is not much better. Take the case of Stephen, for example. His father is a school caretaker and his mother is a school cleaner. Stephen, because he earned an extra €1,000 from his part-time job just to be able to afford to go to college,

ended up €2,500 down as the extra income brought him over the SUSI income threshold. Budget 2022 increased the SUSI grant thresholds for the first time in a decade but this will do little to alter the trend we have seen over the past six years, which shows that while student numbers have risen by more than 17%, the number of students in receipt of the SUSI grant has fallen by 6%. I am afraid that the €200 increase to the grant next year will just about belatedly cover the increasing cost of energy, and little else.

The point I am making is that, by the end of December, the invisible middle – the people who get up early in the morning, who keep the doors of our businesses and services open and who pay their taxes every week, fortnight or month – will, because they do the extra hour of overtime, find themselves worse off for working hard, just like Stephen. That is why I believe the Government must restructure our whole economy.

The Taoiseach: There is a need, as we emerge from Covid, to restructure the economy. That is why the economic recovery plan and national development plan focus so strongly on the digitalisation and digital transformation that are occurring and will occur here and globally. There is also a focus on the green economy, through significant investments in areas such as public transport and retrofitting, and on the jobs that will be created in the retrofitting sector and a range of others related to the green economy, where thousands of jobs wait to be developed. For example, there will be jobs associated with offshore wind generation in terms of the development of ports in various areas. That is how I look at the restructuring of the economy.

I take the Deputy's point on the necessity to improve income thresholds and increase them in a number of categories, one being local authority housing. This has to be done along with other reforms – there is a review under way – and along with addressing interlocking issues to do with housing more generally. For the first time in a long time, the Government decided to extend the SUSI grant, improve the income threshold and increase the adjacent rate. This will help thousands of students. I would like to go further in respect of that.

On healthcare, we took a number of steps in the budget, including, for example, the reduction of the drugs payment scheme threshold. We made it more favourable for hard-pressed families in respect of prescription charges. Regarding universal healthcare, there was a significant move in the budget, including through the extension of free GP access to children. We would like to do more in the next budget. In the area of health, in particular, and in higher education and education more generally, we want to do more. There was a tax package of about €520 million, which is of value. It is not enormous, and I am not going to pretend it is, but at least it is an additional contribution to people's take-home income.

The biggest challenge we have had this autumn has been the global rise in inflation, much of it caused by the energy crisis and the issues concerning gas and energy supply globally. Supply chain interruptions and difficulties arising from Covid are other causes. We have managed to some extent to weather the Covid supply-chain issues so far although we are not immune from them by any means because we are part of a global system. On the energy front, there is concern. Through the fuel allowance and other measures, we sought to help people to deal with exceptional increases owing to inflation, not only in Ireland but also across the rest of Europe and the rest of the world. Inflation is the big issue of the day right now. The European Central Bank is saying it believes it is a temporary phenomenon. There are various academic perspectives on it. Economists have a view on it but the majority are still of the view that it will bottom out, certainly towards the early part of next year.

Deputy Denis Naughten: I am glad the Taoiseach mentioned the issue of energy because, this winter, increased electricity and heating costs will hit every single family hard. Working families will not only have to meet their own additional costs but they will also have to pay for the increases associated with the fuel allowance scheme. Despite this, the value of the retrofitting grant has decreased from one third of the cost to just over one quarter due to the rising cost of materials. There is genuine concern that the value of the grant will continue to diminish. For the invisible middle, grants are of little use when the families do not have the €18,000 to €20,000 to put with them to reduce their heating bills, improve their health, increase the comfort of their homes and help our climate. Over the next decade, the Government is asking these families to pay an extra €100,000 to deliver on its climate action plan, yet they are being pushed further and further away from the financial supports needed to make this happen.

The Taoiseach: In my initial reply, I did not deal with the issue of childcare. As the Deputy knows, we are making very substantial funding available in the budget, and we will do so next year, to ensure the existence of proper income supports for workers in the childcare sector and to create a career pathway. Employers and unions can work in the knowledge that there is a financial envelope to deal with the deliberations of a JLC in respect of childcare.

On retrofitting and the grant, as referred to by the Deputy, we have provided additional funding for retrofitting across the board through the budget and the recovery and resilience plan that we submitted to Europe, and more generally through the national development plan and economic recovery plan. Within that financial envelope, we will do what we have to do to make sure we can incentivise more people to engage in retrofitting. I do accept there is a gap to be bridged between affordability and what people can spend. We do not want people getting into excessive debt at high rates, so there may be opportunities for low-interest loans as well as additional grants for people. That is being worked on.

Deputy Joan Collins: There are many issues I could raise, such as the national maternity hospital or redress for mother and baby homes, but I wish to raise the inability to recruit and retain staff across the public health service. It is now reaching a crisis point. This is particularly the case in the crucial area of home care services. Despite the increased allocation of hours by the Government, people dependent on the service are actually receiving cuts in their hours due to staff shortages.

I give the example of Kevin, who suffers from multiple sclerosis. Kevin needs help getting into and out of bed and feeding himself. He had carer visits four times a day but, just over a week ago, he was given two days' notice that he would have no more visits due to lack of staff. In his own words, he felt that he was being left to die. The situation changed after he went public, and the hours were reinstated. That is an extreme example of what people are facing, but many people dependent on these hours are losing them due to staff shortages.

When you consider the pay and conditions for home care workers employed by agencies funded by the HSE, it is very easy to see why people are leaving or not taking up these jobs. The norm for agency staff is a minimum wage of €10 per hour with a zero hours contract, no sick pay or pension, and the constant stress of getting from one client to the next. They have to provide their own transport and do not get any allowance for doing so. A carer in Dublin, for example, might have two to three clients in an hour. If carers use their own car, they have the problems of traffic and parking fees. Many of them use buses. The reality of their travel costs means that they actually earn below the minimum wage. In rural areas, they are being forced to speed and take risks on country lanes.

The HSE pays these agencies €30 per hour per client. If a carer sees two to three clients in that hour, that is €60 to €90 for the agency and €10 for the carer. Why does the HSE not directly employ these workers? It used to do so until the decision nearly to privatise these services. It should directly employ these workers on a decent wage with a travel allowance, sick pay, a pension etc. These workers provide a crucial health service for which they need certain qualifications. They are not just being overlooked; they are being undervalued. They are being abused and treated like dirt and certainly not treated like the heroes they are. They were the ones on the front line who went door to door and client to client and lost money during the height of the pandemic because families were afraid they could bring the infection into their homes.

The Taoiseach: First, there has been a dramatic expansion of resources for home care hours. I think the Deputy would have to acknowledge that. There were 5 million hours last year in respect of-----

Deputy Joan Collins: It is not having any impact.

The Taoiseach: It had a huge impact last year in terms of reducing the number of people waiting for home care packages. There is a critical skills and ineligible occupations list review of sectors of the economy that we need to liberalise in terms of getting work permits and so on. The review has not so far recommended the removal of the occupation of care workers or home carers from the ineligible occupations list. The issue is that we have to work with those who are providing these services in terms of the conditions and improve them. The big concern at the moment is the issue of securing enough people to work in the service itself.

To be fair, the Minister responsible secured additional resources in the budgets last year and this year. The issue is securing enough people to work in the service. The Minister of State, Deputy Butler, is working now in terms of engaging with the stakeholders involved on all sides and looking at the workforce challenges in terms of home support and nursing homes. It is a critical issue for those who need the care. It is also a critical issue for hospitals in terms of the alleviation of pressure on them and flow through the hospitals. As a result of the additional hours last year, the flow through the hospitals last November and December was very efficient and effective and had a clear impact. The issue is skills shortage.

I am not disagreeing with the Deputy. We do have to look at terms and conditions in respect of home care workers and the Minister is working with a workforce advisory group to engage and deal with those challenges and improve on them because, across the board, caring is an area that does need to be improved and enhanced.

Deputy Joan Collins: The fact of the matter is that in recent times workers from the private home care sector have been going into the HSE because the jobs are better paid, they are respected more and they get a pension and sick pay etc. In addition, people are not taking up the jobs in the private sector because of the conditions. It is a fundamental issue facing the healthcare service across the board. Last night we discussed the Sinn Féin motion on ambulance services and learned that the annual spend on private ambulance services rose from €2.1 million in 2011 to €10.1 million in 2019. How much are these private companies getting from the State to serve clients and people who need support in their homes? They are getting €30 an hour. The Secretary General of the Department of Health was offered a salary of €400,000 a year, which works out at approximately €200 an hour. That salary was not implemented but I presume the head of the HSE is on something similar. What a contrast that is with the pay of agency workers on a minimum wage, doing the work they are doing, having to travel in the

way they must travel and paying for parking and petrol or bus fares. Will the Taoiseach move to employ these people directly in the HSE?

The Taoiseach: First, 75% of those working in the home care support sector are working part time. As I stated, last year the Minister secured additional funding of €150 million for home support and the HSE national service plan sets a target to provide 24 million hours of home support.

Deputy Joan Collins: Would it not be better to employ them through the HSE?

The Taoiseach: That is throughout 2022. At the end of September, some 15 million home support hours had been provided to more than 53,000 people. There is an enormous programme in place that is being resourced by the Government through the HSE and it has grown significantly beyond previous years. However, that, in turn, has created pressures in terms of availability of people to provide the home supports. For the moment, in terms of employment permits and so on, home care does not satisfy the conditions and the groups reviewing this believe we should first look at terms and conditions as they apply to home care workers and that is what we are doing to see if we can improve those terms and conditions to improve recruitment domestically.

Deputy Joan Collins: How can that be done when these workers are being paid by the private sector?

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

Deputy Mary Lou McDonald: Despite the widespread rejection of the report of the Commission of Investigation into Mother and Baby Homes and Certain Related Matters, the Government has based its redress scheme on its findings. Survivors and families have been consistent in the demand for inclusive redress, redress that recognises the human rights abuse of forced family separation. The Government has ignored the mothers and their children on both fronts. It is deeply hurtful that the Government has created a hierarchy of survivors, taking the view that some mothers and their children suffered less than others. The Government delivered this scheme knowing there are women in the courts this very week seeking to right the wrongs of the commission's report but, rather than hear those voices, the Government has doubled down on the failures of the commission. How does the Taoiseach justify this? If the Government will not listen to the voices of survivors, Sinn Féin and others in opposition will do so and we will use our time in the Dáil next week to give voice to them.

The Taoiseach: First, the Deputy made a statement that is simply not true in terms of the commission. The Minister, Deputy O'Gorman, and the Government have gone well beyond the recommendations of the commission in respect of the payment scheme. Surely the Deputy has to acknowledge that. Not everybody will be satisfied with the entirety of the scheme but it has gone well beyond the commission. Indeed, the Minister's recommendations, which were accepted by Government, go beyond the recommendations of interdepartmental group as well. All mothers will receive a payment in respect of what happened. There is also a 22-point action-----

Deputy Holly Cairns: That is not true.

The Taoiseach: I am responding to Deputy McDonald. There is an action plan containing 22 actions. From my exchange and engagement with people down through the years, I understand that the most important action is access to information and tracing. We published legislation, which is groundbreaking legislation. No other Government before this Government has produced legislation of this groundbreaking nature.

An Ceann Comhairle: Time is up, Taoiseach.

The Taoiseach: No, it is an important point. The legislation has been at the pre-legislative scrutiny stage for six months, then the Government gets attacked for delaying. The suggestion and implication there was that we deliberately produced the scheme yesterday. I hope the Deputy is not suggesting that. Last week, we were being asked when the scheme would be published.

Deputy Alan Kelly: I have a genuine question relating to boosters for the over 60s, specifically, those aged 60 to 69. When they got the AstraZeneca vaccine, there was a delay whereby younger cohorts were fully vaccinated long in advance of the majority of those aged 60 to 69. I understand that the National Immunisation Advisory Committee, NIAC, provides the advice on this issue and I am not disputing that. I am not disputing the advice on the five-month gap but the last time around, the gap of three months between doses was reduced to five weeks by the end of the programme. Will the Taoiseach ask NIAC to look at this issue on a regular basis, because evidence comes in and things change? It is a fact that those aged 60 to 69 are being treated differently. People younger than them are going to be jumping ahead of them for booster vaccines. We need to have fairness in this.

The Taoiseach: The Deputy mentioned those younger than 60-----

Deputy Alan Kelly: It is because of the waiting times. The younger-----

The Taoiseach: The target and expectation of the HSE is that those aged 60 to 69 will receive boosters by the end of December-----

Deputy Alan Kelly: Some of them only got vaccinated in September. That is the point.

The Taoiseach: I know, but we have engaged regularly with NIAC on the need-----

Deputy Alan Kelly: All I am doing is asking the question.

The Taoiseach: -----to review this. NIAC provides the advice. There is a balance here, and I must be honest with everyone in the House. People ask if the Government will do this or that. The Government acts on the advice of NIAC. I do not want to put the committee under the spotlight unduly either, which really is the implication of what the question is about.

Deputy Alan Kelly: No, I am asking the Taoiseach to ask NIAC a question.

The Taoiseach: I am answering it. My point is that the committee ultimately has to answer for any advice that it gives about the administration of a vaccine to people. Roughly 93% of people took up the first vaccines, which in many ways is a vote of confidence in the system that we have.

Deputy Alan Kelly: Agreed.

The Taoiseach: I respectfully suggest that we could jeopardise all of that. It is easy for me and it would be very populist of me to say-----

Deputy Alan Kelly: I am only asking the Taoiseach to ask NIAC a question.

The Taoiseach: I am giving the Deputy the answer.

Deputy Alan Kelly: I have no issue with NIAC. That is not the issue.

The Taoiseach: The Deputy knows that is the answer.

Deputy Alan Kelly: I am asking the Taoiseach to ask NIAC to look at the issue regularly. That is all.

The Taoiseach: We do. NIAC is constantly reviewing all of these things. I have to say what I said there.

An Ceann Comhairle: I ask Members to please adhere to the rules of the House. I call Deputy Gary Gannon.

Deputy Gary Gannon: Rather than feigning outrage at opportune times, I have tried to be consistent in my engagement with the Taoiseach on the reopening of schools. On five occasions since September, I have used this session to ask for stronger mitigation measures in our schools. I ask again where the air filtration devices and the CO2 monitors in every classroom are, as per the recommendation of the joint committee in January 2020. Where are the antigen tests that were recommended in July 2021 by the European Centre for Disease Prevention and Control, ECDC? Why has contact tracing not been reintroduced since it was removed disastrously on 27 September this year? Rather than answering those questions, today, the Minister for Education went on national radio and moralised about birthday parties and play dates. We need effective mitigation measures and we need information clearly communicated. That needs to happen immediately to keep our schools open and to keep them safe.

The Taoiseach: We do, and we need to accept public health advice on keeping our schools open. The constant thread and consistency from Government in keeping our schools open is accept the public health advice. It has worked, actually. The public health advice was received in respect of contact tracing. It has not been disastrous either way.

Deputy Gary Gannon: It is a disaster.

The Taoiseach: I put it to the Deputy that he cannot have it both ways. His party took the correct approach from the outset of the pandemic. I agreed with his party leader, Deputy Shortall, who said, at the time, that we must be guided by public health advice, no matter what, because if we jettison that, we will end up with a very inappropriate and wrong response to the pandemic. If we look at countries around the world that jettisoned public health advice, we can see where they ended up in terms of mortality rates and the disasters that followed. We may have our tensions, people may give out, and there is a need for robust debate. I understand all of that. However, suffice it to say, we have been guided by very good public health advice from the HSE in respect of schools and we will adjust and change as appropriate. There will be an antigen programme for schools in a selected and targeted way.

Deputy Gino Kenny: I want to raise an issue relating to the pandemic unemployment payment, PUP. The guidelines announced by the Government yesterday will have an knock-on ef-

fect, particularly for the entertainment industry. The PUP has been a lifeline for many workers over the past 18 months. Will the Government review the issue in respect of those who cannot get access to the PUP because of guidelines announced by the Government yesterday?

The Taoiseach: To be honest, the number of PUP recipients has been coming down steadily as we have reopened the economy. The number of recipients has gone from somewhere well over half a million down to 60,000. That has been the direction of travel, because we have reopened so many sectors of the economy.

Deputy Mary Lou McDonald: Now you have closed a section.

The Taoiseach: Which the Deputy supported, I think. Or did she? I thought she supported what we did last night.

Deputy Mary Lou McDonald: The Government has closed a section-----

The Taoiseach: Some day I might get an answer from her.

An Ceann Comhairle: Please, Deputies.

The Taoiseach: As they say, you run with the hare and you hunt with the hound. It was Deputy Kenny's question, to be fair. It is our view, and there is consistent feedback from Members and people across society, that one of the significant difficulties employers have faced since the economy reopened is getting staff. There is a balance somewhere between the two. The number of recipients of PUP has come way down. We will continue to support people and the sectors that are hit, as we have done from the beginning in terms of sectors that our decisions really do impact on. We acknowledge that.

Deputy Verona Murphy: This is the fourth time that I have raised the need for a whole-time equivalent dietician to be allocated to County Wexford since December 2020. The current allocation is a 0.5 whole-time equivalent, but there is a concerning exponential rise in the diagnosis of anorexia in the teenage population. It is fundamental to managing mental health that the clinical staffing requirement is matched with the growing needs in society. That is why it is so concerning that there has been such an increase in anorexia diagnoses. County Wexford needs one whole-time equivalent dietician. The vacancy cannot be filled. In April, the Minister of State, Deputy Butler, said that it was a funded position, but there had been no response to the advertisement for the post. The Tánaiste told me in July that the post had been advertised, but nobody was willing to take up the position. I believe it is because it is a 0.5 whole-time equivalent post. Can the Taoiseach tell the parents and children of Wexford when they will receive the help required?

The Taoiseach: I accept the sincerity of the Deputy's presentation. I value her raising the issue, even though the recruitment of staff is an operational issue for the HSE. The Deputy has suggested because the post is part time, it is not getting the attention from people who could fill that position. I will engage with the HSE on that. The recruitment processes need to be speeded up, accelerated and there needs to be greater innovation in recruiting people. The HSE has recruited approximately 11,000 people in the period between the latter part of 2020 and now. That is a lot of people who have been recruited. A bit of creativity could be used here, through the creation of a whole-time equivalent post. It is funded, so just get on with it and get it done in some shape or form.

Deputy Danny Healy-Rae: The rural social scheme is a very important part of rural communities all along the western seaboard and indeed, in many counties, including Cavan and Monaghan. To get on the scheme, applicants have to qualify for farm assist payments. Those on the scheme get a top-up payment for doing very valuable work in their communities. The payment is perhaps €20 or something very small. It is of great value to the communities. A six-year cap has been in place since 2017, so individuals can only be part of the scheme for six years. I ask that when people reach 60 years of age, or 61 or 62, they be allowed to finish out their time on the scheme until they reach pensionable age. Throughout the country they work on graveyards, green areas and approaches to villages.

An Ceann Comhairle: Thank you, Deputy, time is up.

Deputy Danny Healy-Rae: They help tidy towns committees in areas such as-----

An Ceann Comhairle: Time is up Deputy, I am afraid.

Deputy Danny Healy-Rae: -----Glenflesk, Gneeveguilla, Scartaglen, Kenmare and Cahersiveen. They do very valuable work and I ask the Taoiseach to lift the cap.

The Taoiseach: The Ceann Comhairle is being too strict. I was really looking forward to a lyrical list of those beautiful Kerry names dripping off the tongue. I agree with the Deputy. I will look at it. It is a very fair point. Deputy Ó Cuív was instrumental in introducing the rural social scheme. It is a valuable scheme. It does a lot of valuable work throughout the country. It is very useful and developmental for the people involved. I will speak to the relevant Ministers to see whether we can look at the specific issue the Deputy has raised with regard to the age cap. I did that previously when I was at the Department with responsibility for enterprise with regard to community employment schemes. I am sympathetic to what the Deputy has asked, but I have to go through the details.

Deputy Joan Collins: I have been asked by a number of people to raise the issue of the shortage of neurology nurse specialists, particularly in St. James's Hospital. They are campaigning to increase by 100 the number of nurses nationally. They say St. James's Hospital has only four but it should have 14 to deal with the catchment area. Will the Taoiseach look into this, try to find out what the problem is and campaign to get the nurses?

The Taoiseach: I will certainly examine the issue. Advances have been made in nursing through the nurse education and degree programme we introduced many years ago and through advanced practitioner courses. It is very clear in many specialties that nurse-led teams do enormously effective work, from gynaecology to children. In neurology, which historically has been an underfunded area, there is much to commend in what the Deputy said.

Deputy Cathal Crowe: During July and August, we can get from one side to the other of any town or city in Ireland without any great traffic congestion. This is the case in counties Cork and Clare and any place we can think of. This is largely due to schools being closed and the 200 or 300 cars doing the school drop-off not being on the road each morning. We have had an overhaul of school transportation but there are still many archaic rules, largely relating to distance from the nearest school, which prohibit and deny many people the opportunity to take bus transport to the local school. I ask the Taoiseach not to overhaul it but to tear it apart and start again using Covid as a zero starting point. Parents from Quin, Tulla, Sixmilebridge and all over the county have been on to me. Their children have been accepted in schools for September 2022 and they are already fraught with worry not knowing whether there will be a

school bus service. We could hugely alleviate traffic problems. Not every town or city needs a motorway but a school bus taking 20 or 30 cars off the road would make a massive difference to many villages.

The Taoiseach: I have raised this issue myself with the Minister for Education and others. It is an easy issue to raise but it will be more challenging to fulfil. I would not start from Covid; I would start from climate change. With regard to tearing up the rule book, the way we should approach school transport into the future is through the prism of climate change. The Deputy is correct that if we want people out of cars and less frequent car trips, providing more buses and getting children to school on them would make a contribution to the environment. We could also get rid of a lot of the anomalies and endless arguments about catchment areas. This is easier said than done. A review is under way. I would like it to be informed by the climate change agenda in particular. It is absolutely applicable to that.

Deputy Patrick Costello: I would like to raise reform of the coroner service nationally. I must give credit to Deputies Gould and Ó Laoghaire, who have been raising this issue consistently. In 2000, a full comprehensive review was published by the Department of Justice, which recommended radical reform. Recent research by the Irish Council for Civil Liberties has shown this reform simply has not happened. The system is under-resourced, regionally disjointed and, ultimately, ill-equipped to provide the justice and compassion needed by many bereaved families who find themselves using the service. The ultimate consequence is a failure to vindicate the rights of bereaved families. We have a report from 2000 calling for radical reform. When will the report be introduced?

The Taoiseach: I thank the Deputy for raising what is a very important issue. I will engage with the Minister for Justice on this with regard to the reforms that are required and I will revert to the Deputy.

Deputy Mark Ward: Page 95 of the programme for Government states the Government will continue to work with the Garda on tackling and interrupting organised crime. I want to ask about a tweet sent out over the weekend by Fianna Fáil Deputy, Barry Cowen, that eulogised the man held responsible by many people for flooding Dublin with heroin in the 1980s. The tweet stated, “Reminded of Larry Dunne famously remarking ‘if you think we’re bad, wait till you see what’s coming after us’”. The heroin epidemic wiped out large parts of Dublin and whole generations of young people in the 1980s. Many grandmothers were left rearing their grandchildren because their own children were wiped out by this scourge. Does the Taoiseach stand over the comments made by Deputy Barry Cowen? How does he feel about Fianna Fáil being likened to an organised crime gang with him as the leader? Will he instruct Deputy Cowen to do a U-turn on this matter?

An Ceann Comhairle: I do not think we have any legislation on that matter.

The Taoiseach: We certainly do not. The Deputy should look into his own party

Deputy Mark Ward: Tackling and interrupting organised crime instead of glorifying and interrupting organised crime.

The Taoiseach: Context is everything. I do not think anyone is glorifying organised crime. It is not on that the Deputy has suggested Deputy Cowen or anybody was glorifying organised crime. That is just not on. For whatever cheap political points the Deputy wants to score, it is just not on to be suggesting that. We could all throw things back with regard to glorifying

criminality, murder and mayhem. The Deputy should look into his own cupboard and be a bit more-----

Deputy Mark Ward: Does the Taoiseach stand over the comments?

The Taoiseach: Drug crime is one of the worst horrors to visit an individual, community or society. We have to deal with drug abuse, drug trafficking and criminality around drugs in a multidimensional way, first, with regard to those who suffer from addiction with a healthcare-based approach. With regard to criminals we should take a very strong justice approach involving the Special Criminal Court and every arm at the disposal of the State to put those people behind bars. Criminals should be put behind bars. People who peddle drugs should be put behind bars.

Deputy Christopher O'Sullivan: I did not get an opportunity yesterday to contribute to the debate on the National Ambulance Service. I want to take this opportunity to address the urgent need for extra ambulances and ambulance staff in the west Cork area. The Taoiseach knows well the unique geography of west Cork and that it can take anything up to three hours to travel from Cork University Hospital to Castletownbere. It is unique and it needs extra ambulances and extra ambulance staff. There is a €200 million allocation in the budget for ambulances in 2022. We need to see this translated into extra ambulances and extra ambulance staff. The ambulance staff themselves are concerned about the lack of provision. This should include extra support for the Irish Community Air Ambulance service. This is a fantastic service, which has faster response times, faster transport of patients from the incident to the hospital and better outcomes. It needs to be supported and be part of the solution for an area such as west Cork.

The Taoiseach: I accept the points the Deputy has made on the need for widespread coverage of the National Ambulance Service. Other Deputies have raised this in the House. The facts of the matter are, as the Deputy has said, overall investment is now €200 million. This is up from €170 million in 2019. Approximately 2,000 people are employed in the National Ambulance Service, which is up 16% in the past five years. That said, issues have been raised with regard to geographic cover. HIQA and others have analysed this. People like the model we have. Experts believe the model we have gives the optimal outcomes. That said, the feedback from the regions is that there are many challenges with the model in terms of wait times, particularly in less acute cases and other cases people have raised in the House. There is a need to review this and we will engage with the Minister.

Deputy Jennifer Carroll MacNeill: This morning on radio, the Minister for Education suggested to parents that they should not organise play dates or birthday parties. This is important information to get to parents. The reaction in my emails and phone calls so far is about the question of schools more broadly. There is a concern about where this will go. Parents are seriously concerned. They are already juggling so much. Will the Taoiseach take this opportunity to set out the information he has to provide certainty or clarity? Stopping birthday parties and play dates is a natural thing to do now. How parents are interpreting this is that Covid is going in a direction that may threaten schools.

I o'clock

Can the Taoiseach set out the rationale behind the distinction between those things for parents as it would be helpful?

The Taoiseach: The overall public health message is to reduce socialisation more gener-

ally in society and not in any specific way. We can all give instances when one is questioned about hundreds of different types of events and so on. The bottom line from the Chief Medical Officer, CMO, and NPHET is to reduce socialisation. Some hundreds of thousands of people under the modelling could get Covid-19 in the next month, in December, but they have not got it yet, so it can be avoided. If we can avoid substantial numbers getting Covid-19 in December we will make huge progress.

On schools, the consistent messaging in public health is that schools are safe in respect of Covid-19. We have also been told by public health that respiratory syncytial virus, RSV, and non-Covid-19 respiratory illnesses have been the biggest challenge for paediatric services this year and I gave figures on that yesterday but it does not get the same public attention at all.

Deputy Maurice Quinlivan: On page 47 of the programme for Government, it acknowledges that even before the impact of Covid-19 on our health service, significant additional capacity was required across all aspects of care. It detailed the Government's plans to address these capacity issues.

Yesterday in my local hospital, University Hospital Limerick, UHL, 95 people were on trolleys, which is an absolute scandal. This is the highest number ever in any hospital since these figures were collated. Some 70 people are on trolleys today. This is almost 900 people already in November lingering on trolleys. UHL is the hospital in the constituency with the highest number of people being treated on trolleys. The patients and staff deserve way better than they are getting. The hospital is awaiting the construction of a new 96 bed unit and this needs to be expedited but we are being advised that it will take at least 20 months to complete.

I ask the Taoiseach please not to tell me that money is available when the management and staff of UHL tell me themselves that it is not. Will the Taoiseach commit to cutting through the red tape to get this project approved under the capital approval process?

The Taoiseach: Yes, Deputy, and I was not able to pick up everything that he said. We want to get extra bed capacity into Limerick and I will engage with the HSE in respect of any blockages. It will have to be built or developed which will obviously take time.

Deputy Maurice Quinlivan: The hospital is awaiting approval for extra money.

The Taoiseach: I will talk to the HSE in respect of that because historically there has been an issue in Limerick. It got its new accident and emergency department but it needs-----

Deputy Maurice Quinlivan: What about the money? There have never been 95 people on trolleys-----

The Taoiseach: I am answering the question. The hospital needs additional bed capacity. We are willing to provide it. Funding is there and we need to get on with it.

An Ceann Comhairle: I call Deputy Stanton.

Deputy David Stanton: We are giving €1.5 million to all the local authorities every year to employ vacant housing officers, most of whom are part-time. In fact the vacant housing position is an add-on and these are not full-time dedicated staff members. Does the Taoiseach think they should be full-time dedicated staff members and what mechanism will the Government put in place to ensure that this happens? Would he also agree that large counties like Cork should have more than one vacant housing officer? Does he agree it is a very important role and there

is huge potential to bring on further housing stock if this is done properly, like they have done in Waterford?

The Taoiseach: My view is that the entire senior management should be concerned about voids and vacant housing. Is that the issue? Fine, but it is much more than just having a vacant housing officer. The entire corporation and local council should be seized with the need to get houses back into service as quickly as they are vacated. That is why we provided substantial funding in the July stimulus. We have brought 6,000 houses back into play that were void in the 18 months since we have been in office. These are the facts and I am very impatient with any houses that are left idle given the housing crisis that we have. The county manager, and not just the vacant housing officer - I know they are - should be seized by any vacancies to ensure that their systems are such that we do not tolerate that, that there is a complete intolerance of having houses idle when people need them.

Deputy Jackie Cahill: Media reports at the weekend indicated that the Minister of State, Deputy Noonan, has received an independent report that addresses the importation of peat into this country. The media reports indicate what we all know, that it is environmental, economic and ethical madness to be importing peat into this country. Has the Minister of State received this independent report and if he has when are the recommendations going to be implemented?

The Taoiseach: As the Minister of State, Deputy Noonan, is in the House he will deal with this matter.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan): I am happy to take that question from the Deputy. The report from the horticultural peat working group has been sent to me and I have sent it on to the relevant Ministers. A number of recommendations will go to Government for consideration. I will not get into the detail of these here today but I welcome the work that has been put into this and it does offer some possible solutions. As I said previously, there is no easy answer to this. There is a dual consent process in place in Ireland and the measures that are outlined in the report are not in my control but are in the control of other Departments and it is up to the Government, collectively, to seek a solution that will work for the industry in Ireland and for the horticultural sector, which is very important and which we all value and support. Certainly, we have to give consideration to the phasing out of horticultural peat in retail and other sectors. I will not go into the detail of the report but there are important findings in there.

Deputy Matt Carthy: I raise the same issue. The scenes of thousands of tonnes of peat being unloaded at Irish docks having travelled the entire way from Latvia rightly caused consternation. This is the result of what is essentially a ban on the harvesting of peat in this country. That ban, if it is not addressed, could cost thousands of jobs in the horticultural and mushroom industries. The Minister of State appointed a working group which provided him with a report four weeks ago. The Minister of State has indicated that this is cross-departmental. Will the Taoiseach ensure first that this report is published so that, for example, the Oireachtas Committee on Agriculture, Food and the Marine can examine it? Crucially then, if it recommends legislative proposals, will the Taoiseach ensure that each relevant Minister brings that recommendation forward so that we can stop the madness of importing peat and that we can also protect the thousands of jobs that are at stake?

The Taoiseach: Deputy Carthy has omitted to point to the fact that this went the whole way to the highest court of the land, which took decisions which resulted in the situation that we

are in now. Court decisions and litigation have led us to this unsatisfactory situation in respect of the importation of peat. I accept that it does not make any sense on any yardstick that peat should be imported. I have spoken to all the Ministers involved and there will be engagement between all of us, which I will ensure as Taoiseach, and that there is an outcome to this. I am particularly concerned about the horticultural and the mushroom industry, in particular, which is a good industry that employs many people and exports to the UK and other markets.

Deputy Michael McNamara: Antigen tests have been available to be procured through the EU joint procurement agreement of last November. Since then I have been calling for that to be availed of. I have raised the issue several times with both the Tánaiste, the Taoiseach and the Minister for Health. There was a Professor Ferguson report at the end of March, beginning of April recommending their use. The Taoiseach and various members of his Government pay lip service to antigen testing. Can the Taoiseach explain why there are 1.5 million antigen tests in storage with the HSE at the moment instead of being out there being used in the community to curtail transmission of Covid-19?

The Taoiseach: As the Deputy is aware, we have expanded use of antigen testing. Close contacts are issued freely.

Deputy Michael McNamara: There are 1.5 million tests in storage.

An Ceann Comhairle: Please Deputy.

The Taoiseach: They are issued free antigen tests. There will be another 300,000 or 400,000 people, potentially, over the next while who will develop Covid-19 and there will be a whole range of close contacts. The issue is that we have expanded its use in many different sectors including through close contacts, as advised by public health. The Deputy is well aware that public health has over time had a very-----

Deputy Michael McNamara: Snake oil is, I believe, the word it has used.

The Taoiseach: The medics are of the view that antigen testing has a role but it is not the silver bullet role that some people will advocate. We have made progress on this and we need to make more.

An Ceann Comhairle: We are out of time but we are going to hear Deputies Martin Browne and Paul Murphy in 30 seconds.

Deputy Martin Browne: I am glad that the Minister of health, Deputy Donnelly, will not oppose the Sinn Féin motion. The Taoiseach recently told me that the current ambulance system is the optimal one. Why am I, then, being repeatedly told that the system is broken? The automated computer system wrongly prioritises need. Take the case of a two-year-old child with a respiratory illness whose call was overridden for a person with a chest infection because the system logged it as such. The Minister, Deputy Donnelly, talks about 200 people doing the degree. This is not enough as only 80 people will come out at the end of this year with that degree-----

An Ceann Comhairle: Time is up Deputy.

Deputy Martin Browne: ----- after a three-year course. As I said to the Taoiseach last week somebody is going to die and this review is going to be way overdue.

An Ceann Comhairle: I call Deputy Paul Murphy.

Deputy Paul Murphy: On 19 October I asked the Taoiseach why the increase in the means test for fuel allowance was being delayed until next January. The Taoiseach told me that the Government decision was to implement the decisions with immediate effect on budget night. I then got a letter from the Minister, dated 15 November, telling me that, in fact, the decision is that the means test will not be increased until next January. Will the Taoiseach either correct the record of the Dáil or, preferably, correct the wrong decision to delay the increase in the means test? People who need the fuel allowance now will have to wait until January.

The Taoiseach: In response to Deputy Browne, first of all the degree programme is vital. It has been the most transformative thing we did in terms of professionalising the EMT profession, and I was involved in it. The professionalisation of the sector is the most effective thing we have done in terms of pre-emergency care. As I said, I have heard what people have said in terms of individual examples which are constantly quoted. I cannot delve into every individual case which may potentially point up a systemic issue that the ambulance service needs to consider. We will engage with the ambulance service.

On Deputy Murphy's point, it was my understanding that measures had been taken and the vast majority of social protection measures were introduced on budget night. I will pursue the latter point he raised.

Local Government (Maternity and Family Leave for Elected Members) Bill 2021: First Stage

Deputy Holly Cairns: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Local Government Act 2001 by making further and better provision in respect of certain absences by a member of a local authority from meetings of the authority and, for that purpose, to provide that such a member may apply for and be granted maternity leave, adoptive leave or parental leave or *force majeure* leave as is appropriate in respect of any such absences and an application for such leave shall, in so far as is practicable, be in a manner similar to an application by a member of the staff of that local authority for leave of absence under the relevant provisions of the Maternity Protection Acts 1994 and 2004, the Adoptive Leave Acts 1995 and 2005 or the Parental Leave Acts 1998 to 2019, as appropriate; to amend section 18 of the Local Government Act 2001 in so far as it relates to deemed resignation from a local authority by a member of such an authority for non-attendance; and to provide for connected matters.

This Bill seeks to provide the entitlement to councillors to take maternity, parental and adoptive leave. Currently under the 2001 Act, councillors are required to have a resolution passed permitting them to be absent for six months due to illness or a so-called good faith reason. Otherwise, they will be deemed to have resigned. We can all agree it is unacceptable that a councillor would have to seek formal permission to be permitted to take maternity or family leave, which is a basic worker's right in any other context. The Moorhead independent review of the role of councillors noted this deficit in the 2001 Act and I directly address this in this Bill. This Bill allows councillors to be treated the same as a member of staff in a local authority in

taking maternity, parental or *force majeure* leave under the Parental Leave Acts 1998 to 2019.

While the Bill is technical in nature, I hope it will contribute to a cultural shift in local and national politics. We need to normalise politicians taking maternity or parental leave. On this matter, I commend the Minister for Justice, Deputy Helen McEntee, on the example she set in taking maternity leave, and Deputy Jennifer Carroll MacNeill on the work she is doing regarding provisions for Deputies and Senators. Women make up less than a quarter of Deputies in the Dáil and less than a quarter of the councillors on local authorities. If we want to increase the number of women in politics, we need to identify the barriers to female participation and work to remove them.

The lack of any maternity or paternity provisions for public representatives is one of the very obvious barriers. It denies any country of strong female representation. Many female candidates feel unable to progress a career in politics because of the structural barriers in place. It is important to note that this is a gender balance and equality issue, but it is also about good governance. I read one piece of research on financial institutions in the UK some time ago, which noted that having even one female member on a board made those institutions significantly less likely to go bankrupt. We would want that in any Government and it equates to good governance.

I was honoured to serve on the family-friendly and inclusive parliament committee which was instigated by the Ceann Comhairle. In our recently published report, we noted the importance of increasing female participation and providing for greater diversity. This Bill aligns with these recommendations by providing a more flexible and considerate environment for councillors, reflecting the realities of family life.

The majority of Members in the House will have started their political careers at local government level. Without a more family-friendly environment, we are excluding young people, especially young women, from becoming or succeeding as councillors. We must also recognise that an increasing number of councillors are resigning due to the workload, including very many on Cork County Council recently. It is a full-time job for part-time pay and this creates a situation that is hostile to family life.

I would like to clarify that the Bill relates to maternity and family leave and not maternity benefit. Councillors' pay was moved in 2017 from being subject to class K to class S PRSI, which applied to self-employed workers and confers a number of benefits, including adoptive and maternity benefit. In 2021, it is bizarre that a reformed system of maternity leave and other family leave is not yet available to county and city councillors. My Bill would ensure that leave is an entitlement which does not require a resolution to be passed. Every political party claims to want more women in public life, but no Government party has yet acted decisively to make maternity leave a reality. It is time to stop paying lip service to gender inequality and act. I hope the Government will support this Bill.

I thank the Office of Parliamentary Counsel and the Bills Office in the Oireachtas for the work they undertook on the Bill and my party colleagues for guiding me through the process.

An Ceann Comhairle: Is the Bill being opposed?

Minister of State at the Department of the Taoiseach (Deputy Jack Chambers): No.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Holly Cairns: I move: "That Second Stage be taken in Private Members' time".

Question put and agreed to.

Supplementary Estimates for Public Services 2021: Leave to Introduce

Minister for Education (Deputy Norma Foley): I move:

That leave be given by the Dáil to introduce the following Supplementary Estimates for the service of the year ending on the 31st day of December, 2021:—

Vote 20 — Garda Síochána (*Supplementary Estimate*).

Vote 22 — Courts Service(*Supplementary Estimate*).

Vote 24 — Justice (*Supplementary Estimate*).

Vote 26 — Education (*Supplementary Estimate*).

Vote 30 — Agriculture, Food and the Marine (*Supplementary Estimate*).

Vote 31 — Transport (*Supplementary Estimate*).

Vote 34 — Housing, Local Government and Heritage (*Supplementary Estimate*).

Vote 45 — Further and Higher Education, Research, Innovation and Science (*Supplementary Estimate*).

Question put and agreed to.

Supplementary Estimates for Public Services 2021: Referral to Select Committee

Minister for Education (Deputy Norma Foley): I move:

That, subject to leave being given to introduce the following Supplementary Estimates for the service of the year ending on 31st December, 2021, the Supplementary Estimates be referred to the following Select Committees, as appropriate, pursuant to Standing Orders 95(3)(b) and 215(3), which shall report back to the Dáil by no later than 7th December, 2021:—

Vote 20 — Garda Síochána (*Supplementary Estimate*) — Select Committee on Justice.

Vote 22 — Courts Service(*Supplementary Estimate*) — Select Committee on Justice.

17 November 2021

Vote 24 — Justice (*Supplementary Estimate*) — Select Committee on Justice.

Vote 26 — Education (*Supplementary Estimate*) — Select Committee on Education, Further and Higher Education, Research, Innovation and Science.

Vote 30 — Agriculture, Food and the Marine (*Supplementary Estimate*) — Select Committee on Agriculture, Food and the Marine.

Vote 31 — Transport (*Supplementary Estimate*) — Select Committee on Transport and Communications.

Vote 34 — Housing, Local Government and Heritage (*Supplementary Estimate*) — Select Committee on Housing, Local Government and Heritage.

Vote 45 — Further and Higher Education, Research, Innovation and Science (*Supplementary Estimate*) — Select Committee on Education, Further and Higher Education, Research, Innovation and Science.”

Question put and agreed to.

Ceisteanna - Questions

National Risk Assessment

1. **Deputy Richard Boyd Barrett** asked the Taoiseach the extent to which further potential risks have been identified in the context of the national risk assessment. [55793/21]

2. **Deputy Paul Murphy** asked the Taoiseach the extent to which further potential risks have been identified in the context of the national risk assessment. [55799/21]

3. **Deputy Brendan Smith** asked the Taoiseach if he will report on the national risk assessment. [55901/21]

The Taoiseach: I propose to take Questions Nos. 1 to 3, inclusive, together.

The national risk assessment provides an opportunity to identify and discuss significant risks that may arise for Ireland. Since it was first published in 2014, it has provided an overview of strategic risks and has highlighted risks such as Brexit, housing and pandemics. The process is designed to ensure a broad-based and inclusive debate on the risks facing the country. This includes publishing the draft for public consultation. There are also opportunities for stakeholders and Oireachtas Members to contribute to the development of the final version.

The national risk assessment is not intended to replicate or displace the detailed risk management and preparedness that happens across Departments and agencies. Rather, it focuses on the identification of strategic risks and is a tool to assist Departments and agencies to update existing or develop new mitigation plans.

By any measure, the period since it was last published in 2019 has been particularly turbu-

lent. Risks such as Brexit have come to pass, with very significant repercussions across our society. In particular, the pandemic has affected every element of daily life to some extent. It is impacting livelihoods and, most significantly, as we know, has come at great cost to health and life.

A new draft national risk assessment was published for consultation last July and laid before the Oireachtas. It seeks to capture the impact of the pandemic, including how it has magnified existing risks and the new risks it has introduced. It also suggests new or existing strategic risks. New or previous risks outlined in the draft published for consultation include economic scarring and digital exclusion, as well as the heightened risk to social cohesion given the uneven impact of the pandemic. Work is well advanced on finalising the national risk assessment 2021-22 which will be published in the coming weeks.

Deputy Paul Murphy: The new draft national risk assessment highlights a decline of people's trust in institutions as a risk facing the State. I would make the case that cronyism, corruption and a complete lack of transparency have meant that more and more people are disgusted by the politicians and the institutions in this State. I ask the Taoiseach to comment in that respect on the recent actions of his Minister of State, Deputy Troy. We know, thanks to an article by Mr. Aaron Rogan in the *Business Post*, that Deputy Troy, in his position as a Minister of State in the Department of Enterprise, Trade and Employment, recently met big tech companies to discuss Ireland's national position on upcoming European legislation, namely, the Digital Markets Act and Digital Services Act. He met them only after the companies were assured there would be no detailed minutes taken of what was being discussed. They wrote expressing concern as to the freedom of information dimension, assuming a note of the meeting would be kept that would be subject to freedom of information but that the note would not be overly detailed, and they were assured that only a high-level and anonymised overview note of the event would be drafted for records purposes and the meeting would be subject to the so-called Chatham rule. The details of who attended the meeting are not provided and there are no detailed minutes of what was discussed. Is this not very poor behaviour - an attempt to evade the lobbying rules and to have back-room, closed-door discussions with corporate lobbyists? Should the Minister of State, Deputy Troy, explain who attended the meeting and what was said?

Deputy Brendan Smith: Since the last national risk assessment was published in 2019, there have been major challenges for this country and, indeed, for the world. There is the ongoing Covid-19 pandemic, we suffered the cyber attack on the health services, the HSE and the Department of Health, and we also encountered Brexit and the fallout from that. We must have an all-island and all-Ireland approach to major health challenges. Co-operation and working together were established in 1992 in what is known as the Ballyconnell Agreement. It was a new programme where there was delivery of some health services across both jurisdictions on a cross-Border basis. That brought great benefits to communities on both sides of the Border. The island of Ireland is a single epidemiological unit for disease control relating to animal health. I was involved in that in the past when we developed all-Ireland animal disease policies. There must be similar practical considerations in respect of human health. In both the North and South we must improve access to healthcare. Cross-Border health provision must be given a major impetus, and meaningful collaboration and co-operation are essential to plan for the many challenges that exist.

We should recall that the Taoiseach's former Government colleague, Mr. David Byrne, who served with the Taoiseach in the Government as Attorney General, spoke as an EU Commissioner about the dangers of pandemics and the lack of a Europe-wide approach to meeting

those major challenges. Now we see how meaningful, progressive and insightful his comments were. He is a man who served this country with great distinction both as Attorney General and as an EU Commissioner representing this country in the European Commission. We need a programme of research on an all-Ireland basis. The shared island unit established by the Taoiseach could give a great impetus to research and development of health programmes. Having met the All-Island Cancer Research Institute, I am aware important work is ongoing at present. That could be given extra momentum as well. I am aware the Taoiseach has engaged with the institute directly, too. That is very important.

Professor Deirdre Heenan of Ulster University has written extensively about the areas for co-operation in regard to the provision of healthcare on a cross-Border and all-island basis. We need to deal with the challenges not on the day that they are with us, but by planning in advance for challenges such as pandemics in the future, God forbid. We always need to prepare in good time, and we must prepare as one all-Ireland unit for dealing with diseases that affect human beings.

Deputy Ruairí Ó Murchú: It will not be a shock that I will add my voice to what was said previously, particularly in respect of the necessity for planning on an all-Ireland basis for all the issues we are dealing with and all the strategic risks we face. Many of them will require even more than that. Obviously, there must be international co-operation, and within the European Union there is the facility to examine some of these specific issues. We could talk about any of them. With regard to housing, until we deal with the issue of ensuring there is supply, there is the necessity to deal with where people find themselves at present under severe pressure.

I want to look at some of the technological risks. There have been huge issues with the ransomware attack and the reality of how exposed we all are both individually and on a State-wide basis. There have been attempts to get a wider solution at European level. Will the Taoiseach comment on that? In the world we live in we must ensure we are protected as much as possible, given that sometimes we are dealing with subcontractor players operating outside the borders of the European Union. It is an absolute necessity.

It is very hard to see how we would not deal with an issue that the Taoiseach spoke about earlier, namely, the drugs pandemic and organised crime. If we are talking about a strategic risk across the board, that is one I see many of the people I deal with living with daily, whether it is burglary crime or drug debt intimidation. We must set a timeframe and move as quickly as possible with regard to the citizens' assembly, because I believe that sometimes this House does not have the capacity and capability to deal with the issues that have to be dealt with. If we are dealing with the economic ramifications of the situation in which we find ourselves now, obviously supply chain issues are massive due to Brexit and the pandemic. It is also about making sure, even though this is a difficult week as regards people who will possibly find themselves out of work due to the changed set of circumstances, that we examine those areas where we need skills set and ensure we do everything necessary to put ourselves in the right direction.

The Taoiseach: I thank the Deputies for raising those issues. In response to Deputy Paul Murphy, big tech companies meet Ministers regularly. They are responsible for thousands of jobs in the country, which should be acknowledged. I note the Deputy rarely acknowledges it in correspondence. That said, there must be meetings with such companies and they should be transparent. There is no issue, in my view, with meetings. They have to be. That is how I approach it. I do not know the full background to the circumstances there. As a Minister of State at the Department of Enterprise, Trade and Employment, it would be natural and normal

for Deputy Troy to meet companies. It would also be important in the context of the Digital Services Act because there are issues. Other countries have different agendas with regard to the legislation, but one of our concerns thematically would be that we do not believe in protectionism. I do not believe in the idea that there should be a fully Europeanised technology sector that must be discriminated in favour of through regulation or legislation against other sectors from different locations on the globe. I do not necessarily accept that. I am not saying that is going to be suggested, but we have a concern that laws can become protectionist whether by design or by accident. There are legitimate issues in that space that have to be discussed and understood in terms of the risk to employment here due to negative consequences that could arise from legislation.

The good story is that the European Union always works by consensus and will engage with every member state. We will make a contribution to that process. We will listen to stakeholders in that regard, especially the views of the country's citizens to protect people from a lot of what is happening online from many of the products of some of the companies, some of which have been injurious to people in terms of what is happening online generally and the negative use of algorithms. I would argue that the use of algorithms in the online platforms is the more substantive issue in terms of undermining the political system and political institutions. It has been the big transformational change in the past decade or two in respect of politics, how politics is commented on and how the narrative around politics develops. Some of it can be useful and positive but much of it can be very negative. I am not just talking about the negative, hostile stuff and the hatred. Individuals are targeted online in a very hostile personalised way, the only objective of which is to undermine the individual. That is contributing to the undermining of individuals in politics and in positions of office. Much of it is not substantiated and when the algorithms come into play, we get the trending and all that. That is a risk.

Deputy Paul Murphy: However, if nobody took the minutes of the meeting, there is no record of who was there.

The Taoiseach: It should be clear who was there.

Deputy Brendan Smith made a very fair point on the all-island approach to the pandemic. There should be an all-island approach. For example, it would have been far better if Covid certs were part of an all-island approach. The party opposite, Sinn Féin, opposed the Covid certs here and have opposed them in the North. A cross-Border approach to hospitality would have made much more sense. The Deputy is right to point out that, epidemiologically, animal health is viewed on an all-island basis. He was involved in that as a former Minister for Agriculture, Food and Marine. So was the late Ian Paisley, who recognised that there are no borders for the spread of animal disease and the same applies with a human pandemic.

The politics in the North has undermined that approach and the current situation has not made it easy. That said, much good work has happened. The two CMOs are working, the Ministers for Health engage and so forth, but there has not been an overarching all-island epidemiological approach to this. For the health officials in the North, the focus of authority is London for the public health advice that they receive and deploy. The Executive also has its own views.

I reassure Deputy Brendan Smith that we will move substantially on the research issue. Deputy Ó Murchú agrees with that.

I agree that the drugs issue is of paramount concern. We cannot have communities being

undermined by criminality and addiction. We need to approach it on a number of fronts. I am particularly anxious that we would restore greater resources to a community-based response to these issues, as we historically had, including when I was last in government.

Taoiseach's Meetings and Engagements

4. **Deputy Alan Kelly** asked the Taoiseach if he will report on his attendance at the most recent European Council meeting. [54410/21]

5. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the most recent European Council meeting. [55794/21]

6. **Deputy Paul Murphy** asked the Taoiseach if he will report on the most recent European Council meeting. [55800/21]

7. **Deputy Seán Haughey** asked the Taoiseach if he will report on his recent attendance at the European Council meeting. [55896/21]

The Taoiseach: I propose to take Questions Nos. 4 to 7, inclusive, together.

I attended a meeting of the European Council on 21 and 22 October in Brussels. The agenda covered Covid-19, energy prices, trade, external relations, migration and digital transformation. We also had a discussion on the rule of law in the European Union.

We discussed Covid-19, with a particular focus on vaccination rates across the European Union in the context of rising infection rates in many member states and tackling disinformation about the pandemic. We also discussed the importance of the global roll-out of vaccines and the central role of the World Health Organization in global health governance.

On energy prices, we discussed what we can do individually, as member states, and collectively, at European Union level, to mitigate the impact of recent price fluctuations on vulnerable citizens and businesses. We also considered medium and long-term measures to increase the European Union's energy resilience and green transition.

We also discussed digital issues, including ongoing progress on the Digital Services Act and Digital Markets Act, ahead of the publication of a European chips Act planned by the Commission.

We discussed trade, including its coherence with the overall international perspective of the European Union and, of course, critically the importance of trade to global economic recovery.

We discussed migration, including ongoing work to support countries of origin and transit.

We called on Turkey to implement fully the European Union-Turkey statement of 2016, including *vis-à-vis* the Republic of Cyprus.

We also discussed a new issue of enormous concern: the instrumentalisation of vulnerable migrants by the Lukashenko regime in Belarus.

We agreed conclusions on a number of important summits, including COP15 on biodiversity; the COP26 climate summit in Glasgow, which I attended; the Asia-Europe summit, in

which I will participate when it will be held virtually on 25 and 26 November; and the European Union-Eastern Partnership summit to be held in Brussels on 15 December.

Deputy Paul Murphy: Tomorrow, Seán Binder, an Irish NGO worker and trained maritime search and rescuer faces trial in Greece for the crime of saving people's lives. In 2017 and 2018, he worked with a registered non-profit body that regularly engaged and joint operations with the Greek Coast Guard. His job was conducting search and rescue operations in the Aegean Sea, saving drowning refugees. Now he faces up to 25 years in prison for this humanitarian work. His rescue work is now being called smuggling. The charity fundraising he was involved in is being called money laundering. Monitoring for information about boats in distress is being labelled as espionage. This is a brutal and very worrying attack on humanitarian work and an attempt to scare other NGOs and humanitarian activists away from supporting and saving the lives of refugees. What will the Government do to support Seán Binder and to protect him from a potential gross miscarriage of justice? Will the Taoiseach speak out against this practice of attempting to criminalise humanitarian activity? Will representatives from the Irish Embassy attend the trial tomorrow?

Deputy Seán Haughey: I wish to raise the issue of migration, which the Taoiseach mentioned. It is clear that a humanitarian crisis is unfolding on the Belarusian border with Poland, Lithuania and Latvia. Thousands of migrants from Syria, Iraq and Afghanistan are experiencing enormous suffering and are living in appalling conditions with sub-zero temperatures. Their plight is becoming increasingly desperate. As we know these migrants are being flown in at the instigation of Alexander Lukashenko and are then being bussed to the borders. These migrants are in effect being weaponised. These actions by Lukashenko are totally unacceptable and reprehensible.

I welcome the fifth package of sanctions agreed by the EU foreign ministers this week. Unfortunately, this will affect Irish aircraft leasing companies, but they must be imposed for the greater good. If Belarus continues with these actions, would the Taoiseach ask the EU to consider further measures to sanction Belarus? Is there anything that Ireland or the EU can do immediately to alleviate the pain and suffering being experienced by these migrants caught up in this hybrid warfare?

I also ask about the massing of 90,000 Russian troops on the border with Ukraine. Russia, as we know, continues to interfere with Ukraine generally. I know the Taoiseach has been quite outspoken about Russia's activities in recent years. Does he think that an invasion of Ukraine by Russia is under consideration? As we know, Russia is a staunch ally of Belarus. What is the Taoiseach's assessment of the situation?

As I have a bit of time, I will throw in a second question with the Ceann Comhairle's permission. The Taoiseach mentioned COP26. Some people were disappointed with the outcome of COP26, particularly when the phasing out of coal was watered down to the phasing down of coal. Obviously, there were some successes. The 1.5°C target is in place and there are commitments to financial support for the various countries affected by deforestation. Given the Taoiseach's participation at COP26 and his participation at the European Council meeting, I would be interested to hear his thoughts on the outcome of COP26.

Deputy Ruairí Ó Murchú: I will not repeat what has been said. Obviously, I add my voice in support of Seán Binder. I put the same question about Lukashenko and the weaponisation of migrants which shocks us all.

We all know how the energy crisis is impacting people. We are all beginning to get stories of people who cannot afford to pay for their gas, oil or electricity and are forced to consider alternatives that are not necessarily the greatest from the point of view of climate change, but that is what people will do. The Taoiseach spoke about solutions by the State, which is one element, but the European Union has capacity on a wider level to engage in negotiations. I accept there are certain elements outside the State but the European Union can definitely provide a greater bang for our buck. What will that consolidated effort look like?

Beyond that, when we are speaking about climate change, where is the conversation on green bonds and long-term moves that need to be made? There is the question of the free flow of credit to facilitate states to do what needs to be done and the really heavy lifting so we can deal with the carbon budgets ahead of us. There is also the question of fiscal constraints, some of which were jettisoned during the pandemic.

The Taoiseach: On the questions raised by Deputy Paul Murphy, we always provide consular support to Irish citizens in any sort of difficulty. I will check to see that the embassy will be represented in the courts tomorrow. Greece is a member of the European Union and we do not, ordinarily, interfere in the judicial process in countries but we will keep a very close eye on this. We support humanitarian endeavours to protect migrants and we have been involved, as a state actor, in helping migrants in a very challenging position on our seas. I will examine this and ask officials in the Department of Foreign Affairs and elsewhere to pursue the matter.

Deputy Haughey raised a key issue in respect of Belarus and the Lukashenko regime. Suffice it to say that I am particularly angry about this matter, as are most leaders of the EU Council. We have condemned without hesitation the Lukashenko regime's exploitation of migrants for political purposes. We heard first-hand what is happening on the borders of Poland, Lithuania and Latvia, and it is quite shocking how people and migrants in particular are being used by Lukashenko as a retaliation measure against Europe for earlier sanctions arising from the kidnapping of a journalist on a plane in European airspace.

Ireland is co-sponsoring a fifth package of EU sanctions and new, broadened criteria were agreed by the European Union foreign ministers on Monday this week. I welcome that. This new package of sanctions will be finalised very soon.

Essentially, Lukashenko has stranded thousands of migrants in a freezing cold forest in an attempt to blackmail the European Union and that simply will not work. We must ensure migrants are warm, safe and fed, and Ireland has donated €100,000 to the Lithuanian Red Cross to help it to achieve that aim. We want to see international aid agencies and independent monitors given access to assist migrants on both sides of the border and we will continue to work towards this.

Some recent reporting has implied that because Ireland is an international hub for aircraft leasing companies, we will oppose sanctions on Belavia, the airline, and this is entirely untrue. Ireland fully supports the sanctions against all those responsible for the exploitation of migrants and we are co-sponsoring a fifth package of sanctions in this regard, as I stated. We all want Belarus to stop these flights using any aircraft, including those that are EU-owned. Irish officials are currently assisting the Commission in working out the legal and practical difficulties involved in ensuring sanctions are legally sound, work in practice and are not counterproductive.

We must also stem the flow of migrants to Belarus by sending clear messages about the risks

involved. The European Union Commission and the European External Action Service have already successfully persuaded certain countries of origin and airlines to take action on this, which is welcome. They have gone to country authorities and airlines, explained what is going on and asked them to stop. It is a fairly strong response, to be fair. We must also be mindful of international protection and our duties and obligations under the Geneva Convention. We must respond in a balanced way and ensure the humanitarian crisis experienced by migrants is also addressed. It is a challenging issue all around.

On the question of Russia, there is some concern around increased mobilisation but it is very difficult to assess because this has happened before but not led to an invasion. One hopes it will not lead to an invasion. The indications some time back were that it would not but one can never be certain of this, of course.

On COP26, although there has been disappointment about the fossil fuels provisions, the work keeps alive the 1.5°C ceiling. The biggest game changer has been the United States and its changing of the preceding US Administration's approach in signing up to the Paris accords. President Biden's Administration has been very proactive in working with the European Union and China on climate change. In my last conversation with him, I paid tribute to him on the China partnership relating to climate change. It was at the weekend, when he rang to congratulate me on Ireland's success in the rugby. We discussed climate change as well. That the US is pushing so strongly in a global approach is yielding results. A fair degree of momentum will come from Glasgow, particularly with climate finance and adaptation supports. There is also a new dialogue emerging on loss and damage. These are concrete supports and declarations on deforestation have also been important.

The last-minute changes were disappointing, specifically the change in wording from "phasing out" to "phasing down" with regard to coal. It is still a very ambitious deal and that is the overall observation of our team there. I pay tribute to the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, who chaired an important session of the negotiations on behalf of the European Union. Ireland played a very proactive, strong and positive role at COP26 on a number of fronts.

The challenge for all of us is to deliver domestically and at European level. Deputy Ó Murchú spoke about the energy crisis. Europe is limited in this in some respects but what was clear from the meeting was that renewables are ultimately the way to go to reduce total dependence on Russian or imported gas. We will return to this regardless of whether Europe engages in the procurement of energy supplies on a pan-European basis. There is some distance to go before that happens, if we look at the *realpolitik*. Nonetheless, Europe is seized of the crisis. Looking at the energy mix, gas will always be a transitional fuel and we must push on with renewables.

Deputy Ruairí Ó Murchú: Was there any discussion about green bonds and physical constraints or a roadmap?

The Taoiseach: There was a discussion. Again, the bulk of discussion concerned whether there could be pan-European measures on pricing.

Northern Ireland

8. **Deputy Alan Kelly** asked the Taoiseach when the shared island dialogue will hold its next meeting. [56126/21]

The Taoiseach: I launched the shared island dialogue series to foster inclusive, constructive civic dialogue on key issues for a shared future on the island underpinned by the Good Friday Agreement. Over the past year, there have been seven dialogue events and two round-table discussions. I participated in the first dialogue event last November, hearing from young people on their perspectives for the future of the island. Subsequent dialogues have focused on climate and environment, civil society, equality, economic recovery, health co-operation and education, with participation by Ministers.

More than 1,000 civic representatives have participated in the dialogue series from across all regions, communities and traditions on the island. The dialogue series has proved really worthwhile and valuable from the Government's perspective and from feedback received from participants. Exciting projects are also emerging from these discussions, such as the All-Island Women's Forum that has been established by the National Women's Council.

I will be participating in a shared island event in December that will look at progress with our shared island initiative to date and further implementation next year. As part of the approach, the shared island dialogue series will continue next year, with early discussions to focus on tourism and sport. The shared island unit in my Department is also considering how a next phase of dialogue is undertaken, including, I hope, being in a position to convene more in-person discussions next year.

Deputy Paul Murphy: If we are to overcome sectarian divisions and partition on this island, we need to provide a vision for an alternative Ireland - I would argue an eco-socialist Ireland - that protects all minorities and delivers real changes and improvements for people's lives. The issue of abortion rights for women in the North is crucial. It is shameful that women and pregnant people in the North are being left behind those in the South and in Britain. They are still being denied the right to choose. It is particularly disappointing that Sinn Féin, which has adopted a pro-choice position in the South, is helping to continue the anti-choice *status quo* in the North. It recently abstained on a poor and shameful anti-choice Bill from the DUP. There should be no abstaining on the right to choose. That is why People Before Profit MLA Gerry Carroll has long been a strong advocate for choice and, therefore, voted against this terrible Bill. One cannot have a partitionist approach to women's rights - saying one thing in Dublin and another in Belfast.

Deputy Ruairí Ó Murchú: On what has just been said, Sinn Féin has an all-Ireland approach, as it has in relation to everything else and that includes women's rights. I welcome the shared island unit. I wish it would go further in certain fields, as I have said before. There are only benefits to be had in relation to a dialogue and engagement with all. That is why I have previously asked for a citizens' assembly. I am not looking for an over-and-back in relation to that. That is my view and I imagine the Taoiseach's view has not changed in the last fortnight on that. Those who will be offended will be offended by this or by any of the conversations taking place at this time on unity. We need to grasp that issue and plan for what is becoming, in an awful lot of people's eyes, a reality coming down the road. That is the situation as it is. It has been entwined with the politics of the British Government on Brexit and the protocol. Border Communities Against Brexit is looking to carry out a number of protests close to my part of the

world. There will be a protest in Flurrybridge, Carrickcarnan, at 3 o'clock on Saturday, 20 November. This is about protecting the protocol and ensuring there is no return to a hard border. That is absolutely necessary.

On Narrow Water Bridge, are we still looking at in or around 2023 as the time to begin building? Is there a timeline for delivery and ensuring we have the finances for what is an absolutely necessary piece of infrastructure?

Beyond that, on the shared island unit, a significant amount of money and resources have gone into planning and modelling, involving the Economic and Social Research Institute, ESRI, and engagement with universities. Will the Taoiseach give us some information about what that resource will provide us in relation to how we can shape a new united Ireland, and within that, to approach necessary changes - North and South - in framing a new and better Ireland?

Deputy Seán Haughey: I welcome the shared island dialogue and appreciate the report given by the Taoiseach. As we know, Northern Ireland's society is becoming increasingly more diverse. An increasing number of people identify themselves as neither nationalist nor unionist. An increasing number of people do not classify themselves as Irish, British or Northern Irish. There is a new diversity there. I welcome the dialogue in this regard. Is the Taoiseach satisfied that the voices of young people, who bring a new perspective to old challenges and intractable problems, are being heard in this dialogue? Is the Taoiseach satisfied that unionist participation in these dialogues is happening and that unionists are making a constructive contribution to the discussion?

The Taoiseach: I thank the Deputies for raising these questions. I take the point made by Deputy Paul Murphy. I would like to think that the National Women's Council has formed an all-island women's forum that could become a good forum and channel for discussion and debate of the issues identified by the Deputy. I cannot comment on Sinn Féin having a dual approach. It is not new.

Deputy Ruairí Ó Murchú: No, we do not.

The Taoiseach: Sinn Féin has a different approach on a lot of issues North and South, but we do not have time to go into it here.

Deputy Ruairí Ó Murchú: We hope to end it.

The Taoiseach: Sinn Féin could have ended it a long time ago with Covid certificates, but it chose not to. Sinn Féin might have changed that last night after a long period. The point has been well made by Deputy Paul Murphy.

I refer to Deputy Ó Murchú's point on the citizens' assembly. I have said that 1,000 people have already met in the shared dialogue, covering subjects from biodiversity and climate change to women's rights and women's issues. Young people have met. Enterprise has met. That does not happen in a citizens' assembly. It is a different model and a different idea, and I think it is valid. The long journey of reconciliation and developing shared perspectives, which has to be between communities and traditions on a consistent basis, cannot be done by creating an assembly that runs for a number of weeks and gives an outcome. That does not actually-----

Deputy Ruairí Ó Murchú: Everyone accepts that.

The Taoiseach: That is why we need to be careful about presenting it as a *cause célèbre* and

suggesting that it is the most important thing, because it is not. The most important thing is to get people engaged with each other. I have experience from many years as a public representative and I have learned a lot throughout that journey. I do not go into the sloganeering anymore. When I was younger, we used to have slogans too but they did not advance anyone too far. We should use the Good Friday Agreement. I regret that Sinn Féin took a decision years ago that resulted in us not having an assembly for three years. It was crazy. We should utilise the Good Friday Agreement institutions to the full. Within the Good Friday Agreement, the constitutional position is provided for in terms of how that advances. Before we get there, a lot of work has to be done and a lot of engagement is required.

Deputy Haughey raised issues in terms of the shared island dialogue. Civic unionism has to participate. Political unionism is actually not against it. While it is not participating up front, it appreciates the investment that is coming with the shared island initiative.

I am intrigued by what Deputy Ó Murchú said about Narrow Water Bridge. You guys lost that opportunity years ago, as did a previous Government. I am determined to get it over the line through the local authority. In the documentation we have provided, there is €3 million for tendering and all that. I want progress to be made and co-operation the whole way. One single agenda is to get that over the line.

Deputy Ruairí Ó Murchú: The Taoiseach is happy enough with the timeline.

The Taoiseach: On the ESRI and National Economic and Social Council, NESC, reports, the research programme with the ESRI is focusing on aspects of health, education, enterprise and an all-island economy post Brexit, which NESC has worked on. Scoping papers for each research topic were published on 17 May. Final reports will be published in December and early 2022. They will be important reports. Specifically, in 2021, the ESRI worked on building understanding of the structure and composition of cross-Border trade and services, so we will get a better understanding of that on the island of Ireland; examining the primary healthcare system of Ireland and Northern Ireland and drawing out implications for policy; examining patterns of educational participation and attainment in the two jurisdictions; and assessing what lessons can be learned for the future.

I have an issue around school completions. In the North, school completion rates in certain communities could be much better than they are. That is a factor. We are in a stronger position, but maybe lessons can be learned both ways. The ESRI is looking at issues that could enhance the attractiveness of the island as a whole to high-value foreign direct investment. I do not have enough time to go through everything, but NESC is covering a whole range of areas, as I have identified. On 28 October, NESC published a shared island report on collaborating on climate biodiversity challenges on the island. It has published scoping papers on the economy and regional development, tackling poverty, mental health, social enterprise and climate.

2 o'clock

A lot of good solid research work is being done, funded through the shared island initiative. On a much bigger scale, we have provided €40 million for research conducted jointly between third level institutions in the North and the South. We will fund it all but we want equal collaboration between third level institutions in the North and the South on matters of mutual interest to the benefit of the island.

Deputy Haughey raised the issue of young people. It is very important that young people

in the Republic get engaged in the debate about the future of the island. We have had a number of engagements and would like more to allow young people in Dublin, Galway, Waterford, Cork, Limerick and elsewhere to engage with young people from Northern Ireland. We are facilitating that.

We also want to facilitate political exchanges between people from different political backgrounds and traditions. Some such engagements would be conducted under the Chatham House rule. I engaged in meetings of this kind back in the early 1990s and they were very valuable. Politicians could feel safe and secure in coming into an environment for a weekend of engagement knowing no one would comment publicly on what was said. To break down barriers, it is important that people cannot be manipulated as a result of something they may say at a meeting. It is important that people can speak frankly about things. We need an awful lot more of that. To its credit, the British-Irish Association has been doing that for more than 30 years. That has been a very valuable instrument. I have been involved in a number of meetings of that kind myself and they have given me a better understanding of where people are coming from. At the end of the day, we are all politicians and we understand the pressures put on us by our constituencies and electoral bases. That is something we need to continue to work at. I would like to see that developed further.

I hope I have covered most of the issues. On the protests in respect of the protocol, we need a negotiated resolution. We need to keep tensions at a certain level. We need to dial it down. When talking to unionist colleagues and other colleagues, I have been at pains to point out that there is a process for negotiations between the European Union and the United Kingdom Government. I would say to the United Kingdom Government that it is extremely important that this matter does not get elevated to a question of identity or connected with some other area to which it does not really apply. It is about ensuring that goods can travel from Great Britain to Northern Ireland with the minimum of checks. The European Union is up for that.

Written answers are published on the Oireachtas website.

Sitting suspended at 2.02 p.m. and resumed at 3.02 p.m.

Land and Conveyancing Law Reform Bill 2021 [Seanad]: Second Stage

Minister for Justice (Deputy Helen McEntee): I move: “That the Bill be now read a Second Time.”

As Deputies will be aware, this is an important and urgent Bill. It will avert a legal cliff edge that is due to occur later this month by repealing a number of legal changes due to come into effect on that date. Those impending changes are causing serious concern for stakeholders, particularly given their implications for conveyancing practice generally and in particular for private right of way and other prescriptive easements that are essential for many farmers and rural and urban homes. I am sure Deputies will have been contacted in recent weeks regarding issues and concerns, so it is important that the Bill be passed in time.

Under Part 8 of the Land and Conveyancing Law Reform Act 2009, significant changes to the law on prescriptive easements and *profits à prendre* are due to take effect immediately after 30 November 2021, in just under two weeks. Up to now, the 2009 Act has applied transitional provisions, allowing court proceedings, or applications to the Property Registration Authority,

PRA, seeking to validate or register a prescriptive right to be decided under the old legal rules that applied before the 2009 Act. That transitional phase will end, however, on 30 November next and, under the 2009 Act, new rules will take effect for all new claims from 1 December.

The 2009 Act was major reforming legislation that repealed a large number of outdated laws and concepts and modernised much of our land and conveyancing laws. Serious concerns, however, have been raised by stakeholders, including the Law Society and the Bar Council, about the impending changes to the law on prescriptive easements and profits under the 2009 Act. In particular, the new legal rules on acquiring prescriptive easements or profits are causing legal uncertainty. Second, the generally accepted view is that after 30 November 2021, under the 2009 Act, only user periods starting on or after 1 December 2021 can be counted as claiming prescriptive rights that are not registered, even if they have been enjoyed for many years before that. Third, the Act's requirement for registration for prescriptive easements or *profits à prendre* is not operating satisfactorily in practice. It has not yet been possible to register many important prescriptive rights that appear to have been enjoyed for many years without dispute. Of all the applications to date, more than 70% have been rejected and, therefore, there are issues in that regard.

Stakeholders indicate these changes risk causing unnecessary court cases to protect rights that have been enjoyed for generations without dispute, resulting in stress and legal costs between neighbours. The new registration requirement is causing widespread blockages and delays to conveyancing and problems for mortgage or farm loan approvals where a house or a land depends on an unregistered prescriptive right, an issue that arose with someone I was dealing with earlier this week. I have listened carefully to these concerns and I am satisfied that in this complex legal area, the provisions of the 2009 Act are not working as intended and prompt action in the shape of the Bill is required to avert the changes due to take place on 30 November.

The Bill will address the most pressing need by repealing the major changes due to take effect on 30 November, thus removing the deadline. To succeed in this task, it is essential the Bill can, with the support of both Houses, progress to enactment by 30 November at the latest. I have secured Government agreement to establish a time-bound review, in agreement with the Attorney General, that will identify any further changes that are desirable to the law on prescriptive easements and profits to ensure this area of law will be placed on a sustainable, long-term basis. While we are reverting to the pre-2009 law, I hope a review, which will be up and running in the early new year, will have concluded by the summer in order that we can put forward a proposal to deal with this on a longer-term footing, given that I do not believe the pre-2009 law is the way in which we need to proceed.

I am conscious the law on prescriptive easements and *profits à prendre* remains an ancient, technical and complex corner of our property law, dating back to 1832. Despite the arcane terminology, however, these are issues that have direct, real and practical consequences for farmers and homeowners. Common examples of prescriptive easements include a right of way to access one's home, field or a laneway that runs through a neighbour's land, the right to use water or sewerage pipes running under a neighbour's land, or the right of support between adjoining buildings in different ownership. These are just a few examples and I am sure many more could be mentioned.

I will turn to the main changes to be made by the Bill. Section 6 will repeal sections 33 to 39, inclusive, of the 2009 Act. Consistent with the strong preference of stakeholders, this will repeal the major changes to the law on prescriptive easements and *profits à prendre* that were

due to take effect after 30 November, thereby removing the imminent deadline. The Bill sets out a number of new rules for the law on acquiring and validating prescriptive easements and *profits à prendre*. This follows extensive engagement with stakeholders, including the Law Society, Bar Council, PRA and Law Reform Commission, LRC.

In general, claims made after the Bill comes into operation will be decided under the judge-made law known as the doctrine of lost modern grant. While we are reverting the law to pre-2009, we are identifying one of the three areas to work under the common law doctrine of lost modern grant. This reflects the strong preference of stakeholders, which see this as the most satisfactory and familiar set of rules available, pending the more comprehensive review. Under the Bill, periods of long use that were acquired before or during the years 2009 to 2021, inclusive, will not be lost on 30 November where the prescriptive right is unregistered, as under the 2009 Act, but can still be counted in a claim made after that date. Applications based on periods of use completed before 1 December 2009, the date on which the 2009 Act came into operation, will continue to be decided in accordance with the law that applied before that date. The same is true of applications to court or to the PRA to validate or register a prescriptive right that are pending when the Bill comes into operation.

Special arrangements are proposed in respect of State-owned land, including foreshore. Under section 3, as under the 2009 Act, acquiring a prescriptive right against State-owned land after 30 November 2021 will require longer periods of use than are required in a claim against land owned by a private person. Otherwise, the general rules I outlined will apply and, under the Bill, long use before 30 November 2021 will still be counted, unlike under the 2009 Act. It will still be possible to validate a prescriptive right, either by applying to court or by registering it directly with the PRA, but this will be optional, as it was before the 2009 Act, rather than becoming a requirement to avoid losing any rights acquired through long use.

I will now address the main provisions of the Bill. Section 2 sets out the main rules that are to apply to a claim to have acquired a prescriptive easement or *profits à prendre* following the coming into operation of the Bill. In a case where the prescriptive period was completed before 1 December 2009, the legal rules are those that applied before December 2009, as set out in section 2(a) of the Bill. In a case where the prescriptive period was completed after 1 December 2009, the legal rules are the pre-2009 Act judge-made rules known as the doctrine of lost modern grant, as set out in section 2(b) of the Bill. There is an exemption to these main rules for applications to the court or to the Property Registration Authority, PRA, pending when the Bill comes into operation. These are dealt with under section 6(2) of the Bill.

Section 3, as already mentioned, deals with claims to have acquired a prescriptive easement or *profit à prendre* over State-owned lands or foreshore, other than pending applications or claims, for the prescription period completed before 1 December 2009. The longer prescription periods, 30 years for State-owned land that is not foreshore and 60 years for foreshore, were recommended by the Law Reform Commission, LRC, in 2002. They reflect that fact that it is more onerous for the State than for a private owner to be aware of any easements or *profits à prendre* being exercised against its lands, especially regarding foreshore that is submerged for much of the time.

Section 4 refers to the land and the extinguishment of easements and *profits à prendre*. The Bill repeals the new rules due to come into effect under the 2009 Act and this section just clarifies that the pre-2009 common law rules on extinguishment will continue to apply.

Section 5 amends section 49A of the Registration of Title Act 1964 regarding the registration of a prescriptive easement or *profit à prendre*. The amendments remove the condition that the PRA must be satisfied that the claim meets the requirements set out in sections 33 to 38, inclusive, of the Act of 2009 and also clarifies the conditions for registering a claim regarding *a profit à prendre* in gross.

Section 6(1), as mentioned, repeals sections 33 to 39, inclusive, of the Act of 2009, while section 6(2) refers to applications either to a court or to the PRA that are pending when the Bill comes into operation. It provides that they are not affected by the Bill and, essentially, such applications will continue to be decided under the law stemming from the existing Act of 2009.

The care and consultation that has gone into this Bill is evident. I thank my officials for their work and for their engagement with members of the Houses and with the stakeholders. The importance and urgency of progressing this Bill for enactment before the legal cliff edge of 30 November is clear. I hope that with the co-operation of all sides of the House we can facilitate its swift passing. I am not saying that what we are going back to is the final product, but we must make progress and I reiterate that I am committed to that review which will commence in the new year. I hope it will be completed by the summer of next year and that it will give us an indication as to how we can try to deal with this issue once again.

Acting Chairman (Deputy Sean Sherlock): We now move to the three speakers from Sinn Féin. I call Deputy Daly.

Deputy Pa Daly: As the Minister said, this is a complex area. She spoke about the Prescription Act 1832, and in this regard she consulted with the Law Reform Commission, the Law Society of Ireland and the Bar Council of Ireland, all of which were of the view that the doctrine of lost modern grant was the best way of establishing rights of way or easement. A fuller consultation is needed, however. I welcome this Bill and the work that has gone into it. I have been calling for legislation such as this and stating that it was necessary to deal with the issue. It is important that it is implemented, as the Minister said, before the deadline of 30 November, and I credit those who have been campaigning on this issue.

I am not sure what the motivation was behind the introduction of the Land and Conveyancing Law Reform Act 2009. There was certainly a perception in rural areas that it was intended to benefit urban situations and transfers of land there. Whatever happened, no thought was given at the time to people who owned land in areas where their rights of way might have sometimes traversed up to 20 other folios to get to a public road. The sections being repealed were totally impractical and a nonsense and I commend the Minister for bringing forward this legislation.

Obtaining the consent of another person might sound simple, but sometimes neighbouring land could have been registered, and I have come across cases like this myself, to someone 60 or 70 years ago. The person concerned might have passed away years ago and trying to obtain consent from his or her estate or tracking down relations could prove difficult. The Act also did not consider that sales would, and did, fall through because of the delays in registering the various rights of way. It also did not consider that solicitors would be unable to certify titles to lending institutions because of the inability to state that all the rights of way had been registered on the folios. In addition, the Act did not consider that banks would then be extra careful following what had happened during the boom times and that they would refuse to sanction mortgages, thereby causing further delays, or that they would seek that extra inquiries be undertaken which, in turn, would result in loan offers going out of date.

Equally, it did not, as the Minister said, consider that unnecessary court cases would arise or that contracts would be left unsigned in markets which were fluctuating up and down. The Act also did not consider that land which had been used for agricultural purposes and rights of way would not have been registered and that rights of way for agricultural land would not apply to dwelling houses. Moreover, it did not consider that the Land Registry would raise queries, about unregistered land in particular, and cause further delays. Furthermore, it was not taken into account how impractical it would prove, in many cases, to require applicants to have to advertise in local papers for people who might wish to come forward with objections. Those sections, therefore, were totally and utterly out of touch with the reality of land ownership and the difficulties in that context in rural Ireland.

It had been the case that a statutory declaration could be given that a house or land had been used without let and hindrance for 30 years or more. If the situation was not broken, then why try to amend or fix it? The Act of 2009 had introduced the provision whereby, in effect, a landowner had to go cap-in-hand to a neighbour to seek consent to the registration of a right of way. There may not have been any difficulties, but I came across cases where there was a shared entrance of a very small space, for example, and even though it was going to be mutually beneficial to both sides for someone to sign a consent the people involved were just not prepared to do that because they did not want to give anything away. In that way, any simmering or underlying tensions could have been exacerbated. Inevitably, as well, there was going to be a cost involved if two, three, four or five landowners had to seek legal advice, obtain folios and speak to their solicitors. It was, therefore, going to be more expensive even before the possibility that any court case was going to ensue.

Therefore, I welcome what the Minister has said. I agree with her that mandatory registration had not been working properly. I also welcome that the Minister has announced a review to take place before June of next year. That will all help. It will, hopefully, regularise the situation and allow more transactions and transfers to take place. Some of our team in the Seanad have proposed amendments. I am not going to talk about the foreshore side of things, however, and I hope that with the co-operation of all sides we can, indeed, facilitate the overturning of this difficult situation. The courts being closed during the pandemic also led to extra delays on top of the existing difficulties and the legal and practical complexities of registering rights of way were made even more difficult. I hope this legislation will go through the House speedily and I encourage that happening.

Deputy Martin Kenny: We feel this legislation is badly needed. Many of us, including the Minister, have been contacted by people in various solicitors' firms and by members of the public that have had major difficulties and problems with things that normally would have been undertaken with great ease in the past. The legislation in 2009 was mistaken in some of the things it tried to do. I look back and I try to think of why that was. I remember being in a solicitor's office one day around 2010 and he told me how he was after dealing with a gentleman who needed to get a half-inch water pipe to go across 7 ft. of property. The man who owned the 7 ft. of property wanted €80,000 to allow that piece of pipe to go across the property. It is understandable, therefore, why people were saying that it was necessary to find better solutions in this regard. While the 2009 Act may have been a genuine attempt to do that, it actually ended up causing more problems than it solved. We all recognise that. There are issues in this regard for people who live in the countryside, who know farmland and the various issues associated with it. In my part of the country, we have co-meadows, which means several farmers own a plot of land. It is impossible to know where someone is. There are also, of course, mountains

where commonages exist. All of those issues come into play. These issues are often relate to rights of way and entrances to properties and farmland. People can sometimes be difficult and have difficulty allowing somebody else access that has existed for generations. The 2009 legislation caused considerable difficulty for many people. Moving to try to allay those fears and go back to the way it was in the past may not be a perfect solution but it is certainly an awful lot better than what we have now. While reforms may be required, we need to move with caution when we move on any of these issues. That lesson has been learned. I hope we will be able to reform what we are putting in place now to deal with the small issues that can occur at times.

I come across such issues regularly, particularly in areas where walkways run through plots of land. Greenways have now become common and practical as people want to enjoy the outdoors. I know of many cases where people who use a marked walkway have veered off it onto private land. They consider it to be open mountain that belongs to everyone so why should they not walk it? However, it is not open land; it is private property. A constituent told me about a situation where he confronted somebody who came onto his property. That person was the best part of 1 km away from the marked walkway and was walking over rough terrain with a small child. My constituent asked what the person on his land would do if the child fell and broke a leg. He asked whether he would be sued by the parent in such a scenario because he owns the land. That is the issue that comes into play. Conflicts between property rights and the notion of the open countryside need to be addressed. We all want people to enjoy the open countryside but not in areas where farmers or landowners are liable.

I have come across many instances of people who have a property that includes a private lane running from a public road. Such a lane might service several houses. Sometimes landowners may also have access to that lane and because they have been moving cattle down the lane for many years, they have put up a gate. There is sometimes a row over whether the gate was left open or closed and that can turn into a High Court case. We all try to reason with people who come into our offices. We speak to them, try to make them see reason and try to find a solution. However, finding a solution is sometimes very difficult because people are prone to taking a tough position when it comes to property in Ireland. That is probably a result of our history and the notion of a landless and dispossessed people. When people finally get a piece of land, they want to hold it tight. We can understand that but, at the same time, we must try to apply logic and good reason. We must try to ensure people have civil discourses on these issues and try to find a solution. However, sometimes they cannot find a solution and when that is the case, we must come back to the law. We must find a law that serves the common good. That has been missing since the change in the 2009 legislation. It did not serve the common good and caused more acrimony and difficulty for people. This legislation, and the changes it provides for, will go some way to addressing that. The fact that we are facing a deadline of 30 November is not good but we are where we are and we understand that. We need to deal with the legislation quickly. I hope it goes through the Houses as fast as possible and that we can deal with it in a reasonable way. I encourage the Minister and her staff to bring forward the arrangements we need to update this legislation so it can work for everyone in the common good.

Deputy Pádraig Mac Lochlainn: I will take this opportunity to bring to the Minister's attention a matter I regard as serious and which has been ongoing for a number of years. It is an issue that arose following the digitisation of land boundaries in Ireland by the PRA, formerly known as the Land Registry. It moved to the digitisation of land maps during my first term as a Deputy. Issues with one landowner were brought to my attention in 2015. There were clear anomalies between the Ordnance Survey maps that person had and the folio they owned, on the

one hand, and the digitised map, on the other. Unfortunately, in that case, because the adjoining landowner did not agree that those anomalies had taken place, it ended up in court and cost that person €80,000. That is a devastating amount. Since that person's traumatic experience, for which the PRA refused to accept any responsibility, I have come across numerous other cases in County Donegal where it is clear that the digitisation of the maps has adjusted boundaries.

As the Minister will be aware, land disputes in Ireland can be very serious. In many instances, I am advised that, thankfully, neighbours have resolved the disputes themselves and agreed that the boundaries are not right. They have gone to the Land Registry and, apparently in some instance, resolved those anomalies because there was agreement. However, where the adjoining landowners are not in agreement, it can end in serious and costly disputes. In those instances, I am not aware of any occasion where the Land Registry has accepted its digital maps contained an error.

There was a report in 2014, known as the Prendergast report, entitled, Towards the Registration of Defined Property Boundaries in Ireland. Involved in that report and supporting it were the Law Society, the Bar Council, Engineers Ireland, the Irish Planning Institute and other institutions that work with surveyors, architects and so on. It was a report of the inter-professional task force on property boundaries. It identified these issues as far back as 2014 but the PRA has never accepted any mistakes or errors have been made. That means people end up in protracted legal disputes.

Six incidents have crossed my desk where I have no doubt there was an error. In the number of instances where I have engaged with the PRA, it has not accepted any errors whatsoever. It has refused to accept them. I understand parliamentary questions were tabled to Ministers, which will be on the record of the Oireachtas. Those Ministers talked about advice, exposure to legal costs and not wanting to get involved. That is totally and utterly wrong.

I thought this was just a Donegal issue but I have received correspondence in the past week from a family in County Galway who have also gone through this experience. I have spoken to that family and they told me they are aware of families in counties Clare and Wicklow who have experienced similar trauma. That is what it is. In some cases, lines are going down the middle of a field. Obviously, that is an error. Those lines should obviously be drawn along a bank or a ditch. In some cases, there are lines going through very old houses. Clearly a mistake has been made.

I will correspond with the Minister on this matter but I want to put on the record my belief that the digitisation process in the PRA has led to serious errors that have pushed people into protracted disputes with their neighbours and in some cases, I am sorry to report, with their families. Nobody is putting their hand up and saying mistakes were made when a blind man could see mistakes were made. I will correspond with the Minister and will bring to her attention the 2014 report I mentioned and its findings. This is an ongoing issue. I spoke earlier to an architect from County Donegal. That architect advised me of approximately 20 such cases in north Donegal. Some of them have been resolved because the people involved, thankfully, had common sense and agreed that the boundaries were mistaken and the error was corrected. However, many have not been resolved and it has caused untold trauma. The person who came to me originally faced a cost of €80,000 but nobody will accept any wrongdoing.

When I correspond with the Minister and go into detail on some of these incidents, she should not say that she cannot comment on this case or that case. I guarantee her that if she

surveys her Deputy, Senator and councillor colleagues throughout the State, she will learn of numerous cases where the digitisation process has led to errors that have caused untold trauma. When she has investigated this, there will have to be mediation for the families. Ideally, the PRA would consider all the cases and accept that mistakes were made, but the reason it is not doing so and departmental officials have not asked it to do so is the risk of exposing the State to financial costs and damages. We should say we are going to put in place a dedicated mediation system through which people must resolve these issues before they end up in court.

There are many families right now who do not realise that what I have described has happened to them but who will realise it in due course when somebody opportunistically takes advantage. I have seen too many examples in my county and further examples have been brought to my attention in the past week, so much so that I decided that I would speak out about this matter today and appeal to the Minister, with whom I will correspond further, to intervene and carry out a review of the PRA's handling of this whole affair, which is totally and utterly unacceptable.

Deputy Brendan Howlin: I am glad to have an opportunity to say a few words on this rather unusual legislation. First, I must refer to the Minister's final scripted sentence, which was, "Time is short – we have just under two weeks." I welcomed her back yesterday but, in her absence, I raised on numerous occasions with the Minister of State, Deputy James Browne, the fact that a series of Bills was introduced here to transpose EU directives, some of which dated back almost 20 years. We were told that we had to do it because there was a deadline or that the European Court of Justice was about to fine us. As a matter of principle, I want to make a point before I get into the meat of what I have to say: the Oireachtas now seems to be the last thing to be considered, on the assumption that, if it is told a matter is urgent, its Members will all rubber-stamp whatever is put in front of them, be it an EU directive or otherwise. Quite frankly, that is not good enough. We used to have a committee on secondary legislation in the House whereby all secondary legislation was presented. There was a schedule so people were aware of what needed to happen. As a matter of principle, I make the point that it is not good enough for any Minister to tell both Houses of the Oireachtas they have two weeks to amend legislation we have known for years has presented difficulties for years and that they should get their skates on. This is very unusual legislation. It is not unheard of, but unusual because its impact is to undo what was presented as a reforming measure enacted by these Houses in 2009. I am referring to the Land and Conveyancing Law Reform Act of that year. That is not ancient history. The proposal at the time was to require mandatory registration of so-called prescriptive easements or *profits à prendre* of 30 November 2021. These lovely legalistic phrases – "*profits à prendre*" and "prescriptive easements" – mean nothing not only to most people in this House but also to any citizen who reads them. These are phrases that have very real and profound meanings, however. Easements are private rights held by a property owner over a property of a neighbour, including the right to access farmland or a home, or the right of way to use a laneway that runs through a neighbour's land. These are not small matters; these are profound matters. Distinguished playwrights have written impactful plays on these matters in this country. Rights include the right to use water or sewerage pipes going through a neighbour's land and a right of support between adjacent buildings under different ownerships. I have come across cases in respect of each of these rights. I, and, I am sure, others Deputies, know of purchases that fell through because a right of way could not be certified by a solicitor in respect of access to a sewage pipe, or even access to a piece of land to get to a septic tank or water scheme or system. These are extremely important matters for thousands of individuals and families. They entail access to the fundamental way of living. I know from talking to the Acting Chairman, Deputy

Sherlock, that he has a long list of cases in east Cork. I would say every Deputy in the House has been aware of this issue arising in recent times.

Before 2009, a prescriptive easement or *profits à prendre* was usually verified by a simple statutory declaration of long use. That was not an onerous task. If one had made use of whatever the right entailed for years or decades, one made one's statutory declaration and that was acceptable. One's legal right was established.

Part 8 of the 2009 Act introduced a new requirement for a prescriptive easement or *profits à prendre* to be verified by a court order and registered by the PRA. We are aware that an amendment was introduced by the Civil Law (Miscellaneous Provisions) Act 2011 to add that if the prescriptive right was not contested by the owner of land affected, the claimant or applicant could, as an alternative, apply directly to the PRA to validate and register that right based on long use, without the requirement of going to court and bringing upon himself or herself the legal costs that would involve.

As with many laws that are considered good at the time of their introduction, not an awful lot is done subsequent to enactment to realise their intentions. This is also the case if, on reflection, they are not considered to have been good ideas to begin with. To ensure the implementation of the legislation in question, little was done until the reality finally dawned that a date regarded as distant in 2009, November 2021, was no longer distant. It is now upon us. The effect of the wholesale ignoring of requirements, whereby none of the rights has been registered or the great bulk of them have not been, is such that we are going to face a shock to the system and a monumental legal mess in a couple of weeks. It is a monumental legal mess largely unknown to those most directly affected because most of those who have not registered the rights they assume they have were unaware that those rights were going to vanish legally in a fortnight. In a way, we are going to enact legislation to take away that awful vista from them, and they will never know it was there in the first place. Maybe that is good but it is not the best way of doing business. We are now to reverse engines to avoid the chaos.

Unfortunately, all of this is dressed up in impenetrable language. I mentioned a few of the phrases. With all due respect to my distinguished legal colleague who made a contribution but who has now left the Chamber, he was able to reference the doctrine of lost modern grant as if it is something about which we all know. I have no idea what the doctrine of lost modern grant is. Maybe it trips off the tongue of the Acting Chairman. Apparently, it is a very important doctrine. In essence, what we are being asked to do is to revert to the old rules, but we are also told that the people who gave us the 2009 Act are going to have another go as there is going to be another review and it will report next year. Colleagues have stated that if it is not broken, do not fix it. The issue of how rights of way and easements are registered, vindicated and passed on on sale is impenetrable and a cause of enormous concern to many people. These are important fundamental issues for many citizens, so we certainly need clarity in all of these things. We do not want to make it more difficult or impossible.

The best of neighbours may suddenly become difficult with one another when it comes to yielding a right of way. They may ask what it means, what are the consequences of it and whether it is forevermore. It might involve the laying of a pipe across a lane, but one never knows what the other landowner might do with that lane in the future. These are really difficult matters and can become matters of monumental importance on which local wars, and certainly local feuds, are often built.

The issue of rights of way is one on which we might have a more general discussion. I listened to Deputy Martin Kenny speak about common land and walking on it. Our neighbouring jurisdiction has rambling rights. There is no such thing as being able to sue if your child breaks a leg while walking on common land. You have responsibilities not to cause damage, leave litter or leave gates open, but you have a right to access the great outdoors and that is something we need to consider in any event.

Much more germane to the legislation before the House is the growing practice of the eradication of established rights of way. I can think of two such cases in my county, one current and one previous. The previous case involved a long-established right of way from a road down to the foreshore simply being extinguished by a local landowner. An existing lane was simply ploughed up and incorporated into a field and people were not allowed access anymore. That caused enormous aggravation and it was very foolish because although it was used only infrequently as a right of way, as soon as it was extinguished, by God, there was a major demand and march to ensure that right of way was vindicated. There is an existing case involving a lovely narrow coastal path fenced off by the council and so on. One local landowner said “No” and put up a monumental gate, which was electrified just in case anybody might be able to climb over it, to stop access to the next field where the right of way continues. We need a more general discussion on rights of way.

Apparently, all this is going to be reviewed again when, under the Bill, we revert to the situation prior to 2009. However, although this will settle old and existing claims and rights, a different approach might be taken in respect of new claims made after the enactment of the Bill. As the Minister indicated, special arrangements are proposed in respect of State land, including foreshore. It is envisaged there will be more onerous obligations on those applying for a right of way against the State and its property than those making a claim against a private company or individual. Why would it be right for that to be the case? One would think that if you are going to establish a right of way, irrespective of who owns the land, if you have the right of way, the same obligations would apply. Why does the Minister believe that proving a right of way against the State should be more challenging for a citizen than proving a right of way against a fellow citizen? Why are these special arrangements necessary?

As regards foreshore, it is an extraordinarily complicated area. I know a major motorway project was almost held up because a foreshore licence was required to be given to the public private partnership company for 25 years and could not be established. Eventually, we actually had to use the State Property Act to overcome that difficulty. It is to be hoped that the marine area regulatory authority will be established next year once the legislation governing it is enacted. I assume it will be the body that will deal with foreshore after that date. How does it fit into the legislative approach envisaged by the Minister? Perhaps she will give an indication in that regard when responding to the debate.

Insofar as the Bill goes, we are up against a deadline that would have, in my judgment, chaotic results if we did not undo the legislative buffer put in place in 2009 and would leave a significant number of people literally in a legal quagmire without rights they think they enjoy right now. Thankfully, the vast majority of them are largely oblivious to the fact those rights were to be taken from them a couple of weeks from now. In that context, we do need to enact this legislation.

The consultation by the Minister with the Law Society and legal practitioners is all well and good, but I ask that she consult Members of this House before the finished product arrives for us

to deal with. With all due respect to legal practitioners, their business is about making money, and the usage of more opaque language, such as prescriptive easements, *profits à prendre* and all these doctrines of lost modern grant, is designed to ensure you have to go to your solicitor or legal practitioner for advice on how to proceed. It is like doctors writing prescriptions in Latin. It is devised as a mechanism to ensure you need to go to the professionals. All present are aware there is a legal cost for even modest adjustment in land boundaries. I have been involved in one or two such cases myself. As soon as you go to a solicitor to do that, there is no problem with it, but the clock is ticking. Even though a person may do a lot of the work himself or herself in terms of gathering title and everything else and presenting it to the solicitor, there is still a significant legal bill for the legal practitioner actually handling the conveyancing.

In the context of the review upon which the Minister is now embarking I ask her to consider that many Deputies have significant direct experience of these matters and that it might be worthwhile to speak to us in shaping this legislation from an early date through an appropriate committee, presumably the Committee on Justice, in order that we could start from first principles in terms of what is needed in a very complicated area of legislation and ensure we protect people to the best of our ability, as well as protecting individual property rights where that is appropriate, but also allow for transfer of rights in a way that is not ruinously expensive for individuals. I hope we could do that early next year and come back with reformed legislation. We must do this to ensure we are not finding, in ten or 15 years' time, that it is not fit for purpose and we have either to, as in this case, expunge from the legal register and from legislation altogether or substantially amend. As far as is practicable, and I am not sure if it is possible, we must make the law understandable for people, whether they are farmers, homeowners or any citizens of the State, so that they can understand exactly what their legal position is. We must ensure it is not an impenetrable legal morass, that if you say the law in this area goes back to the 19th century, it already sounds expensive before you say another word. These are matters on which the practical experience of Members of the House can bring a lot of useful thought to bear at an early stage.

Deputy Dara Calleary: I welcome the opportunity to speak on this legislation. I welcome the Minister; it is her first Bill since her return. She is taking on a big beast here. For those of us who were here in 2009, there is a sense of going back to the future with this Bill. Very good reasons were laid out for the changes that were envisaged that are now being stopped. They are being stopped because they were not acted on in the intervening period. I accept the need for the legislation, because if it were not introduced, there would be chaos and a huge amount of disturbance, disruption and upset.

I, too, welcome the fact that there will be a review of the Property Registration Authority, PRAI. I listened to the debate earlier, which was slightly affirming, because I thought I had done something to the people in the PRAI because they are impossible to deal with and never get back to you. As far as they are concerned, we, the directly elected representatives of the people, are an irritant to their work. We only get involved when constituents, who have perhaps paid legal professions and cannot get a response, come to us. Really, it is one of the most frustrating Government agencies to deal with.

I will provide an example of a mapping case that I am dealing with. The original application was completed and lodged in August 2019. There was minimal progress in the following 12 months. My constituent approached me in late July 2020. We have been through the usual contact line that applicants are encouraged to use and we have submitted parliamentary questions. We have spoken to the offices of the Minister of Justice and the Minister for Housing,

Local Government and Heritage, because for a while, there was a back and forth between both Ministers in respect of who was responsible for PRAI. It was like a game of pass the parcel. Meanwhile, my constituent has a family land issue that is not being resolved. Eventually, I got speaking to a human being in the PRAI. When I mentioned the word “ombudsman”, suddenly there was a flurry of correspondence, but no progress. I have heard of similar experiences. If we are to proceed with a review, the Minister must start by changing the culture of the organisation, ensure it is adequately staffed, and that it is in a position to address the backlog of issues that are there.

Mapping issues are causing serious difficulties for legal practitioners and for us as public representatives. However, more important, mistakes in mapping issues are having massive consequences throughout the country. Coming from an agricultural background, the Minister does not need to be told about the importance of land and how it can assume an importance that may not be reflected in reality. It strikes me the PRAI has added to much of that frustration and worry through the many errors in mapping. Errors and human errors happen, but we should not defend the indefensible, dig in and refuse to work to correct them.

I absolutely agree with Deputy Howlin. If there is to be a review, this House needs to be involved. Indeed, I would even go as far as to say there are many former Members of this House who should be involved. For example, I think of Deputy Howlin’s former colleague, former Deputy Willie Penrose. People like that, with really sensible and practical experience, need to be involved in it. Former Deputy Penrose could bring his legal expertise to the table as well. If we are to introduce the measures we have planned in the areas of housing and marine planning, and if there is an inefficient, weakened and unresponsive PRAI, as is currently the case, it will be the rock on which many of these plans will fall. The Minister must ask herself how, when the system had 11 years’ notice to get itself ready, nobody saw this coming until the Law Society, the Bar Council of Ireland and various individual solicitors raised the issue within the past 12 months. Surely, within the Minister’s own Department there should have been a system for measuring delivery on the responsibilities that were placed on the Department and the PRAI as a consequence of the 2009 Bill. Surely, there is a system in place across all Bills and Departments for measuring delivery on responsibilities in terms of enacting what is passed in the House. We should not have to keep coming back here with two weeks’ notice to pass legislation like this.

If we are to conduct a review, it must be timely. We should go outside the usual suspects when appointing those who will conduct the review. The Government must try to envisage what these delays are doing to people. They are adding to their financial stress and worry, and they are adding to mental stress and worry. Once you get involved in legal issues around property and land, the process must be as clean and clear-cut as possible. In most cases it should be. However, delay after delay and not answering for those delays add to that stress and the cost. Surely, in this day of digital technology and all that goes with it, such delays should be left in the past.

I share the concerns and the interest around how this Bill and the review will align with the Maritime Area Planning Bill 2021, which is very important. A review in respect of the foreshore side of things has been a long time coming. It would be unfortunate if another Bill or another State agency, such as the PRAI, was not reformed and impeded the progress being made under the Maritime Area Planning Bill, which is so important. I would like to avoid a situation where we are going to the Minister for Housing, Local Government and Heritage or the Minister of Agriculture, Food and the Marine about foreshore bills when the responsibility

lies with this agency. Again, it is essential this is done.

This Bill will save a lot of difficulty, inconvenience and stress. Questions need to be asked and answered as to why we got to this situation and why it was not highlighted beforehand. The Minister must commit to a major reform of the PRAI.

Deputy Sorca Clarke: I welcome the opportunity to speak on the Bill today. I acknowledge the amount of work that has already been put into it in the Seanad. As someone from a rural constituency in the midlands, the issues and concerns regarding land and conveyancing can have a profound impact. I, and my constituents, want to see something that is fit for purpose, that does not have an adversarial starting point as a default and yet respects the rights of access. The Minister's Bill is welcome. We are keen for the comprehensive reform that was promised to be brought forward. I also agree with what previous contributors have said as it is of vital importance.

However, rights of way are crucial not only for access within our rural settings. Homeowners are unable to access their house either by foot or by car. Farmers need access for drainage and animal well-being purposes. The impact this has not only affects their daily lives but also their livelihoods. Following the enactment of that Land and Conveyancing Law Reform Act 2009, which has been spoken about, the position seems to have been that not only were very complex legal procedures required but an increase in cost came with those procedures. Deputy Mac Lochlainn mentioned an €80,000 bill earlier. That is not uncommon. That is something that comes up regularly. The entire process became so laden down with cost and box-ticking that, on many occasions, the ultimate outcome was that people were not able to engage with the process. Too many barriers were put in front of them. Particularly in areas like mine, these time-consuming and consistent deadlines that were involved pitted neighbour against neighbour and eroded the sense of community, because huge issues were being made of something that should have been quite easily rectified had there been a mechanism in place for people to engage in mediation and use the existing solutions that were in place before 2009.

4 o'clock

We have raised concerns that the Bill does not fully restore the pre-2009 situation. We submitted amendments in the Seanad in an attempt to do so. It has been touched on briefly in terms of foreshore land. I understand that in some ways this is a technicality but it is very important to include it. The impact of not including it could mean we find ourselves again in this situation because we simply did not look forward with the view we should have taken. We do not want to be back here in another few years having the same conversation about where good intentions have failed due to a lack of foresight.

Deputy Holly Cairns: The Bill, although very short, will be a considerable source of relief to families, landowners and farmers who are concerned with the looming deadline of 30 November to register rights of way acquired by long use. The 2009 Act attempted to codify and update disparate and archaic land and conveyancing laws but it remains a highly complex and often contested subject.

Rights of way are necessary for people to access land for their livelihoods and even to get to residences. In an agricultural setting they are often associated with entry to land and connected with matters such as drainage. They also relate to access to the foreshore for activities such as traditional seaweed harvesting. They also relate to urban areas, particularly regarding access

to utilities and communal waste systems. The Bill removes deadlines for the registration of rights of way or easements without needing to go to court which is, obviously, most welcome. However, it does not address the underlying issues and concerns.

The Department must have a very clear and detailed understanding of why registrations have not occurred over the past decade. Otherwise, exactly the same debates will happen in the House in five years' time. I urge the Minister to engage in a proactive programme to meet communities and stakeholders to understand the topics involved and make the necessary changes. As part of this, I welcome the announced time-bound review that will ensure the effective functioning of the law, but this cannot be solely a legalistic exercise. It needs to consider the perspectives and experiences of those who have engaged with the system or those who have been fearful of doing so.

At least anecdotally, it appears as though uncertainty and worry over potentially losing a right have prevented people registering. It has been acknowledged this is a very complex legal area that can be very intimidating to non-legal people. We need to ensure any registration and information system is as accessible as possible. Related to this is the clear need for a significant public awareness campaign that breaks down the issues involved and explains how they are relevant to various groups in rural and urban settings where particular issues arise.

The 2009 Act makes reference to rights over the foreshore, which is an important issue in coastal constituencies such as mine in Cork South-West. In particular, there are concerns about the impact of registering traditional seaweed harvesting rights. My understanding is that the removal of the deadline of 30 November also applies to these but I would be grateful if the Minister could make explicit reference to it in her closing remarks.

The Bill is very last minute, which is resulting in it being rushed through and much of the complexity is merely being deferred. There is no need to be rushing legislation through the Houses like this. It is unacceptable. The Government and Department were aware of the deadline. If it had been dealt with earlier, even with a stopgap measure such as this, it would have prevented concern and stress in many households and communities.

I cannot discuss this issue or comment on it without mentioning our larger treatment of public rights of way. Ireland has a much stricter regime than other parts of Europe due in no small part to fears of litigation. We need to have a larger conversation about rights of way and the possibility of opening up parts of cities and the countryside for active travel networks without absolute fear of litigation being instilled in people who own land. People visiting from Scotland and other such places cannot believe there is no access to land in this way.

I encourage the Minister to work with her colleagues to develop a framework for engagement with communities on this issue. This would need to be part of a larger discussion on the cultural aspects of access and protecting landowners. While the Bill is technical and addresses a particular deadline, it raises many questions and matters that need to be examined further.

Deputy Catherine Connolly: We need the Bill. I listened carefully to the speech made by Deputy Howlin, who is now the Acting Chair. He spoke about the doctrine of the last modern grant. It has been revised and is back in business as the way forward. I read the Bill and, as someone who practised law quite some time ago but not in this particular area, I found it very difficult to do so. I stuck with it to read it. I thank the Oireachtas Library and Research Service for the Bills digest. It points out there was no pre-legislative scrutiny, which is very difficult

for me. The Oireachtas Library and Research Service is under pressure. We depend on it completely to educate Deputies, including me, but we are placing repeated pressure on it to produce digests without enough time. I want to say this first.

The Oireachtas Library and Research Service tells us the interim Minister for Justice made an announcement on 21 September recognising the problem and stating something would have to be done. The Minister has now come forward and I welcome it. Interestingly, on the same day, Deputy Mairéad Farrell, my colleague in Galway West who represents Sinn Féin, received a reply from the Minister of State at the Department of Housing, Local Government and Heritage in which there was no mention of the problem. It was especially with regard to seaweed, on which I want to focus. Seaweed is not mentioned anywhere and neither are the rights of the traditional harvesters. This is something I want the Minister to focus on and clarify when she wraps up. It does not appear in the Bills digest or in the explanatory memorandum. We checked with the Oireachtas Library and Research Service on the interpretation of *profits à prendre*.

People were consulted, and as a former member of the legal profession I am delighted the Minister put value on the legal profession and listened to it. I would have been even more pleased if the Department had met the seaweed harvesters and the organisations that have been gathering seaweed for a very long time and are facing a deadline of 30 November. Nobody has spoken to them or listened to them. We tried our best as Deputies to explain. My colleague in Galway West was doing her best to try to explain it but it is double Dutch except the part about going to a solicitor, getting advice and making sure to act before the end of November. In the Minister's speech I did not hear any reference to this either.

My interpretation is that these men and women who have been gathering seaweed for a very long time in a sustainable way can relax that the deadline of the end of November is now gone. We can use LOL to describe the Bill: It is legislation of limbo. It will introduce a limbo period. I am happy with this but I want it clarified. Deputies have spoken about rights of way, and rightly so. We also have the rights of the seaweed harvesters. They do not need to worry anymore. They can look at this legislation of limbo with lots of laughs or lots of love. They have a period of grace and they do not need to worry. I will put it as simply as this.

I am so tired of this complicated language and the effort to understand it. There is an ongoing move in the Courts Service to simplify language and make law accessible to the ordinary person because, after all, they are the ones affected by it, whether by punishment or otherwise. Nobody can read this. I cannot read it, even with my experience. Perhaps there are other people who are better than me but it is extremely difficult. The reply to Deputy Mairéad Farrell and similar replies to me make it extremely difficult. The only thing I understood from that was to go to a solicitor. I am repeating myself again. I was caught on the spot before I got my thoughts together. There are other points I would like to make. Is the message to the seaweed harvesters on the ground that they can relax? I see the Minister is nodding. I ask that she might put that into words later.

There is going to be a review. Will it be published for everybody? Prior to that review, what stakeholders will be consulted? That is very important. Clearly, these stakeholders have not been consulted.

Am I sharing my time with two or three people, or am I in my own slot separate from other speakers?

Acting Chairman (Deputy Brendan Howlin): The Deputy is speaking as part of the Social Democrats slot and she has ten minutes left.

Deputy Catherine Connolly: I thank the Acting Chairman.

Deputy Howlin mentioned the State. I have no difficulty with 30 years and increasing the period of time for the State. In contrast to what was said, my experience as a councillor was that I saw State land being taken over by private interests, particularly near the sea. It was just appalling. I have no problem if it is done properly but it seems to be stuck into this limbo legislation and I am unsure why that is. I am not sure how seaweed harvesters will be affected. If we are going into the 60-year period immediately on the passing of this Bill, how does that affect the seaweed harvesters? Are they in limbo or are they not? It is clear from this that we will be going back to ground zero, back to pre-2009, when the three ways that one could register and have a right were set out. First, there was the doctrine of the lost modern grant under the Prescription Act 1832. I can see that the Minister's colleague in the Seanad went through that Act. There were various commentaries from various experts in law, including Professor Wylie, who called it an impenetrable Act, to put it mildly. That was one of the Acts. The other two ways were by prescription and by common law. I understand that all three ways have been brought back from the dead temporarily, two for a transition period in relation to what is pending or before the courts. When the set-up under the new Part starts again, we will be looking at the lost modern grant as the way forward.

As one can imagine, I am having difficulty with this. I used to think that Kafka was difficult but Kafka is very easy compared with all of this stuff. I was caught by surprise today. I am very grateful to Deputy Howlin. My major point is in regard to seaweed and those who gather it. I am very disappointed, and it is not the Minister's fault, that we have no policy on seaweed. In the previous Dáil, my colleague and I tabled a motion with the help of Sinn Féin and other Deputies on this side of the House. I tried to make that motion as non-argumentative and inclusive as possible. We highlighted and read out all of the reports that had been done. The interdepartmental committees and the cross-party committees recognised the importance of what traditional harvesters had achieved on the ground in the first instance. Of equal importance was the potential that there is in seaweed. I do not know how many years later it is now, but we have no policy on seaweed. They were utterly forgotten within all of this limbo legislation as well. I will leave it at that. I thank the Acting Chairman for giving me opportunity to jump in here. The Minister might clarify the points I have made.

Acting Chairman (Deputy Brendan Howlin): We now move back to the Government speaking slot. I do not see anybody offering.

Deputy Michael McNamara: Can I speak?

Acting Chairman (Deputy Brendan Howlin): No, this is the balance of the Social Democrats slot. The Deputy's slot is yet to come.

Deputy Michael McNamara: I thank the Acting Chairman.

Acting Chairman (Deputy Brendan Howlin): We are now moving to the Sinn Féin speaking slot and I call Deputy Tully who has three minutes.

Deputy Pauline Tully: I am not speaking.

Acting Chairman (Deputy Brendan Howlin): As there is no Sinn Féin speaker offering, I move on to Solidarity-People Before Profit. Deputy Boyd Barrett has 20 minutes.

Deputy Michael McNamara: I will take the slot if the Acting Chairman wishes.

Deputy Richard Boyd Barrett: I may not need 20 minutes.

Deputy Michael McNamara: The Deputy will surely find something to speak on for 20 minutes.

Deputy Richard Boyd Barrett: Like many other Deputies, I have been caught a bit on the hop with the speed of this, not just today but in catching up with the issue. I am quite happy to admit that.

I agree with Deputy Connolly on the seaweed issue. It may be of interest to people, particularly those who are Bob Marley fans, to learn that his favourite food, which he thought was going to be available in abundance in Ireland, was a seaweed dish called Irish moss which is very popular in Jamaica. He assumed that when he got to Ireland, Irish moss as a food would be widely available but he was very disappointed to learn that it was not to be found anywhere. It is an interesting point about this huge resource with many potential benefits that we do not take half seriously enough. There are many other issues about the harvesting of seaweed, how we handle it and access to the foreshore for people who gather it. I believe that Deputy Connolly is completely correct in calling for a seaweed policy. The Government should take this seriously. It may seem silly but when one looks into it in any way at all, it is a very serious point. It is a resource, a pastime, and as Bob Marley understood, a food and healthy form of sustenance. It may have impacts such as the reduction of methane from cattle that are fed it. I have named just a few possible uses.

An interesting story about rights of way that comes to mind as I desperately leaf through my notes is that one of my political heroes, Karl Marx, was propelled into political activism by the issue of rights of way. This might be a warning to the Government. If it does not want a proliferation of people like Karl Marx in Ireland as a result of disputes over rights of way, it will need to get right the issue of how we handle and register rights of way. In the case of Karl Marx, it involved a campaign over the enclosure of woodland which had previously held rights of way for farmers, rural workers and people in rural areas of Germany. They had enjoyed completely free and unfettered access to woodlands to gather deadwood and to hunt for animals for food and sustenance. As part of the enclosure, commodification and privatisation of the common land and the forests, the previously free and unfettered access to woodlands became hampered by people fencing off particular lands and forests. This became a very significant area of dispute. There were pitched battles in Germany in the 1840s over access to woodlands and to what had previously been seen as common areas. It was that particular issue which politically radicalised Karl Marx and set him on the road to becoming, essentially, the pioneer of modern socialism. If the Minister does not want more revolutionaries, the Government may need to get the issue of rights of way right.

Obviously, I am not in a rural constituency, although a small part of my constituency is rural as one heads up into the Dublin Mountains and the border with County Wicklow. Some of the issues that are more familiar to people in rural areas have, nonetheless, an impact in my constituency. The foreshore issue has such an impact. For example, there was a right of way off Sorrento Terrace in Dalkey which was used for access down towards the foreshore facing

Dalkey Island. When this was fenced off, it caused absolute uproar in the area. Our failure to delineate rights of way properly results in disputes. I understand that landowners have rights and concerns. The responsibility for these things becoming very problematic, and rights of way not being fully protected, registered and mapped, ultimately lies with the Government. If it was more proactive in ensuring these things were properly mapped, there was a registration process and we did not end up with people engaging in protracted pitched legal battles and disputes between neighbours and within communities, it would be a good thing.

I am aware that we seem to be far less thorough than many countries in Europe in guaranteeing the rights of people to access rights of way and common land and to ramble freely across the country. In Germany, people have the right to roam freely in forested areas as well as unenclosed land like heaths and marshes. The freedom to walk and run in Austria's forests is enshrined in federal law. In Switzerland, people have the right to roam under the civil code, which extends to forests and pastureland, whether private or publicly owned. Swedish people have a right to enjoy nature everywhere, except in private gardens close to people's homes and on cultivated land. However, in Ireland things are far more restrictive. Something has to be done about that.

I think I am correct in saying that Sport Ireland Outdoors is responsible for waymarked trails in Ireland. There are about 40 waymarked trails, which seems to be a very low number when one considers the degree to which people have rediscovered the importance of walking in the countryside, on coastlines and in forests during the Covid pandemic. There are a few waymarked areas in my area, including the Wicklow Way and the Dublin Mountains Way. Due to the fact they are marked, people know where they are and people make a lot of use of the trails, which is a very good thing. They are a real boost to the available amenities for people. They enable healthy exercise, which has numerous benefits. Walking is a healthy and positive activity.

However, it appears a remarkably low number of trails and rights of way have been marked. I understand Ordnance Survey Ireland maps do not include references to rights of way, something which occurred to me recently during the campaign on Killegar Wood, which is a Coillte forest. As a result of a tip-off we received from walkers, we discovered it was being advertised for sale even though it is part of a marked walkway, the Dublin Mountains Way. Were it not for walkers who use the route regularly, I would never have heard about it and the matter would not have been raised in the House. Coillte would not have been forced to have to justify itself, and subsequently agree it had made the wrong decision and abandon the sale. As a result, a public amenity forest, right of way and marked trail have been saved from potential privatisation. Those who know where the trail is and use it regularly have done a huge service to the people of the area. Following the tremendous response to the campaign, many people have asked about the location of the walkway and have said they want to go there. I did not say this last week because we were so pleased to have stopped the sale, but the woodland should be developed as a community woodland.

When we discussed forests last week, it was noted that there is a commitment to develop community woodlands in forest policy, but the delivery on the establishment of community woodlands has been pitifully poor. A very small number have been developed. In the case of Killegar Wood, a popular outcry, spearheaded by walkers, led Coillte to abandon the sale and reconsider the use of the forest. In the conversation I had with Coillte, it hinted that it would move towards biodiversity usage and the development of a community woodland. That should be happening on a much more proactive basis across the country in a systematic way. We

should be identifying, mapping and properly registering land with the State, possibly via local authorities, taking a proactive lead to identify where rights of way are located and making sure they are marked and the public is aware of them. There should also be a way to deal with any possible dispute that may arise because, as I want to repeat, I understand that landowners and so on have legitimate concerns.

I welcome that the Bill is dealing with the possible cliff we were going over at the end of the month. I commend Senator Alice Mary Higgins, who I believe was instrumental in ensuring the Government was made aware of the need to do this. Beyond this Bill, we need, in a far more proactive way, to understand the vital importance of rights of way, access issues, rambling and so on. That is needed even more after Covid with the rediscovery by many people of the importance of walkways. We need a proper system to protect them and deal with disputes in a manner which is the least onerous on people in cases where there may be disputes over those particular things.

Deputy Michael McNamara: I welcome the fact that the Bill is before the House and will bring a bit of legal certainty to this matter. It is something I raised in the Minister's absence yesterday. I welcomed her yesterday and congratulate her on the birth of her baby.

I have a question mark over the approach taken. It seems to be all duck or no dinner. Deputy Calleary outlined in 2009 the many reasons put forward for the proposed changes, and I can only imagine that they were along the lines of what Deputy Boyd Barrett has stated, namely the need for legal certainty. If there is a right of way, people should know that it exists. People need to know to whom the right of way accrues. Is it a public right of way that anybody can use or is it a private right of way that accrues to the owners of another property nearby that they pass over in the case of rights of way?

At the moment, there are rights of way by prescription and there may be public rights of way by prescription. Certainly, there are public rights of way that are not registered. Most would have been acquired through lost modern grant. A purchaser of a property may not necessarily know whether there is a right of way over that property. I presume these changes are being proposed with a view to bringing about legal certainty so that people can look a map, such as a Property Registration Authority map if necessary, and know whether there is a right of way.

That was what was proposed. Obviously, it was not very well advertised and a lot of people who enjoy rights of way did not register them. Something had to be done. The matter is now being resolved in this manner, which is simply to repeal the provisions. I understand this involves sections 33 to 39, inclusive. That goes back to the old system which does not require lots of people to institute legal proceedings against their neighbours, which is a good thing. They will not have to institute them between now and the end of November, with all of the chaos that would cause. The courts are already backlogged enough because of the measures taken in response to Covid-19 without adding that burden to them.

Why is it all duck or no dinner? Could the deadline not have been pushed out and perhaps well-advertised, rather than just abandon the reforms that were sought to be introduced in 2009?

The other striking matter is Coillte, public rights of way and rights of way over public lands. Coillte lands are not public lands. They are owned by a State entity called Coillte. I believe we must re-imagine and re-question what Coillte and the land estate owned by Coillte are for. I can give an example. There is a wind farm proposed on Coillte lands not far from where I live. It

is at the top of Slieve Bernagh and is called Carrownagowan. It takes in a number of townlands including Drummod, Coolready and Inchalughoge, but locals would know it as the congo. It is planted. In fact, Coillte put an amazingly ugly scar on Slieve Bernagh. It was a fire break, and Coillte just went in with diggers. I do not think it even had planning permission - it was 15 years ago - and it just cleaved into the mountain and dug everything out of it over an area that is about 10 m wide. It goes right up from the base. All soil was taken out so that fires could not spread. All the land is planted by Coillte and people walk it regularly. It is scenic. If one goes to the other side of it, one looks down onto Lough Derg. If one stays on the east side, one looks at the plain that the Shannon once flowed through as it went out through the Fergus delta rather than cutting through Killaloe-Ballina. Many people walk the land now. Coillte does not block that, but it does not do much to facilitate it.

As part of the promise to the local community, it is going to give a little money here and there. It is the usual stuff that developers do. Perhaps the State might act more gracefully or graciously, but this is the way Coillte is approaching this. It will give a little money to a GAA club here and some money to a GAA club there. It will open a visitor centre if it gets planning permission for the wind farm. What is stopping it doing any of this now? What is stopping it giving money to GAA clubs now? It is making money out of the area. It has vast areas planted. They are effectively dead. It is a monoculture Sitka spruce plantation, like the vast majority of plantations owned by Coillte. It will clear fell it and it will be like something from the “Mad Max” film by the time it is done with it. Nothing will live in it. There will be neither a squirrel nor a deer. Coillte will rape the countryside, as it does. It is not doing anything wrong; it is just doing what it is required to do by the law of this land, which is made by this Parliament. It will carry out its mandate and rape that mountain. It will give nothing back, not even a goalpost to the GAA club and certainly not a visitor centre because by the time it is clear felled, it will be the last place in the world one would want to be unless one is filming a post-apocalyptic film such as “The Road”. That is what Coillte is about at present.

It has a couple of PR exercises. It has a new type of forestry in Connemara - Deputy Ó Cuív probably knows more about it - that is more sympathetic to the environment and so forth, but it is still just a tokenistic presence. The main focus of what it does is the monoculture Sitka spruce plantations. I have just spoken about the one on Slieve Bernagh. There is another on Slieve Aughty which is just across the valley in which I live. It stretches from Scariff up to Gort over to Loughrea and back. I have invited the Minister of State at the Department of Agriculture, Food and the Marine, Senator Hackett, to come and see the environmental destruction that has been wrought on the side of Slieve Aughty, but she visited the Irish Seed Savers Association instead. If one is looking for a PR shoot, one would go there. The Irish Seed Savers Association is great and what it does is fantastic. I would go there for my photograph rather than go to look at the handiwork of Coillte. However, we have to examine what Coillte does in terms of our environment and the impact it is having. It is not just Coillte. Coillte happens to be State owned, so it is within our remit or capability to address that. There are many large-scale private forestry owners who do the same, but their private property rights are guaranteed by the Constitution. It is not just in terms of the environment, but in terms of the amenity that forestry is in Austria and most countries, as Deputy Boyd Barrett said, and that it could be in Ireland. There is a tourism potential for this that is not being exploited. Aside from tourists, this is an amenity for our people and it is one that must be examined and exploited into the future.

An Leas-Cheann Comhairle: Thank you, Deputy. I do not mean to pick you up, but perhaps you might reflect on the use of the word “rape”. I do not think you realised-----

Deputy Michael McNamara: I meant it in a-----

An Leas-Cheann Comhairle: I know you did.

Deputy Michael McNamara: I certainly did not mean it in the criminal law sense of the word, but in a different sense.

An Leas-Cheann Comhairle: I will leave it with you.

Deputy Michael McNamara: No, I would like to withdraw that word.

An Leas-Cheann Comhairle: Thank you very much.

Deputy Michael McNamara: Thank you for bringing it to my attention. However, it is the wanton abuse of the environment that has been entrusted to Coillte.

An Leas-Cheann Comhairle: I call Deputy Cathal Crowe.

Deputy Cathal Crowe: I welcome the Minister and congratulate her on the birth of a little girl, I believe.

Deputy Helen McEntee: It is a boy.

Deputy Cathal Crowe: Okay. It was one or the other. I congratulate her again and it is great to see her back. Well done on taking maternity leave. That was an important thing to do and showed how this House should function.

Fianna Fáil fully supports the Land and Conveyancing Land Reform Bill 2021. It is very important because there is currently a huge backlog of applications to PRA for prescriptive right-of-way registration. The authority simply will not get to all of them, so it makes sense that we prolong this process and allow it to be pushed out further. We also must scratch our heads and think about whether this is the right process. Prior to 2009 the process by which one could register a right of way was by getting a statutory declaration verifying long-term use of a particular passage to get to a piece of land. Since 2009 that has to be nailed down through a court order. Again, we are clogging up the court system and we must ask ourselves whether that is the right mechanism to do this. It is a double-edged sword. If one is claiming a right of way, the simpler one makes it, the more positive it is. However, if one is trying to defend against a right of way declaration, one certainly wants the backing of the legal system to support one in that regard.

I will refer to one or two other points. One is the Lissadell House Supreme Court case in 2013, which was *Cassidy and Walsh v. Sligo County Council*. I do not wish to comment on that case, but since that decision was taken by the Supreme Court there has been largely a hands-off approach taken to public rights of way. County councils run for the hills if a community group puts in a submission for a public right of way because they fear the same legal and cost exposure that Sligo County Council encountered in 2013. There are public rights of way, and other Members have mentioned them. Many of them have not been registered thus far. The only public rights of way one will see mapped and coloured yellow on the PRA website are the public rights of way we call local roads or access roads into council-owned land. Local authorities and the State collectively have ignored hundreds of public rights of way around the country and we have not provided a proper mechanism by which to register them.

I will finish by painting a picture, and I am sure rural Deputies can relate to this. Some graveyards are at the side of a road. When there is a funeral the cars pull up, the gate is opened, the coffin is brought in and the funeral happens within the four walls of the graveyard. However, there are many rural graveyards that are located at the top of a hill, surrounded by farmland. They are like islands. Many of them date back to the 17th and 18th centuries, when the landowner of the parish would have gifted a parcel of land to the diocese or perhaps the local authority - it was the public health authority at the time - at the petty sessions courts for burial plots. These parcels of land exist like islands. Cattle graze the lands around them. There are dock leaves, ferns and rushes, and one has to go from the public road up through farmland to get to them. Most of these graveyards do not have registered public rights of way, but they have rights of way and we must acknowledge that.

I have seen two very messy scenarios in County Clare, in my parish, in fact, where individuals were told, "You do not have a right of way through my precious land to get to the burial ground". How in the name of God did we bury grandparents, great-grandparents and all the past generations and how will we bury the future generations? There are many people in my parish who in the coming years, sadly, will be buried in that burial plot. Are we supposed to helicopter them in? Are we supposed to interface with young bulls and cows in the field because that is what is there at present? Over the winter months do we interface with a round feeder that is piled high with silage and with cow dung all around it? The right of the people to go to the place where they have buried their loved ones is enshrined in every country and it must be enshrined in this country. Where there is a burial ground on the side of a hill or in the middle of a farm field we must recognise wholeheartedly, in the State and in the judicial and legal system, that the people have an indisputable right of way. No farmer, landowner, prospective developer or person applying for planning permission can deny them that opportunity. That needs to be tightened up and copper-fastened. It is not covered in the Bill.; rather we are dealing with procedural stuff and the mechanisms for registering rights of way.

A significant loophole is being left. Governments over the past 90 years have ignored this; we need to deal with it. I can see other Deputies from rural areas nodding their heads. These types of burial grounds are everywhere. It is fine saying, "Sure Johnny and Mick always got on; they were always able to walk up along there." That may have worked for previous generations, but we are slowly moving on. With the passing of one generation, the crowd that comes after them can make it quite difficult. They lean back on the law and say, "Look, here's my PRA map. There's no yellow colour on that. There's no registered right of way so I'm digging my heels in and to hell with you." That is happening too often in rural areas. We need to tidy up the law in that regard.

Deputy Patricia Ryan: The Land and Conveyancing Reform Law Reform Act 2009 was a significant modernising law, which brought our land law into the 21st century. It repealed 150 pre-1922 Acts, including one from 1285. However, there was a serious flaw in the 2009 Act relating to transitional arrangements on easements. It was amended by the Civil Law (Miscellaneous Provisions) Act 2011. The 2011 Act extended the period within which prescriptive easements required under the old law could be registered for a further nine years. I hope the new Bill will simplify the process for registering rights of way. The current law means that, in some cases, complex legal procedures must be undertaken to establish proper rights of way. This can lead to unnecessary expense as well as delays in progressing sales of land and homes.

There are issues with mortgages where banks have asked for proof of access rights that are onerous for property owners to provide. Rights of way are essential particularly, although not

exclusively, in rural areas and must be protected. For homeowners they can often allow access to a home by foot or by car. For farmers they can affect access, drainage and many other issues relating to farming. Failure to address this issue could lead to land and homeowners not having proper access to their own homes, which has the potential to flood the courts with cases. This Bill does not fully restore the pre-2009 situation and Sinn Féin will table amendments to address this.

I am concerned about the effects of this legislation on the rights of periwinkle and scallop pickers, seaweed harvesters, seagrass harvesters and bait harvesters. The measures relating to the foreshore land also have the potential to affect these categories of individuals. I would like the Minister to commit to examine this issue as part of any review in the area.

We need a fit-for-purpose system that is non-adversarial and respects rights to access. The new enabling Bill is welcome, but we are keen for the more comprehensive reform that has been promised to be brought forward. We also want amendments implemented so that the pre-2009 situation is more fully established.

Deputy Seán Canney: I welcome the Minister back to the Chamber. I congratulate her on the birth of her baby.

I welcome the Bill, but it should have been introduced a long time ago. I wish to address some issues in my constituency. I live in a rural constituency and the issues I come across create considerable anguish and expense. People have needed to go to the courts to define something that should be very simply done by another process. An independent dispute-resolution system needs to be set up to address disputes as they arise. Solicitors may not like what I am saying because there is a business there to be done. It is important for us to simplify the process by which disputes over rights of way are addressed. Any dispute between two people should be brought into a process with an independent arbitrator making a simple adjudication on it in the first instance. We should not make it more cumbersome but, instead, make it simpler and give comfort to people such that if they feel their right of way is being taken away there is a course of action they can take that will not cost them a fortune, possibly involving taking out a loan, to try to defend their rights.

I know of couples who have been in dispute with a neighbour over a right of way and it has put years on them. Sometimes these things happen. As other Deputies said, it is a generational thing. John and Pat might have had a great relationship with no paperwork and they all worked together. However, once it is handed down to the next generation there could be a different attitude. A dispute may arise over something very peripheral and the next thing is somebody is refusing another person the right. It can happen with graveyards that someone will not allow other people to get into the graveyard and we need to dispense with that kind of issue.

I often come across issues with the PRA. I get responses from it when I submit a query, but the system is wrong if the query must come through a Deputy to find an answer. It is broken if we need to rely on that. Increasingly solicitors are sending me queries because they cannot elicit a response from the authority. That is wrong and we need to resource the authority to do the job it is supposed to do. In this age of digitalisation, we should be able to do our maps in a quick, efficient and accurate way. However, it seems to be a cumbersome, detached system that does not interact with the public and with people who want to get registrations completed.

Normally the registration of properties and rights of way does not come up until something

is wrong. It could be that somebody is selling a property or land and when the solicitors do the due diligence on the properties, it is not clear whether there is a right of way to access the property. This needs to be taken out of the system and all rights of way need to be mapped. It will take time, but we need to start it.

Human errors happen. Surveyors may draw up a map and human error happens. The PRA makes errors, but the problem with it is it is so entrenched in the way it does things that it does not actually interact with surveyors or solicitors to get the problem sorted as quickly as possible. I am aware of a case that has been going on for approximately five years without resolution. I have been told the PRA cannot give a timeframe for when it might be resolved, causing anguish for the property owners. It is unbelievable that in this day and age we cannot even elicit a timeframe for a simple query to be answered.

Why are we discussing this matter today? We have had 11 years of notice that we need to do something with the law and we now need to do it within two weeks. I support what the Minister is doing, but there is something fundamentally wrong with rushing legislation as important as this, which can have such an impact on people's lives when it is enacted. Hopefully, it will be a positive, but we do not know because we are going to enact the legislation and see how it works. It is too long to wait 11 years to do something and then do it in two weeks. The due diligence required on legislation such as this cannot be done in two weeks. It is not the Minister's fault, but somebody needs to be accountable for not getting these things right in a timely fashion. It reflects what is happening in the PRA. There does not seem to be any timely way that it can work to get things done to a timetable. This legislation is probably proof of that because we are here today with a deadline of two weeks and our backs against the wall.

Regarding forestry, most people believe Coillte is a good organisation and I agree. However, the public should have more rights to use Coillte lands as an amenity. I agree that the types of tree we have planted over the past 20 or 30 years are not good for this country. I recently had occasion to visit County Leitrim to see the situation at first hand. What is going on there is terrible, but that is a separate issue. The right of way people enjoy for public amenities should extend to Coillte lands and other publicly owned lands, even if they are semi-State companies.

I support what the Minister is doing but there is a hell of a lot more for us to do to resource the PRA, so there is no excuse. I ask for a commitment on putting in some sort of a dispute resolution mechanism to solve the question of legal rights of way in a very timely fashion. That, in itself, would be a major positive for people who find themselves in dispute.

Deputy Éamon Ó Cuív: Cuirim fáilte roimh an Aire go dtí and Teach and I congratulate her on the birth of her son. I welcome this legislation because if it had not been introduced, we would be going over a cliff at the end of the month. This must be the beginning of moving forward on this matter because as we move through generations and life gets more complicated, the question of rights by long-established usage becomes a vaguer and more difficult concept. The reality is that as long as people agree, we can all keep away from the courts. When people disagree, ultimately the courts are the only place for resolution.

A previous speaker stated we could set up an arbitration board. My understanding is no matter what kind of arrangement like that is put in place, everybody ultimately has a right to go to court. A civil court is the ultimate arbitration board in the State and everybody has the right to go there to defend or vindicate whatever they believe is their right. Unfortunately, people are often more than willing to go to court over property rights and people get very possessive

over even small pieces of property. We also see all the time how people can get very possessive where others try to take possession where people have traditionally walked.

As I live in the countryside, I am familiar with the matter. In most places, people could go anywhere as people were fairly easy-going. There were many mass paths and so on. It is interesting to record that in a book written about the Cong area in the 19th century, it was well recorded that local people put up with every kind of hunger, privation and whatever else until somebody happened to close a mass path. It may have been the Guinness family, or in other words, the big house. It is very odd that under a previous owner a similar position arose around Ashford in the present generation, and it just shows how deeply these issues run within communities and so on. Therefore, the idea that the old arrangement was ideal is a rather innocent view of life.

We have experienced in recent times people trying to take possession, perhaps buying a home and not going with local habits, if I can put it that way. They may try to exclude people from going to beaches, piers or other such places. It can become a matter of serious dispute within communities. At the end of the day, those with the deepest pockets are in the best position to fight these matters. The idea of moving forward with the subject of the legislation is therefore very important, and I hope when we pass this very necessary Bill so it will not be mandatory to register these rights of way to hold on to them, the matter will not be left at that. We must deal with the issue and make the process as easy as legally possible. Where people are of different views on rights, I do not foresee that cases will be prevented from winding up in court. I would like to see a Solomon to come up with a plan to achieve that but I cannot see how it would be done. Where there is agreement, the process should be as simple as possible and go straight to the Property Registration Authority. Where there is a dispute there could be dispute resolution but, unfortunately, the courts are the ultimate dispute resolution process.

I recall when we started working on rural recreation, this matter came to the fore. Many people were positive about allowing recreational use across land but it took just one objection for people to be blocked from opening a recreational path. There would then be an argument that it had always been used in a particular way and so on. Again, we would be back to the question of whose right would be vindicated; it is an unsatisfactory position.

Following the 2009 and 2011 laws, issues arose as a consequence that may not have been foreseen. I see this as a learning exercise so we can now address all these matters. Every problem should lead to a solution now that some issues have arisen because of the law. I am not talking about those we are doing away with in this legislation, as other issues arose. It is time for us to deal comprehensively with the matter. We must try to establish a clear right that will not be expensive for future generations to vindicate time and again. That was the purpose of the 2009 law but I fully agree that in the end it did not give enough time to people and the process became very complicated.

The idea that it would not be useful for the vast majority of these to be written down, recorded and established is a rather innocent view of the way the modern world has developed. Encouraging people to establish these rights and have them recorded is something we should definitely work towards and seek to implement. I welcome the Bill but I see it as the first step. We must be very clear that this is the beginning rather than the end of a journey. This entire complex matter must be addressed comprehensively.

An Leas-Cheann Comhairle: Sinn Féin missed a slot but its Members are more than wel-

come to use it. There is another slot further along for the party as well.

Deputy Louise O'Reilly: I will need a maximum of three minutes.

An Leas-Cheann Comhairle: There are three slots of three minutes each. There are three names in front of me now sharing three minutes so I am just pointing out there are other slots.

Deputy Louise O'Reilly: I take this opportunity to bring to the Minister's attention, as others have, a matter arising relating to the Land Registry. This is where a mistake has been made with what is registered with the Land Registry compared with what is contained in the deeds of the original contract for a home. If everybody complies, the process is quick, smooth, efficient and relatively painless, without much cost. I have an example where a neighbour is not inclined to co-operate, which forces a person who has done nothing wrong in buying a house into the possibility of going to court. It is not that person's mistake.

5 o'clock

The mistake is with the Land Registry. That seems to be the only recourse. I have submitted parliamentary questions on this and made inquiries. In this scenario, the only people who will benefit from this are the lawyers, as the Minister will be aware. This is of no benefit to the homeowners or, indeed, the Land Registry or the process. It baffles me that they should have to go to court. Given what was under discussion, it was appropriate to bring that to the Minister's attention. This will end up costing a lot of money simply to rectify something in the event that people want to sell their homes and a big chunk of their driveway, essentially, on paper, according to the Land Registry, belongs to their neighbour, when it does not. They did not buy it.

I want to use this opportunity to put this on the Minister's agenda. It is an issue that requires attention because it cannot simply be the case that the only recourse people have is to the courts on a matter as important as the space taken up by their house, which they have paid for and should be entitled to enjoy the benefit of.

Deputy Michael Collins: The Bill removes deadlines for the registration of easement, or, as most people call it, right of way. Under current legislation, certain rights of way had to be registered before 30 November 2021 to avail of a registration scheme. The Bill will remove current statutory deadlines for the registration of rights of way, in particular. The Rural Independent Group welcomes this Bill and will support it. In fact, many Deputies within our group have been calling for the removal of the deadline date to register a right of way, as it was causing a great deal of stress and anxiety in rural communities.

This matter was a cause of great concern for many rural dwellers. If the concerns we relayed to the Government were not acted upon, a large volume of unnecessary court cases to protect rights, which have been enjoyed for generations, would have been taken. Equally, the entire matter had the potential to cause a lot of bitterness between neighbours, expensive legal costs, and additional court backlogs.

I welcome the decision taken by the Government, which essentially means the law applicable to easement and right of ways will largely revert to the common law that applied before the 2009 Act. I welcome the fact that a full time-bound review to identify the most appropriate long-term strategy for rights of way will be undertaken. However, common sense, workability and practicality must be at the heart of any revised solution.

The cost of solicitors to register rights of way is a major concern to people who were ringing my office. They were worried about the cost and how far it would go before they would find out exactly how much it would cost them, and the time it would take to get this done in the courts. The courts are tied up with quite a lot already and do not have the time to deal with these issues as well. The difficulty was always going to be between neighbours who were sometimes friends, which is a massive concern, and relations could have turned very bitter regarding rights of way. It has happened down through the generations. There was a strong possibility that it could happen again. It could have turned out that there were planning issues, and everything could come into play here.

I listened to different Deputies speaking in the Chamber today. A lot of them made an awful lot of sense. Deputy Cathal Crowe mentioned the surrounds of graveyards and no public right of way to old graveyards. That may not be used that often but it can be used sometimes. Even though it is a slightly different issue, the condition of some of those graveyards today is scandalous. It is sad when I think of the number of people who contact me about this. There is one in Castletownbere. The engineer does not seem to be interested in getting someone in there to clean it up. It is sad that hard-working people have lived their life and when they died, their burial place was neglected because it is not a graveyard that is used every day of the week.

On right of ways, we have heard quite a lot about woods and Coillte and forestry. I raised the issue of Ballymartle woods in Cork yesterday, which badly affects the people of Kinsale, Belgooly and Riverstick. I raised it with the Taoiseach, and, in fairness, he cannot come back to me that quickly. Coillte has come back to me and has stated that it will not sell all the land. It intends to sell some of the land. The people of Ballymartle are adamant that those woods will not be sold. We had a situation, about which Deputy Boyd Barrett spoke earlier, in Enniskerry where a sale was stopped. I plead with the Government to step in here. Coillte is a State agency. People use those forests and wooded areas for walks. Green areas and amenities are good for their mental and physical health. I would like Coillte to meet with the people of Ballymartle and allay those fears and, maybe, withdraw the sale of those woods. Perhaps it should consider giving some of the woods to the local community.

I would like to talk about the different walks, including the Sheep's Head walks. I should not name people, but James O'Mahony was probably the first person to mention rural walks and the Sheep's Head Way, which won the best walk in Ireland in 1996. Why would it not have? When one walks the Sheep's Head Way through Kilcrohane and Durrus and looks out across the Mizen and Beara peninsulas, it is as though one is entering into heaven. James O'Mahony led that charge many years ago. He spoke to people when they did not understand what a walkway would be like going through their farm. I made that fabulous walkway along the Sheep's Head Way. We need to commend him and others that are doing so.

Deputy Michael Healy-Rae: I warmly welcome the Bill. It is certainly an issue that I and other people have campaigned long and hard for. For example, many solicitors in County Kerry contacted me. Their offices were closed because of the pandemic, which was necessary for the protection of people's health, but when they and their staff came back to work, they were up against it with their workload. They also had the impending deadline of 30 November by which they were being requested by their customers to register these rights of way. I very much welcome the fact that the Bill will remove this deadline and allow for a simpler system to be used. That is most important.

The problem the Bill tries to fix is when buying or selling land property, important to know

the rights of way or easements attached to the land and property, and who, other than the owner, can access the land or property. The Law Society pointed out that a typical semi-detached house in the suburbs of a city or town would have a number of the deemed easements or right of support, often an easement, for the use of a combined sewer, combined surface water and drain, a right to light, a right to easement for overhanging gutters, etc. It also noted that easements in rural areas cause problems, for example, where there are too many owners who would be required to join in a deed of grant of the easement. It is not unusual to have up to eight or nine owners of part of an access road. The Property Registration Authority also had issues.

The major issue the Bill aims to fix is that the transition period in which the registering of easements, without the need to go to court, which was due to end on 30 November, is to be taken away, and that is warmly welcomed. I know solicitors and their clients welcome it. The one thing that we all want, when a person is buying or selling or wants to rectify their properties when they are making wills and dealing with their personal affairs, is for the whole system to be streamlined, easy and user-friendly. Most importantly, we want it to be cost-effective. We do not want people to have to incur large bills. Our solicitors in County Kerry, for example, and in the rest of the country are busy enough. They are not looking for work. They are looking to create an account for a person dealing with the registration of their properties or their rights of way.

Everybody welcomes this Bill. It avoids adversarial situations in which people have to go to court where there may be a dispute or a problem, or any type of ill will in dealing with a situation. It would be great if we can streamline it and have it workman-like and cost-effective. For these reasons, I welcome this Bill.

If Deputy Mattie McGrath was here, he would warmly welcome this Bill. Like me and others in our group, he has continually said that the deadline should be extended.

When talking about Deputy Mattie McGrath here this evening, it is only right and proper to wish him well in his recovery. We all look forward to the day when he will again be in his seat here, from which he has served with distinction for many years. He has always been diligent on behalf of the people. When a person is ill and in a bit of difficulty, we all want to stand shoulder to shoulder with him or her. We are all thinking of Deputy Mattie McGrath this evening and every evening he is not here. We look forward to him being back in the driving seat very soon.

This Bill is very much to be welcomed. There was a problem, it was identified and the Government listened. As the Minister knows, I will attack when needed but I will thank, compliment and say “well done” when something is done well. In this case, I say “well done” to the Minister, to her Department and to the people who saw the sense in bringing forward this Bill to rectify an issue about which we were all worried and concerned. It is very easy to attack but it is also very easy to thank the Minister very much for what she is doing. I have already welcomed her back to her position privately but I now do so publicly.

Deputy Richard O'Donoghue: In 2009, legislation relating to rights of way was temporarily sorted. Since then, many people faced last year's dilemma as there are serious flaws in the 2009 Act. The Rural Independent Group made several recommendations to Government to defer the looming deadline to register the easement of rights of way by the end of November this year. We welcome that common sense has prevailed and that there is now a commitment to conduct a time-bound review to see what is the best interim strategy with regard to rights of way.

There were two errors in the amendment made. One related to access to homes through rights of way where the council did not have a charge on the access road. The second related to farms that can only be accessed through rights of way the council does not own. The system originally seemed good as it did not involve an application to the Circuit Court, but easement of rights of way can only be acquired on registration of a court order. A right of way has to be registered with the Land Registry. This has proven very difficult in many cases. One example of this arises where several people live on a stretch of roadway that is not public and one of these people decides to sell. Each person on the roadway must then agree to open the right of way to the new buyer. If they do not, the matter has to go to court, pitting neighbour against neighbour and resulting in anxiety, stress and considerable cost. Sales of such properties have fallen through and properties have been sold at greatly reduced prices. If people do not validate their position regarding a right of way, they will find themselves in a very difficult position when selling their property or raising a mortgage.

In a village in County Limerick, a person was living in a house that was built by the county council before it became Limerick City and County Council. The owner passed away and left the house he had bought off the council to his four children. The four children are housed and decided to sell the property and divide the proceeds between them. They then found out that, when the county council did its land conveyancing many years ago, it left out a small strip of land, 6 ft deep and the width of the house, between the front wall of the house and the main street in this particular village. This has resulted in considerable costs for the family. They have gone back 87 years and have found out that no member of the family had owned the land the council originally built the houses on. They have lost three sales as a result of this strip of land still not being registered correctly. I am talking about a strip 6 ft wide and 20 ft long. The county council has put in wheelchair access on this land for the person who lived in the house and has done maintenance within the house but this issue has fallen through the cracks. The council should have bought the property back in light of the mistake it made in its land conveyancing. It has put the family through an awful lot of stress and anxiety because of this mistake. The price of this house has actually reduced by €50,000 because the family want to sell it and have been told it could take up to seven years for this to be sorted out. There are people on housing lists waiting for houses. Considering the number of people who have tried to buy the house, it is unbelievable that this could happen.

Deputy Crowe mentioned graveyards earlier. There are an awful lot of graveyards in the middle of fields where I am from. I refer to the likes of Ballynakill and Anhid. There are an awful lot of graveyards within the county area where people going to see their deceased loved ones have to rely on rights of way. I have visited many of these graveyards where my own family members are buried. I am thankful to the people who let us use these rights of way but it should be a legal right.

Deputy Danny Healy-Rae: I, too, congratulate the Minister on the birth of her child and wish her well for the future. I am glad the deadline of 30 November has been set aside. I called for this when I was first elected to the House in early 2016. I also called for it numerous times this year here in the Chamber. I told the Taoiseach that things were not working as they should as a result of Covid and the coronavirus and asked him at least to extend the deadline to account for that period. This is better. The Government is going to do something more and I appreciate that. I realise it will not be very easy.

The deadline was wrong in many ways. First, not everyone knew about it. Those who did were very worried about it and did not know what to do. Whatever rules are made next June,

they need to be publicised so that everyone will know about them. There needs to be a lot of interaction in here, out there and everywhere to ensure that we get it right. Whether determined by long usage, which we are now reverting to for the interim period, or by another method, there will be people today, tomorrow and every other day seeking to rectify their situations. I know of an incident where a Dublin couple bought a house in rural Kerry and, after six or seven years, wanted to sell it. They had to get the signatures of 14 people along the road before the sale could go through. There have been disputes and rows over rights of way. They have been a recipe for rows that lasted years and years. I know of one case not too far from where I live where one of the people involved in the dispute over a right of way lost some of his faculties and was never the same man again after that serious row.

Having to institute legal proceeding against neighbours or having to get them to sign documents is all wrong. I advise neighbours to go as far as they can towards agreement. People should ask their neighbours if they mind them registering rights of way over their land. They should go that far because letters from one neighbour to another were coming out from solicitors' offices and that was very hurtful and caused rancour and dispute in respect of rights of way.

The deadline was also wrong in another way. People had to have been using these rights of way for 12 years. Some people may have been using them for ten or 11 years by this 30 November. As a result, they would not have been able to register them, which would have meant they would have had to have gone back to the start to regain their long use status. That aspect of the 2009 Act was wrong.

There is an awful lot of work to be done to ensure we get this right. Disputes over rights of way and boundary ditches have been keeping the courts busy for a long time. We need to get it right. It needs to be advertised and some allowance needs to be given for submissions to be made, whether independently, by parties or whatever, to see how the new system will operate. Many people must be allowed to have an input to ensure we get it right this time. Issues such as the width of the right of way and so on need to be sorted out because otherwise there will be a need for more court cases, which are very costly for whoever loses. We should avoid that and have some simpler system in order that people will not have to resort to that.

I thank the Government for acceding to my request to extend the deadline until next year when it will bring forward a new proposal.

Deputy Ruairí Ó Murchú: This is not the first interaction I have had with the Minister in the past while but I do not think I have welcomed her back to the House, so I do so now. She now has one of the most difficult jobs anyone has ever had, not to mention the difficulties that relate to ministerial office.

There is general agreement across the House regarding the fact this legislation is necessary, given we are about to hit a cliff edge. Even so, it was pointed out by some of my colleagues, and we have proposed amendments relating to this, that the Bill will not necessarily get us to the point of pre-2009 as regards rights of way. We all want a review, best practice and a non-adversarial system in respect of arbitration, which, as has been generally acknowledged, works perfectly as long as everybody is willing to work alongside one another. Insofar as we can, that is what we need to put together.

We have all dealt with many legacy issues relating to rights of way. Some of the issues that were mentioned relate to badly recorded information on the Land Registry by the PRAI and the

significant issues that has caused for homeowners and others. I have encountered issues where strange anomalies have happened, such as a small piece of ground that seemed to be owned by a homeowner being taken in charge by the council, where it did not matter until it mattered. In trying to get such issues sorted out, people can involve themselves in a considerable level of bureaucracy and may not necessarily get to point B without a great deal of pain, difficulty and time. These are all issues we need to deal with.

In the context of rights of way, access points and so on, the issue of mobility we hear about in respect of planning sounds great and we all want to live in a world of active movement and travel. We need to facilitate people in walking or whatever mode of travel they choose, but we have seen the difficulties this has caused, particularly in certain housing estates and so on where it has created rat runs. We need an overall way of dealing with this. In this context, there is the issue of insurance and the associated difficulties, and the Minister needs to move forward with the duty of care legislation, which is badly required at this time.

Deputy Thomas Pringle: I welcome the Minister back to the House, as other Deputies have done, and wish her and her family well in the years to come.

This is an important and urgent Bill and I support it in its intention to remove the current statutory deadline of 30 November 2021 by which to register easements without the need to go to court. The potential impact of not extending this deadline is very worrying and could see those who currently have rights over State land being deprived of those rights or at least having no means of registering them if an application is not made before 1 December 2021. This legislation is badly needed and is essential for farmers as well as those in rural communities such as Donegal.

The 2009 Act introduced a requirement for a prescriptive right to be verified by a court order as well as being registered with the Property Registration Authority, PRAI. In 2011, however, an amendment was made that allowed the claimant to apply to the Property Registration Authority to validate and register his or her right based on long use provided that the prescriptive right was not contested by the owner of the land affected by it. This provided a much simpler process and made it far easier for people to register easements. It proved to be a much better system than the previous one and we should continue to allow the PRAI to validate as well as register rights to allow for a simpler, cheaper and more effective process.

If we were to keep this deadline in place, we would face an unprecedentedly large increase in the volume of unnecessary court cases to protect rights that have been availed of for years. It would cause unnecessary solicitor costs, court costs and added court backlogs, as well as unnecessary stress between families and neighbours. This would be especially complicated in instances where there are many landowners in one area and would give rise to unnecessary disputes in such instances. It is clear that, should the Bill not have passed before the transitional phase ends on 30 November, there would have been a negative impact not only on our courts but also on citizens who have potentially enjoyed their rights for generations and those citizens who wish to register easements in a simple and cheap manner in future.

As well as this, the Law Society of Ireland has highlighted other issues of great concern regarding the coming statutory deadlines. It has stated, "If an application to validate rights over State land is not lodged before 1 December 2021, no application can be made to validate such rights for another 18 years, even where someone had been exercising those rights for 50 years or more." The prospect of this is incredibly worrying. In a country that is going through a

housing crisis, the last thing that is needed is another barrier to allowing people to buy and sell property. If applications cannot be made to validate rights, this could have the effect of making property unsaleable. This will, of course, most significantly impact on those in rural and isolated locations such as Donegal.

What is more, the Law Society went on to state, “If an application to register rights over foreshore is not made before 1 December 2021, it cannot be made until 2069 i.e. 60 years from 2009.” This is a crazy prospect and I am glad it is being addressed in section 3 because that is important, especially for the rights of seaweed harvesters. Those rights would be frozen and the action is welcome. When those rights are freed up again after the examination of rights, will that include only those rights registered since 2009 or will it include all those that were registered before the freezing took place? The Minister needs to clarify that or, if that is not possible, she might revert to us on it later. The right to harvest seaweed is vital along the west coast and the issue needs to be addressed.

It is clear there is a need for more comprehensive reform in the area of registering easements. Academics have pointed out deficiencies in the current law and the need for reform in this area, and I welcome the Minister’s commitment to addressing that. Nevertheless, I recognise the urgency and importance of passing the Bill before the legal cliff edge and hope it will pass speedily through the House.

Deputy Marian Harkin: I welcome the Minister back to the House. It is great to see her and I wish every happiness to her and her new family. She is straight back with a bang, so let us get down to work.

An interesting aspect of the Bill is that very few of my constituents have contacted me about it specifically. While there are all the ongoing issues, I was surprised, given it will have such an impact on so many people, that more people have not contacted me about it. The truth is that the Land and Conveyancing Law Reform Act 2009 has been hugely significant for most of those who own commonage on the Ox Mountains, share back laneway access to their homes in one of the smaller towns in my constituency or that of Deputy Pringle, or have fishing rights, a right to light, turbary rights, a right of way across a neighbour’s land to access their own land, rights to water or rights to access sewer pipes through a neighbour’s land. With a few exceptions, many of them were blissfully unaware of the freight train heading down the tracks straight towards them. It is not the case for everybody, but it is for anybody and everybody relying on prescriptive rights, easements or *profits à prendre*, which, of course, allow people to take produce from other people’s land, such as in the case of turbary rights or fishing rights, as a consequence of a gentleman’s or gentlewoman’s agreement and where they have simply been doing what they have always done. It might well have been what their fathers and grandmothers did as well, without validating or registering those rights. All or many of those people could have ended up facing possible court cases, protracted legal wrangling, delays by banks in the granting of mortgages and delays by solicitors in sorting out wills. It was a recipe for disaster. It did not impact everybody, but it did impact many people.

What I found really astonishing was that so few people were aware of the situation. In fact, I was unaware of it until this legislation was introduced in the Seanad. We are all aware that this legislation was a recipe for disaster. It was not just a potential problem; in many cases, there is the certainty of the spectre of neighbour versus neighbour conflict. Today’s work is urgent because we are repealing those parts of the 2009 Act that would have led us into a legal quagmire with extortionate costs and never-ending delays. In that context, we are doing a good

thing. Claims made after 30 November will be dealt with in, basically, the same way as those made before the 2009 Act came into force. There are some changes, but nothing major.

What we are attempting to do today, therefore, is not to fix the overall issue, because many of the issues which arose pre-2009 remain. We are, however, trying to prevent the creation of further problems that would have come about because of the 2009 legislation. I refer to the circumstance surrounding access to land and rights of way. People think this issue just affects rural areas. It affects urban areas just as much, and many of my colleagues have referred to this aspect. It also does not just impact private land but public land as well. All these issues are hugely complex. I do not pretend to understand the legislation or, indeed, all the issues, but we know that some agreements in this regard go back generations and, as I have said, often with no formal documentation, but just gentleman's or gentlewoman's agreements.

In cases in which those agreements were made perhaps 100 years ago, it can now be very tricky to establish the rights concerned. People want to do the right thing, but, equally, they are concerned about ownership. People are worried that if they grant formal rights in this context that they might dilute their ownership and their ability to sell or lease their land. In that context, I am pleased to hear that the Minister is setting up a time-bound review to establish any further changes that may be desirable to the law on prescriptive easements and *profits à prendre*. Like many other Deputies, however, I have concerns about the rushed nature of this part of the process. There has been widespread consultation with stakeholders, and I have no doubt that much time and effort has gone into producing this draft repealing legislation. In my view, though, and that of several speakers, the assessment of this legislation by this House has been rushed. We are part of this process, even though sometimes it might seem as if we are separate from it.

Nobody disputes that this legislation is urgent. That we are setting out to eliminate flaws in the legislation from 2009, and hopefully all the flaws in that regard, demonstrates the need for proper and due process in this House. That will not guarantee success, but it moves the likelihood up a notch. The truth is that the Minister knows that our role and our job is to make our contribution to amending and shaping legislation. The Minister may or may not take on board our views on legislation, but that is our role. It is not just to rubber-stamp legislation. We will, of course, do as expected and support the passing of this Bill. We do so under pressure and in a hurry, however, and I think we all agree that is not a good way to operate.

Having said that, I support the repealing proposals in this Bill because they will make a difference to so many people, even though they do not know it. Thankfully, perhaps, many will never know it. One issue I wish to raise is my concern that the requirements for a person to establish prescriptive rights, easements or *profits à prendre* on State land are much more onerous than on private land. Why is this the case? The State is a juggernaut. The Minister and I know this. Those who do not know this are in for a rude awakening if they take on the State.

I read the documentation, and it states "that it is more onerous for the State than for a private owner to be aware of any easement or profits being exercised against its land – and particularly so regarding foreshore [...]". I just do not buy that. I do not want anyone to try to tell me that anything is more difficult for the State than for an ordinary individual. In addition, if even, initially, an unexpected claim is made against the State, the whole apparatus of the State, which I have described as a "juggernaut" and that is what it is, is there to defend its and, yes, our interests. Therefore, I do not support the premise that the State needs greater protection than the ordinary person. We have often heard about "competence creep" when it comes to institutions attaching greater powers to themselves. In my view, what is happening here is "possession

creep” or “acquisition creep”. We can call it whatever we like, because when it comes to rights being exercised on State lands, it is considerably more difficult for an individual to establish easements or rights of way. I have a real issue with this provision and the rationale provided in the documentation that I received does not satisfy me in any way.

I started by referring to the fact that surprisingly few people contacted me about this issue in recent times, although a few people did of course do so. This tells us clearly that we need an information campaign in this context. Such a campaign is not just required for the public, but also for everybody concerned in the legal profession. I refer to ensuring that those dealing with this matter and those affected by it will be aware, and fully aware, of how current or impending legislation can significantly impact their lives and the rights they exercise on property other than their own. I support this Bill as a necessary and essential first step but we need to see evidence of ongoing work to streamline, where possible, the current legislative framework. We need to ensure that the general public are fully aware of this, insofar as we can. Not everybody will be fully aware but there needs to be a proper awareness campaign so that people have a sense of some of the implications of this or any future legislation we pass in this House.

Because this legislation has been rushed, I simply have not had time to look at the issue of seaweed rights. I know my colleagues, including Deputies Pringle and Connolly, spoke about the issue. When I was a Member of the European Parliament, I was significantly engaged with the matter. I heard Deputy Pringle say he was reasonably satisfied with some of the proposals in the legislation. I need to have another look at them. It is certainly a matter that needs to be dealt with as soon as possible. I again welcome the Minister back to the House.

An Leas-Cheann Comhairle: That concludes the first round of the debate. Only one Member has indicated for the second round of the debate and that Member is not present, so I will move to the Minister.

Minister for Justice (Deputy Helen McEntee): I will try to respond to as many comments and queries as possible. Where I cannot or do not, Deputies can, of course, come back to me. I am grateful for what has been the overwhelmingly positive response to this legislation and the support for its passage through the House as quickly as possible. I take on board the comments about, and frustration at, the timeframe involved. There has been a considerable amount of engagement with stakeholders to ensure this legislation is as complete and informed as possible. I take on board the comments, particularly with regard to the review and the requests for further engagement with Deputies, either through the Joint Committee on Justice or in another format. That engagement will feed into the terms of reference and the review itself.

There is agreement that the previous Act of 2009 has, in general, been very successful in progressing and modernising outdated and old law. At the same time, the particular piece of the Act we are addressing has not worked in the way it was intended. The motivation behind it was to make an old and complex system easier but the opposite has transpired. The amendment in 2011, taking into account that difficulties were already arising, extended the deadline to 2021. It also got rid of the issue around the court but even since then, what has transpired is complex. We know, as I said earlier, that approximately 75% of those who have tried to register have failed. As Deputy Harkin has just outlined, many people do not realise this is something they must do. It was not the intention of the previous Act but that legislation has not worked and that is why we are looking to amend it here.

A number of issues have been raised specifically with reference to public rights of way. I

stress that this particular Bill is very specific to private rights of way. The issues raised by Deputies Mac Lochlainn and Canney and others relating to the PRA are matters for the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien. I undertake to relay to him some of those concerns relating to the PRA and public rights of way, which were addressed in a number of different contributions.

Deputy Howlin mentioned the transposition of EU directives. To veer off slightly, the only point I would make about that is that there is generally an enormous amount of work and engagement between officials in Departments and the Commission. There is a lot of back and forth and a lot of time elapses in that regard. By the time directives come to the Dáil, there is a huge amount of pressure and in many instances, fines have already accrued so there is an urgency around it. I appreciate that allowing Deputies as much time as possible is preferable.

I have dealt with the issue of extending the deadline. I am happy to engage with Deputies on the review through the committee to make sure the terms of reference are clearly set out and everybody has involvement in that.

I will deal specifically with State-owned lands and foreshore, before moving to the issue of seaweed. The Law Reform Commission recommended the longer 30-year and 60-year prescription periods for the State-owned lands. Perhaps some people do not agree with this point, but the reason for it is that it is more difficult for the State than for a private person to be aware of any prescriptive use affecting what is often a widespread and very fragmented portfolio. It is not the same as an individual with a farm or piece of land. People can see and know what is happening on their land and where there is a private right of way. The difficulty particularly applies with regard to foreshore because, by its nature, such land is often submerged and difficult to see or access. There is also a public interest in ensuring effective State control over the foreshore. Even in my discussions with Senators, there is sometimes a crossover in the discussion of private rights on beaches or foreshores as opposed to public rights. I stress that this Bill deals only with private access.

Seaweed harvesting is done under a licence. Where it is done under traditional rights, it can be a *profit à prendre* and that is specifically covered in this Bill. I assure the Leas-Cheann Comhairle and all the Deputies who raised this matter that anyone who exercised traditional seaweed harvesting rights for the traditional period of 20 years required to establish a right before December 2009, when this Act was initially brought in, will retain those rights under this Bill. The time period will not start from scratch. It will not be the case that as of 1 December, the clock will be set back. Anyone who had not established the 20 years before that date will have the full period they have established taken into account. It will not be erased, so to speak. The Bill does not set back the clock. Nobody will lose any established rights they had before this legislation. If anything, this Bill actually strengthens the rights for those who have established rights over 30, 40 or 60 years. It does not in any way take away from them. In fact, it strengthens those rights for them whereas the Act we are repealing would obviously have had significant negative consequences for many such people.

Many Deputies mentioned uplands, issues around mountain access and Coillte. They are matters for the Minister for Rural and Community Development. I will bring those issues back to her.

Questions were also raised about the difficulty in the language. Some Deputies observed that arcane and technical terms arise in this area. Through my officials, Ms Madelaine Denni-

son and others, we have tried to make the explanation as easy as possible. We obviously have to make sure that we are accurate in our language and that the correct terms are used in the Bill. I agree that legislation in this area should be made much more understandable. We are talking about everyday life. I mentioned a case earlier whereby a family is, essentially, not able to sell their home at the moment. It is a house that has stood down a laneway since the 1800s and because of the complexities of registering and the difficulties that have arisen among different landowners along the route, they simply cannot sell their house. For all of the language, the complexities, the Act from 1832 and everything else, it boils down to people being able to sell their homes. That is why this legislation is desperately needed now to ensure the situation does not become even more complex for those individuals.

I hope the review will start early in the new year. What we are now putting in place will allow for that in a transitional period. The reason the 2009 Act was brought in originally has not disappeared. There are still complexities here and the review will consider how we deal with them. In the interim period, I thank all Deputies for their support in progressing this legislation as quickly as possible. It is extremely important that we do not end up facing the cliff edge. We must rectify issues that are arising and causing great concern for many people. I again thank the Deputies for their support and commit to bringing back some of the issues they have raised to my colleagues where our remits cross over regarding issues of public rights of way.

Question put and agreed to.

Land and Conveyancing Law Reform Bill 2021: Referral to Select Committee

Minister for Justice (Deputy Helen McEntee): I move:

That the Bill be referred to the Select Committee on Justice pursuant to Standing Orders 95(3)(a) and 181(1).

Question put and agreed to.

Road Traffic and Roads Bill 2021: Second Stage (Resumed)

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

Deputy Neale Richmond: I am sharing my time with Deputy Carey.

I appreciate the opportunity to contribute to this important legislation. An awful lot of work has gone into it in advance of this Stage. There has been considerable discussion. I would like to refer to numerous aspects of the Bill that I feel are vital to the national discourse but also to my constituency, Dublin Rathdown. I will reflect on two or three.

The first aspect concerns the Bill's proposal to legislate for both e-scooters and e-bikes. This is an extremely welcome initiative and one that puts Ireland on par with many other EU member states. Already, we see many e-bikes and e-scooters in operation around the country,

particularly in Dublin and its environs. They offer a great deal to society by encouraging people to get out of their cars and to be more flexible in meeting their mobility needs. It is important that they be legislated for correctly. This is why this legislation is so welcome.

I commend former Deputy Noel Rock, current Deputies Alan Farrell and John Lahart, and Opposition Deputies who have pursued this legislation through Private Members' business and have repeatedly called for clarification. Legislating for e-scooters and e-bikes provides a great opportunity, particularly when it comes to the initiative of ride-sharing. I am aware that over 20 companies are prepared to start an e-scooter sharing scheme in Dublin city. We are all aware of Dublinbikes and the various iterations that have followed, including GoCar and electric car sharing. This certainly needs to be accelerated. It would be laudable if it were pursued following our enactment of this legislation.

I have a modest concern about the Bill, however. Perhaps the Minister, Deputy Eamon Ryan, could consider it on a later Stage. While I welcome the proposed speed limit of 25 km/h, which is eminently sensible, the area that incorporates my constituency, Dublin Rathdown, and the Minister's former constituency, Dublin South, is extremely hilly. For people commuting out of the city centre to Tibradden or Glencullen, the speed limit might not be a huge issue, but the power limits provided in the Bill would be. The wattage limit in the UK is 500 W. In France it is uncapped. In Germany it is 500 W. In Norway it is uncapped. In Spain it is 1,000 W. In Italy it is 500 W. The 250 W power limit in this Bill would be extremely restrictive. I am aware that the Minister has already committed to considering this on Committee Stage. The power limit would have a real impact on making e-scooters and e-bikes a viable option beyond a city or town centre. It might be a little parochial for me to think about the Dublin Mountains as I realise this concerns every constituency in the country. It is certainly a matter in the regions. E-scooters and e-bikes offer so many opportunities that we must ensure they are as accessible as possible and a realistic option for many. They move to a wider scale the benefits that we already see in so many aspects of commuting life. They would be extremely welcome.

I am very pleased to see in the legislation efforts to deal with the off-road use of scramblers and quads. This has bedevilled my constituency for years. I am sure the Minister will remember certain green spaces and football spaces in Churchtown and Dundrum that were absolutely ruined. Deputy Lahart has been very outspoken about this issue. He joined me in respect of fundraising efforts for Tallaght Rugby Club, which had its pitches absolutely ruined by quads and scramblers not so long ago. It is a real blight on so many communities so seeing it dealt with in legislation is extremely welcome.

The penultimate area I would like to address is the delivery of BusConnects. Depending where you live in Dublin, BusConnects has been sought after or has given rise to concerns. Many people are simply confused about it because there have been so many changes and campaigns about it. We all are aware that a durable bus network in Dublin is vital and that it needs to be as simple and progressive as possible. While it is great to see advances in the form of light rail and trams, the bus is still the most used and reliable form of public transport across the capital city. It is the one I grew up using and probably the one I will continue to use most, even though the Luas is a relatively accessible walk away.

I have raised the issue of driving tests several times with the Minister throughout the pandemic, and I also raised it as a Senator with the Minister's predecessor before the pandemic. I am referring to addressing the criteria for testers. It is welcome to see 36 additional driving testers hired but it does not take away from the fact that there is a massive backlog in the driving

test system. Even today, a front-line worker was on to me as they simply cannot gain access to their workplace in a timely manner because they cannot get an appointment to take their driving test. This has to be resolved with absolute urgency. We have to tackle quite forcefully the 10% no-show rate pertaining to driving tests. In a reply to a parliamentary question last month, the Minister said there are 66,000 people waiting. That is a huge number. It will take four months to clear the backlog at the current rate, which is 4,098 tests per week, without addressing the matter of new drivers being added to the list every day. The latter include new drivers and people who fail their test. What happens if driving instructors must go on sick leave or cannot work for another reason? I ask the Minister to ensure that any new restrictions introduced will not affect the running of the testing service and that capacity will be at the maximum, if not increased, to address this genuine issue that affects society at every level. It is a far bigger issue in more rural constituencies, which do not have access to public transport links of the kind we are so lucky to have in Dublin Rathdown. It is starting to impact every sector of society.

This legislation is extremely welcome. It needs to be passed swiftly through the House but there are issues and concerns I would like the Minister to address on Committee Stage. The sooner we can have people using e-scooters and e-bikes legally and on the road as fully licensed drivers, the better for society and road safety. The legislation bodes well for the near and distant future.

Deputy Joe Carey: I welcome the opportunity to speak on the Road Traffic and Roads Bill 2021. It includes provisions related to automated vehicles for the first time in roads legislation. These vehicles are already being designed, built and tested in a new research hub in Shannon's industrial complex, with links to drone technology using the airport in Shannon. I have had the pleasure of visiting the cutting-edge facility of Jaguar Land Rover on many occasions. It uses cutting-edge technology. High-end research is involved. The facility employs 300 highly skilled people. The new technology will require much more comprehensive legislation, but this Bill is a welcome first step.

This legislation makes amendments to 11 Road Traffic Acts, along with 42 other Acts. It might be time for the Department to take another look at this and perhaps work on consolidating the roads and traffic legislation.

Since we are talking about legislation, rules and regulations, it may be time for us to have a national debate on updating the rules of the road and updating all drivers, cyclists and pedestrians on the current rules through advertising and the use of apps.

A major part of this legislation deals with allowing powered personal transporters, including e-scooters, to travel legally on our roads, and possibly cycleways and greenways.

6 o'clock

One of the major sources of complaints from other road users is the lack of adequate lighting on these vehicles and their visibility. Another source of complaint is the use of high-intensity flashing white strobe lights on these vehicles. I note the use of helmets is not being made mandatory in the legislation but I believe the medical evidence is conclusive regarding the use of helmets preventing serious head injuries and we must give the greatest encouragement to the wearing of helmets while using these vehicles.

The Bill includes an extension of the ban on the use of mobile phones on these transporters. I ask the Minister to also consider the issues and impacts of using headphones and ear plugs

while using these vehicles.

I see no reference in the Bill to battery powered or electric powered mobility vehicles, which are increasingly seen on roads and pavements. Is there a need to issue a new set of rules for the usage of those vehicles as well? Several charities have lobbied me and every other Member regarding the problems that may arise for the blind and visually impaired in the context of the parking and use of these vehicles. The problems encountered in cities such as Brussels seem to involve rental units that do not have designated parking bays. In light of media reports that up to 20 different companies are eyeing up opportunities once the legislation is passed, I ask that the Minister issue guidelines to local authorities in respect of the storage of these vehicles.

Several sections in the legislation relate to driver licences, the database of licence holders and linking these to vehicles owned or used by the driver. What protections are in place to prevent the database being hacked, as recently happened to the HSE? Has the RSA IT security system been audited to prevent this sensitive personal data being hacked and used for criminal purposes?

While on the subject of driver testing and licences, I wish to raise the issue of 34 RSA driver testers who are set to lose their jobs if sanction is not given to retaining them in their posts. It is my understanding that ten of the 34 testers are to be let go in December, with the remaining 24 to be let go in May. These people were hired in a costly recruitment campaign in 2017 and 2018. Their contracts have been repeatedly extended. The only reason the posts are not being secured is for some reason the RSA and the Departments of Public Expenditure and Reform and Transport do not want to make their positions permanent. This is at a time 66,000 people are waiting for a driver test, as Deputy Richmond noted earlier. These are a cohort of approved RSA driver testers. The very idea that these highly-skilled people will be let go at this time is ludicrous. I ask the Minister to ensure the positions are secured. I ask for his immediate intervention on that issue.

The Bill seeks to change the criteria in respect of penalties for expired licences and reduce the time limit from 12 months to three in the context of a lower fine. However, the State has introduced ten- and 12-month extensions to licences due to processing delays as a result of Covid. We do not know what the future will hold and, therefore, I advise the Minister to withdraw the amendment in section 5(e).

I refer to the need for medical certification for the over 70s. With people now living longer and being fitter, we need to review whether that is the right age at which to introduce this requirement. There may be a need to introduce a simpler initial form to confirm the basic health conditions of drivers and whether they are compliant. A more detailed form could then be completed. There is the added complication of insurance companies using this age limit to refuse cover, or add a loading to the premium of, perfectly healthy drivers.

While on the issue of insurance companies, we need to examine the use of these databases to penalise some drivers while not seeing any benefits to other drivers. Garda forensic collision investigators have investigated all accidents involving death and serious injuries for the past two decades. I believe these reports need to be published. A preliminary report should be published in respect of all deaths and serious injuries on the road network, as is done in the marine and aviation sectors, within four weeks of the basic findings. It is often the case that findings are only partly released to an inquest, in many cases more than a year or two later. There should

also be an annual report on all the relevant factors in these deaths and serious injuries on roads. Is the collision investigation unit fully staffed? Some media reports have suggested that only half the posts required were filled.

I also have concerns regarding section 6(c), which imposes lifetime bans on people convicted of one or more of a long list of offences from becoming driver instructors. I am not sure if that is constitutional. It certainly does not take account of any form of rehabilitation. Should we prohibit a person earning an income based on something he or she did 30 years previously?

I see no reference to dash cameras in the Bill or their use as evidence in prosecution and claims in the High Court or other courts. That should also be considered.

I look forward to the passage of the Bill.

Deputy Pauline Tully: I fully recognise that the use of e-scooters is more prevalent in communities and I welcome the introduction of legislation to cover both shared schemes and private use. However, it is abundantly clear that amendments to the Bill are required to ensure the safety of disabled pedestrians, including those who are visually impaired, those who are deaf or hard of hearing and those with limited mobility.

Under no circumstance should the usage of e-scooters be permitted on footpaths. That is an absolute must for disabled pedestrians and those with limited mobility. The legislation currently allows for a maximum speed of 20 km/h but this should be reduced to 12 km/h in line with other European countries, and consideration should be given to lower speed limits near certain areas such as schools.

An acoustic vehicle alert system should be required on all e-scooters so that they can be heard approaching. EU regulation No. 540/2014 mandates all manufacturers to equip their new electric and hybrid system with this system by 1 July of this year. While the regulation does not cover e-scooters, it presents an opportunity for Ireland to lead on legislation in this area.

There should be designated parking bays for e-scooters. These should be enclosed with high contrast materials and located off pedestrian access ways to prevent injuries to disabled pedestrians and those with limited mobility. There must be areas within each community where e-scooters are prohibited from use, such as shared use spaces, areas with high footfall that are congested and high risk areas such as shared cycle lanes and those not segregated from bus stops.

Provision for insurance and, at least, a provisional licence must be included in the legislation. The requirement to hold a provisional licence is in line with the age requirements under the legislation and would ensure that those using e-scooters would have a thorough understanding of the rules of the road. It is also essential that e-scooters have accessible registration plates in order that riders who break the rules of the road can be identified and fined or prosecuted.

Internationally, rollbacks and bans have been introduced as a result of injuries to the public caused by e-scooters. Ireland has an opportunity to lead the way in the introduction of legislation that recognises safety for all road users at its core. The amendments I have outlined, which I intend to introduce, are the baseline requirements that must be included in the Bill to ensure the safety of disabled pedestrians and those with limited mobility.

Deputy Sorca Clarke: I welcome the opportunity to speak on this Bill. In some ways, it is

very much a case of legislation eventually trying to catch up with what is happening out there among the public. E-scooters and e-bikes will no longer be classified as mechanically propelled vehicles, but as powered personal transporters that do not require registration, tax, insurance or a specific licence, and can travel at speeds of up to 25 km/h, which is deeply concerning. I do not drive through my housing estate at more than 20 km/h, but I could be overtaken by somebody on an e-scooter wearing no protective gear.

I am also very concerned about the impact that this legislation could have on our greenways, particularly in the midlands, where significant time and effort went into writing the by-laws for them, and in such a way that they would be protective of pedestrians on these greenways. This Bill will be welcomed as a positive step forward by older and disabled members of my constituency, who have been very frightened in recent times by the sudden growth in the use of e-scooters. The first question they are going to ask will be: who will enforce this legislation?

The legislation on unsafe e-scooter habits needs to be updated. One day I saw a tradesman on an e-scooter, dressed and ready for work with his toolbag at his feet. That is absolutely unsafe. There is no excuse for that kind of behaviour nor should there be any excuse for the use of mobile phones when using an e-scooter. I use the word “unsafe” because I believe that e-scooters and e-bikes have a role to play, whether it is in reducing pollution or making it easier for people to get around. However, these vehicles should be used in a way that is responsible and safe.

One issue that I have with the legislation is that I believe that a huge opportunity has been missed. I refer, specifically, to the wrong-way tragedies on our motorways. We have seen repeatedly, although somewhat rarely, an increasing number of cars travelling the wrong way on motorways. Such incidents end in a loss of life or a very serious collision. In August 2021, a male driver drove down the M6 outside Ballinasloe in the wrong direction. The head-on crash with an oncoming vehicle resulted in the death of four people. That was a tragedy. Initial research undertaken by road safety initiatives, on behalf of Highways England, has shown that while incidents of this nature are quite rare, the consequences are severe. The research reports that the average killed or seriously injured ratio for collisions on motorways and principal roads is 15%, but for collisions that occur as a result of wrong-way driving, that ratio increases to 32%. A three-step process relating to site prioritisation, junction assessment and a selection of mitigation options has been developed and could be deployed here to ensure that these kind of tragedies do not become a more frequent feature on the front of our newspapers and in our media, and that no more people lose their lives as a result of wrong-way driving on a motorway.

Deputy Seán Crowe: If the Minister were to travel to parts of my constituency - and he can go out there now if he wants - he would hear the buzzing noise of scrambler and quad bikes. This goes on from early in the morning to late at night. These bikes are used on main roads and green spaces, without the least bit of regard for pedestrians or other road users. Users do not wear helmets or high-visibility clothing. They tear up and down the streets on dark evenings. There are near misses everyday involving children or elderly people out with prams.

Last week the Tallaght Drug and Alcohol Task Force published a comprehensive report on the effects of crack cocaine in the area. The Minister probably saw it reported in the media. Even in that report, the bikes feature. According to the report, there is clear evidence that the bikes are being used to transport drugs and dealers are patrolling neighbourhoods on scrambler bikes as a way of staking out their territory and intimidating the entire community through their visibility and engine noise. I would like to think that the new Garda powers to stop and seize

vehicles will enable them to be much more proactive in tackling this issue. It is a welcome move that will give them more powers to safeguard our streets, parks and green spaces. However, my worry is that the reluctance previously displayed by the Garda will continue. Members of the Garda are worried that they will end up in front of GSOC or in court. Therefore, there needs to be balance in this issue. We need assurances from the Minister that whatever legislation is passed in this House, there will be follow-up on it. We must ensure that we are not just going through the motions. Half the accidents involving quad bikes or scramblers involve children under the age of 18. Christmas is approaching, and we should all appeal to parents not to buy these vehicles. They are not toys. I ask parents not to buy them. If the only space available to drive a scrambler on is the local GAA pitch or a green space, then it is not safe or appropriate, and people should not do so.

The Bill also outlines what provisions people should supply when applying for a driver's licence, including "N" plates, and so on. There is common agreement on the fact that we need more driving instructors. I have raised this issue with the Minister directly previously. In my constituency in Tallaght, there are over 10,000 people on waiting lists. That represents 10% of the total of 66,000 on lists. Does the Minister have a plan to address this issue? It is a simple question. Is there a plan in place, and when does he expect to initiate that plan?

Finally, I wish to draw the his attention to the difficulties involved in trying to renew an expired licence during Covid. Drivers cannot get a licence renewal as they have to physically turn up in person to do so. This is impacting on many job applicants who need a licence. There is a notification on the National Driver Licence Service website, which states that the validity period of licences is being extended and they satisfy the law of the land, and just as important, insurance companies. Perhaps the Minister might address that. There is a lot of fear and concern out there. People are really worried that they are driving around illegally and that it will impact on them in the future.

Deputy Paul Donnelly: I would like to welcome the provisions in respect of scramblers and quad bikes, in particular, which have been brought forward as part of this Bill. Just a few weeks ago, just down the road from my house in my constituency, a young person who was on a scrambler lost control and went straight into the back of a car. He ended up seriously injured in hospital and is very lucky to be alive. I would like it to be noted that I, and a number of Deputies over the years, fought long and hard for this legislation. We were told time and again that it was contrary to the advice being given by the Attorney General. However, it seems that we were right all along and that this Government has been dragged to the position we see in this legislation today.

I note that there is no intention to extend the national vehicle database, which we had called for, to provide for the compulsory registration of all quad bikes and scramblers. This would enable the gardaí to swiftly identify the owner of a quad bike or a scrambler being driven dangerously and recklessly. I ask that this be progressed. Hopefully, the Minister will consider this important tool in the suite of measures that has been identified.

I would also like to draw that attention of Minister to the other tool that is required to tackle this scourge in our communities, namely, effective policing, an issue that was raised by Deputy Crowe. What resources will be given to the Garda to put these laws into effect? What training and equipment will be provided? What guidelines, in particular, will be put in place? I also urge the Garda to utilise the powers that are in place that will hold parents or guardians responsible if they purchase a scrambler or a quad bike in full knowledge that they will be driven on

our roads, parks or open spaces. We know that Christmas is coming.

Finally, we must ensure that those who have a love of motocross are given the opportunity to do so in a safe manner. Indeed, there are thousands of people who engage in that sport. Local authorities enable many different activities for young people and adults, including football. Not everyone likes sports. We must ensure that other activities are provided.

I welcome the provisions relating to e-scooters and e-bikes. It is long overdue. Every Deputy has received many representations concerning the health and safety of pedestrians and road users in the context of these vehicles. I am not the only one who has been concerned about the speed of some of the e-bikes and e-scooters. Just yesterday, I was coming in here and saw a young girl on a scooter. It was getting dark and she was dressed completely in black. There were no lights on her scooter. She drove on the footpath, then moved off onto the road, broke a red light, went straight through a green pedestrian light onto another footpath and continued on down the road. It was so dangerous for that person and for anybody else, such as drivers, who could not see her. It is something that also needs to be addressed in the Bill. This legislation is long overdue but very welcome. With regard to scramblers, it is worthless unless we put in place an action plan to deal with them.

Deputy John Lahart: I thank the Minister for his presence in the Chamber to address this. I will go through a few preliminary issues that are raised in the Bill. I join my colleagues in welcoming the fact they are covered. I welcome the Bill and the effort to address many long-standing issues. I have some constructive observations to make, specifically on the place of e-scooters in the Bill.

I welcome the insurance database provisions. They are long awaited and another piece of the infrastructure we need. I also welcome that additional information will be sought from drivers who seek to be insured in other cars. I agree with the provisions on driving instructors with regard to criminal records. I also take Deputy Carey's point that there could be some kind of a clause whereby people could go before an independent committee to explain, for example, that they have a criminal conviction from 20 years ago, or whenever, and to ask whether there is any way it can be overlooked as it is the only criminal conviction they have. The Minister knows there is a problem with waiting times. I know Covid does not help. The number of times not being able to do a driving test has cost young people jobs are too many to enumerate. I am sure colleagues would agree with this. It is something that needs to be taken into consideration.

The Minister knows my position on electric bikes. I am very supportive of any technology and any micro-mobility innovation. The Belgians are the leaders in this regard. We are a bit slow coming to it. I have seen at first hand from friends and family members who have opted for e-bikes that the number of car journeys they have managed to displace already, very early in their ownership, is considerable. However, there is the issue of the cost. It is like many other energy initiatives that have come from the Government. People have to have a lot of cash in the bank. A good e-bike costs approximately €2,500 or €3,000. To avail of the scheme people have to be able to put that down to get the rebate back.

I have raised this with the Minister, ministerial colleagues in my party and the Minister for Finance, Deputy Donohoe, in advance of the budget. I will raise it again in the context of next year's budget. In Belgium there is an incentive whereby 100% of any money employers spend on e-bikes, whether purchasing an e-bike for an employee because it will displace a car journey to work or on e-bike infrastructure such as shelters in the workplace or shower facilities, can be

written off against tax. With regard to the cost to the State, we could set aside a modest budget in the first year but there is no major cost to the State in doing this. The private sector would lead on this and the public sector would follow. Under such an incentive, employers would purchase e-bikes for their employees. This would be pretty radical. It would mean free electric bikes for workers. What a great legacy for the Minister to leave behind. At the Velo-city conference in the convention centre two years ago, one of the speakers was Belgian. His company pays him so much per kilometre for using an e-bike to go to work as opposed to his car. We are in the shadows still with regard to electric bike technology.

I want to make a point with regard to BusConnects. Recently, Dublin Bus was in my constituency. The deputy chief executive officer of the National Transport Authority was there a year and a half ago. BusConnects was a desktop exercise when it came to newly developing parts of my constituency such as Ballycullen, Oldcourt and Firhouse. The routes that are planned pay no attention to the developments that have taken place there. It needs to be revisited. It is already out of date because it did not take account of development.

With regard to scramblers, the former Deputy, John Curran, and I led the way in the previous Dáil with a Private Members' Bill on scramblers. I am glad the matter is finally making it to the floor of the House again. I want to say to the people of Tallaght, and one of the previous speakers mentioned it, that legislation takes time and to become law it has to be good and well teased out. We are introducing this and it will give the Garda powers to confiscate and destroy scramblers being used in an antisocial manner. I also want to say how mindful I am that this is the stick and there also has to be a carrot. Other initiatives are being taken by the Department of Justice and the Minister of State, Deputy Brown, to try to incentivise younger people to use these in a more pro-social manner. This includes getting local authorities to identify places where scramblers can be used responsibly, encouraging younger people to learn how to maintain them and to learn all of the safety requirements.

I have spoken privately to the Minister about e-scooters. Unlike Deputy Kelly's conversation with the Taoiseach yesterday, we will not breach in public what we said. We have had conversations about it. I introduced an e-scooter Bill. I also produced a significant micro-mobility document. It might have been used in programme for Government talks. I certainly submitted it. It is about as comprehensive as any party could produce. It has quite an emphasis on electric scooters. However, I do not think the Minister has listened.

There should be a stand-alone Bill for e-scooters and I will explain why. I am hugely enthusiastic about them. They have the power to displace the car in a number of instances. They also hold huge possibilities for schoolgoing children if they are introduced in a proper way. In the UK a shared scheme was introduced for a period of 18 months or two years. It did not legalise private ownership. This is the choice facing us as legislators. I am strongly in favour of e-scooters. I have tried several of them. I have been on Segways and e-bikes. I notice hoverboards are also included in the legislation. I have not tried one of them yet.

I have seen how e-scooter technology and their construct and build have improved exponentially over the past three or four years in the shared sphere but not those that are privately owned. I could buy an e-scooter on the Internet and it would not be governed by any technology. Its speed would not be governed when it arrived here. It would be up to the Garda to govern it. As I see it, the choice that faces us is between a free-for-all random system of private personal ownership that only the Garda can police and a shared hire scheme for an initial period exclusively with no personal ownership. This should have been introduced a year and a half

ago as it was in Britain because of restrictions in public transport ownership. E-scooters took up a lot of the slack, to the extent that police constabularies in the UK leased some of them to assist them in policing.

One of the choices is a free-for-all random system of private ownership with no standard build, no branding and no control over purchase. In this there would also be no real control over speed. It would be the Garda that would have to police it. It cannot be governed and people can get around it. There would be no geo-fencing and I will come to this. This could lead potentially to chaos, litter, nuisance on the streets and all of the negative things we hear about e-scooters internationally. We ought to be learning the lessons from this.

The other option is a shared hire scheme. We started it with bikes through Dublin Bikes. It branched out and expanded into private businesses also offering bikes. It has been very successful although sometimes the bikes can become like litter on the streets because there are not enough docking stations for them. The shared hire model offers us geo-fencing. This is the technological ability to exclude scooters from footpaths and pedestrian zones. They are governed by GPS. An example I used on the radio during the week is that if someone is going along St. Stephen's Green and wants to take an e-scooter down Grafton Street but it is excluded because it is a pedestrian zone the e-scooter will slowly come to a halt. People will have to dismount because they just will not let them go there. Giving local authorities the power to regulate this will mean they can map the areas where they do not want e-scooters to be operable, such as outside schools, supermarkets and public parks or along areas of footpath and perhaps even some greenways. They can be excluded technologically. What we would also get is e-scooters built to a particular standard so they are robust and comfortable.

In Berlin, when people using the e-scooter scheme were polled, 50% of them said that prior to the scheme they had never in their lives got up on an e-scooter. This is what we are facing. Some of the shared schemes provide tutorials and people cannot get on the e-scooter until they have taken a tutorial. A speed of 25 km/h is too fast. In the UK it was 15 miles per hour which is about 20 km/h. Some 20 km/h is perfectly fine because these will be competing for space in cycle lanes and on footpaths. It is not illegal to cycle on footpaths here.

This should have been introduced last year and it should be a separate, stand-alone Bill. Let us introduce a shared scheme, the hired scheme, let it bed in and let the public build up confidence in it. The geo-fencing also means that if I hire an e-scooter, I must return it to a particular spot or I will not be allowed to hire and will have a black mark against me with the company from which I am hiring.

Let us use their innovations as opposed to ungoverned and unfettered technology that could cause chaos in the streets. Chaos is probably too big a word to use but people could be put off the idea of electronic scooters very early and they have a very exciting place to play in micro mobility in Dublin and in every town and county. I know we agree on that. I thank the Ceann Comhairle.

Deputy Cathal Crowe: Just before I begin, are we adjourning consideration of this Bill during my speaking slot?

An Ceann Comhairle: We will be adjourning this consideration at 6.35 p.m.

Deputy Cathal Crowe: I will therefore deliver my speech quickly. In the main, I am very supportive of this and have been so at the Oireachtas Joint Committee on Transport and Com-

munications. We have heard of worst-case scenarios and there are many of them. When one goes online, one will see videos of people going crazy on e-scooters. That is the worst-case scenario but I have also seen youngsters using e-scooters to go to hurling training and visiting friend's houses and they are giving the mum and dad taxi a break. In the main, this can be only a positive and good thing. We need to regulate and embrace the fact that it is happening all over the country. It is being used as a new form of micro-transport.

Largely, the legislation is very good and much thought has gone into it. We have been doing pre-legislative scrutiny at the Oireachtas Joint Committee on Transport and Communications. Some things still need to be stitched into this Bill before it is enacted.

First, e-scooters should not be on footpaths. They should not be interfacing with pedestrians on footpaths and there is a need for the fitting of a slight noise emitting device. Some EU countries have these. One will hear a faint little bleep as the vehicle approaches. That would mean those who are visually impaired will know there is an e-scooter nearby and they will step back or stop where they are walking, knowing that one is about to pass them. That is very important and other countries have had the foresight to introduce this and we should do likewise.

There also needs to be designated parking areas, particularly if one is discussing shared scooters to which Deputy Lahart referred. One needs to be very definite as to where these scooters can be parked.

I am concerned that helmets will not be mandatory and I am particularly concerned because we are now seeing the second and third generation of e-scooters. They are getting faster and stronger and are far more powerful than the predecessors, the first generation. I will give an example. I have been looking at this online and the Dualtron Ultra II is one of the highest spec e-scooters one can currently buy. It has a top speed of 100 km/h. It is powered by two motors with a collective power of 6,640 W. That is very significant. If that e-scooter is travelling at top speed, and granny or grandad is coming down the footpath towards it, all interfacing on the same pavement space, that is a recipe for disaster. They need to be on the road or ideally on a cycleway or off the path used by pedestrians.

It concerns me that there will not be a requirement to have insurance, which certainly appears to be the intent now. If a scooter is involved in a road traffic accident involving a car, a pedestrian, a motorcyclist or a cyclist, the insurance industry, as we all know, will try to shift the blame of liability across to others. In the middle of it all is the child, the teenager or the adult on the e-scooter who has no liability because he or she simply does not have insurance cover. Who does one go to in that case? I pay €10 a month insurance on my phone. Surely some low-level insurance can be considered here. Most teenagers insure their expensive devices and see value in that. An e-scooter, where one is shelling out €1,000 or €1,500, surely should have an insurance policy on it for theft and, most importantly, against third-party injury.

I will conclude by saying that I love e-scooters. I have tried them out and I think they are fantastic. Quad bikes, which are a little outside what we are debating here, belong on farms and in rural environments. They do not belong even on every farm. Where I live in Meelick in County Clare there are a lot of hills and a quad bike would not be any use there because it would overturn or capsize.

Similarly, scrambler bikes are for forestry terrain. They are a sports vehicle and do not belong in housing estate green areas being driven around like the wild west on a weekend night.

We must clamp down on that and these vehicles should be seized and destroyed. There is a facility within this law to do all of that.

In the main, this is positive but we need to regulate and we are a little light in some of the regulations so far.

Debate adjourned.

Air Accident Investigation Unit Final Report into R116 air accident: Statements

Minister for Transport (Deputy Eamon Ryan): I thank the Ceann Comhairle. I am grateful to the House for affording me this occasion to make a statement on the Air Accident Investigation Unit's final report of its investigation into the Rescue 116 accident, published on 5 November.

The R116 accident on 14 March 2017 was an appalling tragedy. It claimed the lives of four people who, with consummate professionalism and total dedication, gave themselves to the task of saving others. I would like to take this opportunity to extend again my heartfelt sympathy to the families and loved ones of pilot Ms Dara Fitzpatrick, co-pilot Mr. Mark Duffy, Mr. Ciarán Smith and Mr. Paul Ormsby. I am sure the Ceann Comhairle and every other Member of this House extend their deepest sympathy to the families for their loss and for the brave work their family members did.

I recognise also the tremendous recovery effort in the days and weeks after the accident, often by people who knew them well, both professionals and volunteers, and they deserve our deep gratitude.

The Government acknowledges and appreciates the completion and publication of the Air Accident Investigation Unit, AAIU, report. The completion of the investigation and the publication of the report is a key step in ensuring such accidents are prevented in the future. I wish to commend the Chief Inspector of Air Accidents and his team on compiling such a comprehensive and detailed report. Search and rescue, SAR, aviation operations will benefit greatly from its findings and the implementation of its safety recommendations both in Ireland and internationally.

I wish to focus my comments, a Cheann Comhairle, on the safety aspects and on the lessons that need to be learned because it is very important that we do that in marking the lost lives of those heroes tonight. The Air Accident Investigation Unit is an operationally independent unit in the Department of Transport and is responsible for the investigation of aircraft accidents, serious incidents, and incidents that occur within Ireland. The AAIU conducts investigations in accordance with global and European legislation and under the provisions of the 2009 Air Navigation (Notification and Investigation of Accidents, Serious Incidents and Incidents) Regulations of 2009.

The fundamental purpose of an AAIU investigation is to determine the circumstances and causes of air incidents and accidents, with a view to the preservation of life and the avoidance

of similar occurrences in the future. It is not the purpose of such investigations to apportion blame or liability.

The report of the investigation into the R116 accident is wide ranging in scope with findings and safety recommendations that cover all aspects of search and rescue aviation, both nationally and internationally. The report sets out the factual information of the flight, followed by an analysis of that information which informs the conclusions and findings, including probable cause and contributory causes. Subsequent to the conclusions, a number of safety recommendations are made.

The main conclusion by the AAIU is that the accident was what is known as an “an organisational accident”. Organisational accidents have multiple causes involving many people operating at different levels of their respective organisation.

In total, there are 71 findings and 42 safety recommendations, of which ten findings and 14 safety recommendations are directly relevant to the Minister for Transport. I fully accept the recommendations addressed to me contained within the report. Given the size and complexity of the report, my Department will require some time to examine it in detail and consider its findings and recommendations. I propose, however, to formally respond to the Chief Inspector of Air Accidents in respect of each safety recommendation addressed to me, in advance of the 90-day timeframe required under the relevant EU legislation governing the investigation and prevention of accidents and incidents in civil aviation.

The Department did not wait for the publication of the final report to implement changes on foot of the lessons learned following the accident. Since March 2017, and specifically following receipt of the draft final report in September 2019, the Department and, in particular, the Irish Coast Guard, have undertaken a significant programme of change across key areas to take account of issues raised and recommendations addressed to the Minister of Transport.

On foot of the interim report of the air accident investigation unit, the then Minister for Transport, Tourism and Sport commissioned an independent review of oversight arrangements for search and rescue aviation operations in Ireland. Following publication of the independent review, known as the AQE report, in September 2018, the then Minister committed to implementing its 12 recommendations. The measures that have been taken fall under six broad categories: the development of a new national search and rescue framework, the national SAR plan, NSP; enhancing safety and oversight across the search and rescue system; addressing oversight of search and rescue aviation elements nationally and internationally; the review and revision of all relevant standard operating procedures and training for Coast Guard personnel, in particular rescue co-ordination centre staff training, with a focus on aviation tasking including the introduction of a formal course on tasking of aviation assets delivered by an IAA authorised training organisation; the development of an externally accredited safety management system in the Coast Guard; and a review of governance arrangements in regard to the aviation contractor, enhancing aviation expertise in critical areas and legislative reform of the IAA.

A new search and rescue framework, the NSP, which provides for more explicit governance, assurance and oversight roles across the SAR system, was noted by Government and published in July 2019. The key objectives of the NSP are to achieve a rebalancing of the previous maritime-centric SAR framework to encompass air and land SAR more comprehensively; establish effective governance, oversight and assurance across the SAR system to take account of national and international obligations; achieve clarity on roles, inter-relationships and re-

sponsibilities from the strategic through to tactical and operational levels; develop a common approach to managing SAR incidents across the three domains; to set priorities, objectives and performance expectations, measure performance at system level; and provide a sound and clear basis for continuous improvement.

The NSP sets out more explicit governance, assurance and oversight roles across the SAR system. The plan resets a more strategic and focused national search and rescue committee with a leaner and more coherent set of sub-committees, including an SAR consultative committee, a regulators forum, a health and safety forum and an aviation forum. The plan also sets out a clear description of the national SAR system, including roles, inter-relationships and responsibilities from the strategic through to tactical and operational levels.

The national SAR committee, NSARC, set up under the NSP, is a strategic level committee with oversight of the national SAR plan as a whole and covers all three SAR domains, that is maritime, aeronautical and land-based. Its membership includes senior managers from the three SAR co-ordinators, namely the Coast Guard, the IAA and An Garda Síochána, and their respective Departments, as well as senior representatives from supporting Departments and agencies. It meets at least three times a year and has an independent external chair. It gives strategic direction to the SAR system, and has a forward-looking remit to ensure investments in SAR are strategically sound and a review remit to examine performance, disseminate best practice and learn from experience.

A second deliverable was an implementation plan for the recommended model for a joint rescue co-ordination centre, JRCC. It is a special type of rescue co-ordination centre that is operated by personnel from the maritime rescue co-ordination centre and the aviation rescue co-ordination centre. This virtual JRCC is intended to capitalise on the strengths of the current model, minimising disruption and exploiting opportunities for enhanced technology, closer co-operation and revised operating procedures, notably to address the vulnerabilities identified in the existing model and to provide for stronger oversight arrangements.

Significant progress has been made on the implementation of the new joint model. The Coast Guard and IAA have agreed a concept of operations and procedures manual and this work has resulted in increased collaboration and professional interaction between the Coast Guard and the aeronautical rescue co-ordination centre. Formal establishment is subject to the filling of newly established positions in the Coast Guard rescue co-ordination centre following a public appointments service process.

As an appendix to the NSP, guidance is provided on the development of a common approach to managing SAR incidents across all three domains of land, maritime and aeronautical SAR, including the transition from search and rescue to search and recovery. It was agreed that the NSP would be delivered on a phased basis to enable a managed and integrated approach to the development of the new SAR structures, along with the coherent development of memoranda of understanding and service level agreements between all relevant stakeholders to underpin the new assurance mechanism.

Since then, progress in delivering key aspects of the implementation plan has been good, with the majority of actions completed and the remainder on track for delivery in 2022. The actions include the first annual report of the NSARC on the NSP, which was approved in July of last year and subsequently published by the Government on *gov.ie*. The second annual report will be presented shortly.

The new or reformed structures envisaged by the NSP are fully up and running. The NSARC meets at least three times a year and has an ambitious work programme involving each of the three SAR co-ordinators. The national SAR consultative committee is an amalgam of previous existing SAR consultation groups and has a wide membership across all SAR providers. It meets twice a year. A national SAR stakeholders forum takes place annually. It brings all SAR actors and a selection of SAR beneficiaries together. The Minister of State, Deputy Hildegarde Naughton, addressed this year's forum in July where the invaluable contribution of volunteers to the service was recognised.

The aviation forum meets on a quarterly basis. One of the key innovations in the new NSP is the SAR assurance mechanism. Adapted from the New Zealand SAR model of system assurance, it places an onus on all participants to provide annual assurance statements across key areas of performance and safety and risk management. The SAR regulators forum and health and safety forum, which form part of this mechanism, meet regularly and are working to a programme.

Significant progress has been made on the implementation of the new virtual JRCC. Clarity has been provided on the roles and responsibilities and has been promulgated across the system, and formal agreements are being finalised with all key stakeholders. A mechanism has been formalised and tested for reviewing international SAR agreements. The Coast Guard's standard operating procedures have undergone a major review and refresh.

Key performance indicators for the NSP have been developed by a dedicated working group. The development of a new SAR assets register is under way. A new aviation training programme for Irish Coast Guard staff provided by an IAA approved training provider is ongoing and the ninth such course is currently taking place. In addition to the Irish Coast Guard staff, course participants include aeronautical rescue co-ordination centre staff and members of An Garda Síochána from the Garda air support unit, which is indicative of the increased collaboration between the three SAR co-ordinators.

The provision of an effective maritime search and rescue service is critical to Ireland as an island nation with a strong maritime sector. The sector depends on the reliability and professionalism of the Irish Coast Guard and all its component parts, including the Coast Guard aviation service, to offer a service which can deploy at a moment's notice to rescue people in distress and bring them to a place of safety.

As mentioned earlier, in light of safety recommendations, the Coast Guard is building on its safety management system, which encompasses all aspects of its operations. The safety management system will be externally accredited to ISO 45001. A review and revision of all relevant standard operating procedures and training of Coast Guard personnel was completed and updated on foot of incident reviews under the Coast Guard continuous improvement regime.

Training for personnel involved in decisions to launch Coast Guard helicopters is being provided to the Coast Guard by an authorised training organisation approved by the IAA. Eight such courses have been held so far, encompassing 70 staff, and courses are ongoing. In regard to implementing a safety management system to ISO 45001, the Coast Guard is currently undergoing pre-certification audit which will be completed in the first quarter of 2022. The Coast Guard is also implementing a range of measures which represent a SAR assurance system. This includes updating and renewing its memorandums of understanding, MOUs, with SAR co-ordinators and SAR facility providers. MOUs are based on an agreed template setting out re-

spective roles and responsibilities, services provided, availability and oversight arrangements. This includes continuous system improvement, risk assessment and safety management. The vast majority of these MOUs are completed with first-line SAR facility providers and SAR co-ordinators. Work is ongoing with the remaining support organisations with which the Coast Guard has links.

The AAIU report found there was a lack of clarity concerning oversight of search and rescue aviation operations. As I mentioned recently, the national search and rescue plan sets out more clearly the roles and responsibilities in respect of oversight. The SAR review report published in July 2019 also describes the measures undertaken by the Irish Aviation Authority, IAA, as the national aviation regulator to address recommendations arising from the AQE independent review of SAR aviation oversight that are clearly relevant to those aspects of the AAIU's report. The implementation of these specific recommendations is also addressed in the AQE 2019 report on implementation. The role of the IAA concerning search and rescue covers both the aviation safety regulation and oversight of search and rescue operations performed by air, the operator, and the aircraft, as well as oversight and operational responsibility for search and rescue aviation co-ordination centres and sub-centres. At the time of the R116 accident, as is the case today, the IAA exercised safety oversight of the SAR operator through its air operator certificate and a national search and rescue approval. The air operator certificate allows an operator to perform specific operations of commercial air transport and the national search and rescue approval provides for alleviation or exemptions that are necessary to operate outside of the requirements used to conduct commercial air transport, without which some of the search and rescue operations would not be possible. There are safety cases for all alleviation or exemptions, and these are reviewed by the IAA each year.

We continue to enhance the legislative framework for the regulation of Coast Guard aviation activities. The IAA has developed a revised set of regulations and detailed rules specific to search and rescue that are currently being considered by the Department and the Coast Guard. The Air Navigation and Transport Bill 2020 provides for further enhancement and strengthening of this framework. It underpins the IAA role in terms of oversight of Coast Guard aviation activities generally but also aligns this regulatory oversight activity by the IAA with European aviation safety regulations. Further alignment with European aviation safety regulations is planned by exercising the option in Regulation 2018/1139 on common rules in the field of civil aviation, the European Aviation Safety Agency, EASA, regulation, to apply certain elements of that regulation to the Coast Guard and search and rescue aviation activities, which are currently outside the EU regulations. The opting into the European regulatory framework for search and rescue is a one of the recommendations in the report. National primary legislation is required for this, and the necessary provisions are in the Air Navigation and Transport Bill. In practice, the IAA already applies commercial air transport standards and procedures to the majority of Coast Guard aviation activities. Exercising the option in Regulation 2018/1139 will formalise this and provide European oversight by EASA of the regulatory role of the IAA with regard to search and rescue.

Finally, with regard to regulatory oversight and responsibilities, it should be noted that wholesale reform of aviation regulation in Ireland, which will separate the regulatory and commercial functions of the IAA, is being advanced through the Air Navigation and Transport Bill 2020. The separation will provide clearer lines of responsibility and accountability in respect of aviation regulatory oversight and the opportunity to invest in strengthening regulatory capacity. The Bill has been passed by the Dáil and is currently before the Seanad. In the meantime, all

the necessary administrative arrangements are being made in preparation for the new arrangements.

As regards oversight of the IAA's role in regulating search and rescue and other aviation activities, the Department does not retain specialist aviation expertise, either pilot or engineering, but contracts expertise when necessary. Periodic review of the IAA by the Department is built into the Irish Aviation Authority Act 1993. Section 32 of the 1993 Act requires periodic examination of the performance by the IAA of its functions insofar as they relate to the application and enforcement of technical and safety standards in aircraft and air navigation. The examination is a safeguard to ensure safety standards are upheld. The most recent section 32 examination was carried out in 2019 by independent consultants Helios/Egis Avia. The examination work carried out by the consultants included a focused review of search and rescue oversight by the IAA. The examination work provides us with an external view on the oversight role of the IAA with regard to matters raised in the AQE 2018 report on search and rescue aviation oversight in Ireland. Helios/Egis Avia specifically reviewed the regulation of the national search and rescue approval and safety cases to alleviate or exempt search and rescue operations from the standard rules of the air, which is necessary to safely plan and carry out search and rescue operations and flight training. The findings of the examination gave assurance regarding the performance of the IAA of its oversight function.

I am sorry to run over my time, but I will take an extra minute to conclude because the detail of this is important in response to the safety report.

Also this year, at the request of my Department and following a public tender process, the IAA engaged consultants, Bureau Veritas, to complete an independent review of the IAA role as national civil aviation regulator, addressing areas of regulation that are outside of the EU regulatory framework. The scope of the review, agreed with the Department in advance, covered the full range of activities in respect of aircraft operations, airworthiness, licensing, aerodromes and air navigation services. I can report that the review found no gaps in the areas examined in respect of the provisions of the Irish Aviation Act 1993 and associated statutory instruments in meeting obligations in the International Civil Aviation Organisation, ICAO, annexes. In addition to the periodic section 32 examination, the IAA is regularly audited by the European Aviation Safety Agency and the International Civil Aviation Organisation. The outcomes of standardisation audits by EASA and audits under the ICAO universal oversight audit programme, USOAP, are a standing item on the agenda of the quarterly meetings of the national State safety programme co-ordination committee. In terms of safety regulation, the IAA performs strongly within the European and global regulatory framework.

I wish to record my thanks to the AAIU for its report, which follows a long period of investigation and deliberation. I accept its recommendations addressed to me, and I and my Department will accord the report the time and consideration it deserves in the coming weeks. As noted earlier, since receiving the draft final report in September 2019, my Department has undertaken a significant programme of change across key sectors to take account of the issues raised and the recommendations made at that time. I am confident these measures will strengthen the safe conduct of search and rescue operations.

Uppermost in our thoughts right now are the crew of R116 and their families and loved ones. We must all ensure the findings and recommendations set out in the report of the investigation are fully implemented to prevent similar accidents occurring in the future. I only wish we could turn back the clock. What we can do is learn the lessons so that such an accident will

never occur again.

Deputy Catherine Connolly: On a point of order, can we get a copy of the Minister's speech? It is a very detailed speech on a very serious issue, but we are left trying to scribble notes.

An Ceann Comhairle: It will be circulated.

Deputy Darren O'Rourke: At the outset I join the Minister and colleagues across the House in expressing my deepest sympathies and those of my party to the families, friends and colleagues of Captain Dara Fitzpatrick, Captain Mark Duffy, winchman Ciarán Smith and winch operator Paul Ormsby. The crew of R116 epitomised the courage, bravery, selflessness and dedication to the welfare of others that are the hallmark of members and volunteers of the Irish Coast Guard and our emergency services. Today we remember them. Ar dheis Dé go raibh a n-anamacha dílse.

The extensive final report on the crash of the R116 helicopter in March 2017 was published by the AAIU earlier this month.

7 o'clock

It included detailed findings and recommendations. I thank the members of the AAIU for their vital work in investigating this incident and preparing this report. I welcome the comments from the Minister for Transport that he fully accepts the recommendations contained in the report. However, accepting these recommendations is not enough and I would like the Minister to outline a timeline for when each of the 42 safety recommendations will be fully addressed and implemented.

As colleagues have said, the Minister's statement was a very detailed one and will take time to consider. Noting that the safety recommendations relate to several parties such as the IAA, CHC Ireland, the Department itself, the Sikorsky Aircraft corporation, the European Commission and EASA, how does the Minister intend to ensure each party responds and acts appropriately to the recommendations that apply to it? What mechanism will be put in place to ensure that happens on a co-ordinated basis? Some people have suggested a co-chaired working group model or a stakeholder forum. I would be interested to hear the Minister's perspective.

It is essential that each of the recommendations is acted on with haste to ensure everything is done to try to prevent another such tragedy. A deadline should be set for departmental officials or the Minister to appear before the Oireachtas Joint Committee on Transport and Communications to report on the full implementation of the 42 safety recommendations. I know significant detail was given to the House tonight, but it would be appropriate to submit that information to the committee and to have it line up against the 42 recommendations. I would welcome the Minister's opinion on this approach.

The AAIU detailed 71 findings in the conclusion of its report. These findings raise serious questions for the State, its agencies and the operator. For example, contributory cause No. 12 identified that there was confusion at State level regarding responsibility for oversight of SAR operations in Ireland. The Minister referred to this in his contribution.

The Air Navigation and Transport Bill, which seeks to significantly redesign air navigation services in the State, is currently on Committee Stage in the Seanad. Is the Minister satisfied the

confusion regarding responsibility for oversight of SAR operations in Ireland has now been fully resolved? Are any changes needed to the Bill to make this key responsibility more explicit?

Regarding the maps, charts and imagery available to the crew on the night, the report found that Black Rock was not in the enhanced ground proximity warning system, EGPWS, databases; the 1:250,000 aeronautical chart, Euronav, imagery did not extend as far as Black Rock; and the 1:50,000 Ordnance Survey of Ireland, OSI, imagery available on the Toughbook did not show Black Rock Lighthouse or terrain and appeared to show open water in the vicinity of Black Rock. Even to an ordinary person reading this report, these findings are striking and pose sobering questions about the aeronautical data available to the crew of R116 on the night.

The Irish Air Line Pilots Association, IALPA, has been in contact with the Minister about the role of the IAA in overseeing the provision of accurate charts and aeronautical data as set out by ICAO obligations. IALPA has stated that the crew “relied on the data production standards of Irish regulation to guarantee them correct information. They were let down.” It is hard to disagree with that assessment on reading the report.

Raising concerns some time beforehand on 26 June 2013, one of the operator’s pilots emailed several other personnel, advising that the Blacksod south route had been flown the previous night and it was noticed that Black Rock Lighthouse was not shown on the EGPWS. The pilot stated that at 310 ft. high, the lighthouse was an obvious hazard and suggested that although it was mentioned in the route notes, the EGPWS issue should be highlighted as well. The following day, on 27 June, a different pilot emailed several of the same personnel, advising that Inishmurray and Black Rock were not contained in the EGPWS databases.

The next day, on 28 June, one of the operator’s pilots emailed the EGPWS manufacturer advising that: “a few Islands and lighthouses locally... do not appear on the database. Is it possible to get these obstructions added to the database? If so, how do we go about it?” The manufacturer replied stating it would examine the matter. The manufacturer later told investigators that it could not find any evidence it had been provided with “specific actionable data on what islands and lighthouses to add”, and the matter was regrettably closed in March 2015 with no action taken. It is devastating to read that concern about this critical information was raised four years before the R116 crash, but no action was taken to address it. I hope new processes have been put in place to ensure critical pieces of information about mapping errors are acted upon and addressed with appropriate urgency when they are identified.

The crew were provided with a low-level approach chart that started right above a fatal hazard. That hazard, Black Rock Island, was not adequately highlighted on charts and the charts had no vertical profile to provide crew with safe crossing heights. The crew had not been trained on all specific approaches on simulators and did not have “prescribed recent experience” of different landing sites.

In response to the AAIU report, the family of Captain Dara Fitzpatrick said that while there is a weighty responsibility on the operator to minimise the risk to the crew, this was not done on this occasion. They said they believed the crew members of R116 were badly let down by the operator not providing them with the safe operating procedures and training that they were entitled to expect.

It is impossible to read the report without thinking that many opportunities to mitigate risk were missed and wondering if the tragedy on the morning of 14 March 2017 would have been

avoided if instead of being missed, corrective and preventative actions had been realised. What might have happened if the systems of operation, training, support and oversight were to the standard required?

Captain Dara Fitzpatrick, Captain Mark Duffy, winchman Ciarán Smith and winch operator Paul Ormsby gave their lives in the courageous pursuit of protecting others. Nothing we say here will turn back time or ease the pain for their loved ones. The report from the AAIU provides the basis for ensuring that lessons are learned and acted on. It is an opportunity that should not be missed.

Deputy Rose Conway-Walsh: Like others I welcome the publication of the air accident report into the R116 tragedy, which will now enable the long-awaited inquest to go ahead. My thoughts are with the families of Dara Fitzpatrick, Mark Duffy, Paul Ormsby and Ciarán Smith.

Those of us who live on the Mullet Peninsula and the wider Mayo area share a special affinity with these families and with the crew. The whole community took them into their hearts as the tragedy unfolded in the early hours of 14 March 2017. Their courage and dedication are forever remembered when we look out on Black Rock and Blacksod Bay. I take this opportunity to thank all those in the community who were involved, all the agencies that were involved on the ground, the local gardaí, the people from the Royal National Lifeboat Institution, RNLI, the fishermen and so many others who pulled together in that awful time following that terrible accident. We are constantly mindful that the bodies of winchmen Paul Ormsby and Ciarán Smith have not yet been recovered.

As I talk about this, I am very conscious not to jeopardise any future legal actions. That curtails what I will say. The Minister has detailed many actions in his contribution, but the question is why it has taken so long. We automatically trusted what was in this report and that the system worked. We trusted that the system worked to keep crews and volunteers safe so we are shocked to find out this was not the case. We ask why issues have been identified and not rectified. It is very plain that they were identified but nobody was listening.

We can consider Black Rock and why a natural structure the size and height of the island did not appear in the mapping. It is absolutely unbelievable. Why do agencies have a common purpose but do not act more holistically? Why did we have so much confusion? We ask what lessons can be learned and how we can procure cutting-edge equipment that we need while safeguarding against glitches in the new technology. How do we ensure consistency in equipment with training and standards? Are the regulatory and legislative structures appropriate and consistent across the entire SAR framework, including aviation, working at height, cliff, land and boat rescue? Do we need to look more globally to benchmark best practices in regulation, training and operation?

Unfortunately, all this is too late for Dara, Mark, Paul and Ciarán but we must not let their lives and deaths be in vain. The 42 recommendations must be implemented and I am glad to hear the Minister detail how that will happen. Those accountable for overseeing the implementation of these recommendations must be known because we must have accountability within the system. It is vital that lessons are learned from what has occurred here to ensure all crews and volunteers can work safely and have confidence that they are protected while they go about the important work they do. There must be robust and thorough action from the Minister, the Department of Transport, the Irish Coast Guard and those involved with SAR operations to ensure the measures are put in place. Crews must have confidence in their working environment

and the public must have confidence in that environment too.

As my colleague, Deputy Darren O'Rourke, has said, we need a timeline and continuous reviews and updates. We owe that to those who lost their lives and gave their lives in service. This must never happen again. We will always ask why and always ask if this could have been avoided. People need to answer those questions. My thoughts this evening are with the families, who as I say will always be in the hearts of the people of Mayo and Erris.

Deputy Aodhán Ó Ríordáin: I thank the Minister for his comprehensive statement to the House. As others have said, it will take some time for us to go through. As Deputy Conway-Walsh has said, we are all united as an Oireachtas in our grief for the loss of these brave public servants. I know for the families it is not a case of ever getting over such a loss but I suppose it is pain that they must, in some way, try to get used to.

I am minded to read into the record the statement by IALPA in response to the report, as the Minister should take cognisance of its views. It states:

Captain Dara Fitzpatrick, Captain Mark Duffy, Winch Operator Paul Ormsby, and Winchman Ciaran Smith lost their lives while participating in a rescue off the Mayo coast. This report shows that the loss of their lives was as needless as it was preventable. It is evident from media reporting that the final publication of the report corresponds with the AAIU interim and preliminary reports and makes it clear that the crew of R116 were exemplary in the performance of their assigned task. Their planning, response, teamwork and communication was exactly what would be expected from such a competent and seasoned crew on a flight led by such professional pilots. They were let down by a regulatory system which left them ill-equipped to do the vital work that same system tasked them with.

The report outlines a number of regulatory and systemic issues which conspired to put the crew in lethal danger. Prime amongst them was the provision of inaccurate and misleading chart and map data. All flight crew rely on the basic assumption that their maps and charts provide accurate data. Few flight crews could be more reliant on that assumption of accurate data than the crew of a rescue helicopter operating offshore in challenging conditions outside their normal home base, scrambled at short notice to launch a rescue in the middle of the night (00:45 am). They relied on the data production standards of Irish regulation to guarantee them correct information. They were let down.

IALPA President Evan Cullen described it as a fundamental betrayal: "As an airline pilot, if I take a flight from Dublin to Rome, I must navigate the Alps, and I expect one of two things from the Swiss authorities; tell me the height of the alps, or tell me they don't know the heights, so I had better avoid them. The one thing they cannot do, under any circumstances, ever, is tell me the wrong height or tell me the Alps are not there. In essence that is what the Irish State did to Dara, Mark, Paul and Ciaran. They approved information which said, 'you are safe', when the absolute opposite was the truth."

The report details failures in oversight, equipment requirements and maintenance and in resourcing for search and rescue. But it is the regulatory failure by the now defunct Irish Aviation Authority which is central to this accident. They set the standards for equipment, for mapping and for oversight. They accepted standards which most, if not all, of their European peer authorities would not.

This tragic and unnecessary loss of life must not be allowed to happen again.

All of us in the House can agree with that same very basic sentiment. It is the point of this debate and the report we are discussing this evening. I know the Minister shares that view. The statement finishes with a call supported by the Labour Party:

IALPA is calling on the Government and Minister for Transport to institute an immediate review of the failures identified in this report and to bring forward concrete proposals to address each and every identified failure immediately.

It is to the Minister's credit that he gave this House a very detailed statement that will take time for us to dissect and understand better. I was determined this evening to put the voice of airline pilots on the record of the House to ensure we never have to debate another tragedy of the nature and magnitude of what happened to the four brave people who lost their lives aboard R116.

Deputy Neale Richmond: I greatly appreciate the opportunity to contribute to this very sombre exchange this evening. I thank the Minister for bringing this important report to the House. Like others, I pass my sincere condolences after many years on to the family members and friends of all those who lost their lives in the ill-fated R116 tragedy of March 2017.

Quite frankly, what happened that night was avoidable and should not have occurred. When we speak of this incident we must bear in mind that these crew members made the ultimate sacrifice to protect others, they did so thoroughly and this occurred through absolutely no fault of their own. We must remember that all four crew members on board did absolutely everything correctly and by the book. They were not at fault for what happened that evening.

We have all seen the very concerning report on the flight compiled by the AAIU, which outlines 12 factors that contributed to the crash. I will deal with some of those this evening. The main finding of the report is that the crew on board the helicopter were not aware of the location of Black Rock Island because it was not on their maps or navigational system. They had absolutely no way of knowing the rock was there and so had no way of avoiding the crash, given the poor weather conditions they experienced.

I will not repeat the comments others have made this evening but it is worth focusing again on a point raised by Deputy Darren O'Rourke. Although the crash took place in 2017, in 2013 a pilot emailed CHC Ireland, the company which the State contracted to operate these helicopter flights, stating that neither Black Rock Lighthouse nor Black Rock itself was visible on its flight database or navigational equipment. Again, this was flagged four years prior to the R116 flight. We can all agree that while hindsight is 20-20, clearly a major error was made here that cost four people their lives. This is hugely worrying and disappointing both for the families affected by the R116 flight, and for the crew members who currently operate SAR missions for the State and their families. We all deserve to be safe and protected at work, and this line of work is absolutely no different.

The report further found that there was no formalised, standardised, controlled or periodic testing of flight routes. Even if there were issues that were not flagged, they would not have been discovered. The crew was flying at night under cloud cover at 200 ft above the Atlantic Ocean. They had no chance of seeing Black Rock without their navigational equipment flagging it for them. I cannot stress enough how disappointing this is. When we ask people to put themselves in harm's way to save another person, it goes without saying that everyone involved will do all he or she can to ensure everyone is safe. Frankly, was not the case for those involved

in SAR missions.

The report states that there should be no presumption of blame or liability in this accident. I respect that and, like Deputy Conway-Walsh, I do not want to say anything that would jeopardise this. However, we have to be capable of asking the hard questions in this House to ensure that when we finally study this report, and if the Minister brings conclusions, it is assessed in a comprehensive manner.

A second concern I want to raise is that of oversight, including the oversight of CHC Ireland and, indeed, everyone involved in the contracts. The Department negotiated the contract to provide this vital work, but there is major confusion about who was overseeing this. Put simply, who governs CHC Ireland? Who was there to ensure regulations were being followed, security protocols were in place and personnel were safe? There was a presumption that the IAA was overseeing CHC Ireland. This has not proved to be correct. What is the role of the Department here? It cannot be the case that huge sums of money are passed on to companies to provide these services but no checks or measures are in place to ensure they are being put to safe use. The families of those lost that night deserve clarity on this and the current active members of the service deserve this too. I urge the Minister to provide clarity on this and to step in to provide this oversight if it is not already in place. These are difficult conversations to have but we cannot shy away from them.

I understand the Minister has accepted the 42 recommendations in this report and will evaluate them in the coming weeks. I urge him to do so as quickly as possible. It is too late for us to save Captain Dara Fitzpatrick, Captain Mark Duffy, winchman Ciarán Smith and winch operator Paul Ormsby. It is not too late for us to honour them by ensuring this tragedy never happens again.

Once again, I thank the Minister for bringing this to the House, and the families of those lost for their perseverance and tenacity in facing such hardship. I urge the Minister to act as swiftly and thoroughly as possible.

Deputy Violet-Anne Wynne: We know that on 14 March 2017, the crew of R116, comprising Captain Dara Fitzpatrick, Captain Mark Duffy, winch operator Paul Ormsby and winchman Ciarán Smith lost their lives while participating in a rescue off the Mayo coast. This report shows that the loss of their lives was as needless as it was preventable. I choose to say each of their names in the Chamber for two reasons: to honour their service and to remind us that they were four people. They were not just numbers, statistics or collateral damage. They were four sons, daughters, brothers and sisters, and their loved ones are still waiting and watching to see if the Government will take seriously the findings of this report and take action to prevent more preventable deaths.

This was the first time in 25 years, involving over 1,000 investigations, that an AAIU report was referred to the review board. It is one of the most comprehensive inquiries the AAIU has ever done. The review has confirmed that the actions of the four Irish Coast Guard members on board did not contribute to the crash. However, it draws attention to the safety protocols and procedures of the IAA, the Coast Guard, and the helicopter operator, CHC Ireland. The report confirms that the crew did absolutely everything correctly. It shows that several safety devices were not working as they should have been. The locator beacons on their life jackets malfunctioned. Black Rock Island, which the helicopter crashed into, unfortunately, did not appear on their internal navigation system.

When this report was published on 5 November, I immediately heard alarm bells ringing. A few weeks ago, the Irish Coast Guard Volunteers Representative Association commemorated another tragic death of a Coast Guard comrade, Cairtriona Lucas. On her anniversary, the volunteer group launched its representative body, comprising current and former volunteers who are united in their concerns over the management and safety procedures of the Coast Guard. They feel their concerns, their fears and, obviously, their voices are not being heard. These are not new issues. There are countless units along our coastline that have had these experiences. Unfortunately, they feel they cannot speak out. The dark irony that volunteers honour the loss of their colleague by launching a platform for the long-ignored cries for help from Irish Coast Guard volunteers is very concerning. If the Minister speaks to these volunteers and listens to them, I can assure him that he will be alarmed by their experiences.

The AAIU report makes more than 40 safety recommendations, and it is imperative that these recommendations are heeded. The report has shown that the loss of these four lives was preventable. It would be a disservice to the tragedy if these recommendations were to be shelved and not implemented. The families of Dara Fitzpatrick, Mark Duffy, Paul Ormsby and Ciarán Smith deserve that justice, at the very least. The rescue forces up and down the length and breadth of the country deserve the knowledge that the State is doing everything in its power to protect them.

I remember hearing about the R116 accident. It would send shivers through a heart made of stone. Having been in the Defence Forces, I know the adrenaline that pumps when there is a call for action. Living in County Clare, I know what a central role volunteers, emergency responders and SAR operators have in my county but also beyond it. It is worrying that since I was elected to this House last year, I have been contacted by virtually every one of these groups. They feel undervalued. They all have health and safety concerns. I refer to workers in Shannon Airport, air traffic controllers, lifeguards, Coast Guard personnel and firefighters in the fire and rescue service. Clearly, something is very wrong when the very people who put their lives on the line are undersupported in doing so. These brave people are risking their safety to ensure the safety of others. The very least the State can do is to take them seriously. They are our national treasures. They are our heroes.

I truly hope that the Minister, Deputy Eamon Ryan, will value and apply the 40 recommendations of this report. If it gathers dust, as has the wisdom of so many other reports, the lives of Dara, Mark, Paul and Ciarán will have been lost in vain, and the State's failure to improve the safety of our rescue workers will be unforgivable.

Deputy Catherine Murphy: I join other Members of the House in expressing sympathies to the families of Captain Dara Fitzpatrick, Captain Mark Duffy, winch operator Paul Ormsby and winchman Ciarán Smith. The accident involving helicopter R116 was, for many reasons, an entirely preventable tragedy. In 2013, the mapping of the terrain of Black Rock Island was notified as an omitted hazard on the EGPWS in 2013 by a pilot, as has already been said. The information was circulated to the manufacturer of the system and to CHC Ireland, but no action arose from the communication. There was no proactive follow-up; it was a closed case in 2015. The lands and the lighthouse remained a blind threat. This is a tragedy that has been lodged not only in the minds of the families who have been so directly impacted by it, but also in the minds of the public. The loss of lives that occurred in this way resonated deeply with people on that day and still does today. In the days and weeks following the crash, the maritime community from all corners of the island travelled to north Mayo to assist with the search and rescue, and to stand and acknowledge in person the event that had unfolded.

It is difficult to address such a sizable report in six and a half minutes. While the AAIU report was constructed so as not to apportion blame or apply liability on anybody or any failings detailed, we can draw some conclusions. A passage in the analysis summary of the report makes stark reading. It illustrates that working in the most perilous of environments was further compounded by the fact that “The cockpit operating environment appears to have been sub-optimal regarding the combination of cockpit lighting and coloured documents, the size of font used in some documents, the tabulation of a large amount of numerically dense information” and further factors listed in the report. The flight crew of the search and rescue aircraft, R116, which was primarily east coast oriented, were dispatched to the very different environment of the west coast of Ireland. There was inadequate equipment and inadequate training. The crew were fully vindicated in the report.

I will raise some aspects of the State’s role in the context of the Air Navigation and Transport Bill 2020 and the loss of the crew of R116. These matters have been drawn to my attention by IALPA. The mapping and navigation data the crew were relying on failed them. It was during the course of the final flight of R116 that systemic shortcomings and regulatory failure met to create the circumstances in which the crew found themselves in the early hours of the morning of 14 March 2017. It was described as an organisational accident. To me, that is an accident that should not have happened.

The IAA produced the State’s plan. SAR operations are excluded from the regulatory framework for civil aviation and are thus outside the remit of the authority. This needs to change, if it has not already. The authority is calling for a number of amendments to be made to the legislation that is going through the Seanad at the moment. That is one of its calls. The State needs to take full responsibility for this matter and needs to ensure that there are no gaps in oversight.

There are three critical findings in the AAIU report. Black Rock Island was not on the EG-PWS database, the aeronautical chart did not extend as far as Black Rock Island and the OSI imagery available on the Toughbook did not display Black Rock Island. The ICAO sets out Ireland’s obligations as a contracted state when it comes to implementing the most accurate mapping information standards available.

On pages 328 and 329 of the AAIU report, it is stated that:

50. From the IAA’s Annual Safety Reviews and Aeronautical Notice it appeared that the IAA was responsible for, and carrying out, oversight of SAR helicopter operations in Ireland, but after the accident the IAA questioned whether it had the necessary mandate.

51. The IAA asserted that it was subject to oversight by the ... [Department], but [the Department] informed the Investigation that it did not have specialist aviation expertise within the Department to discharge such oversight.

These are really damning admissions that need to be addressed in legislation. I know a review is to be done but are there things that can be done immediately by way of amendments to that legislation?

At a meeting of the Committee of Public Accounts last week, we were told that a tender was being prepared for the contract currently held by the existing contractor and is likely to be issued in December. I am of the view that the State should run this service directly. Failing that, the tender must take full account of the AAIU’s findings. We owe that to the crew and their families, who have been failed so badly, and we owe it to those who put their lives at risk

every time they go out to do this very dangerous job. The State must have their back. I agree with the Minister that we cannot turn back the clock. We must do everything we can to prevent accidents such as this occurring but there will come a day when there must be accountability for this accident. Without accountability, behaviour will not change. This report outlines absolutely unbelievable shortcomings. I would like to hear when they occurred. It is not just a question of rectification. There must be accountability.

Deputy Dara Calleary: The lives of Dara Fitzpatrick, Mark Duffy, Ciarán Smith and Paul Ormsby are forever in the hearts of the people of Erris and Mayo. Their families are also in our hearts and thoughts constantly, particularly since the publication of this report. They have suffered the biggest loss and are entitled to ask questions and to seek answers and accountability. They have shown enormous strength and courage during the last four and a half years. That needs to be respected and the Minister needs to have ongoing engagement with these families rather than just marking the issuing of this report. Their concerns must be respected.

Every day, I am very proud to be from Mayo but I was particularly proud during the days, weeks and months following this tragedy. The communities of Belmullet, Aghleam, Binghamstown, Blacksod, the Erris Peninsula and Erris rallied in a way that had never been seen before. It was truly a *meitheal*. All of those who opened their homes, their hearts and their lives to people coming from all over the country to assist in the search deserve great recognition and credit. Mayo County Council, An Garda Síochána, our Defence Forces, the Coast Guard units of Ballyglass, Killala and Achill, the RNLI and local medical personnel all rallied in the most extraordinary effort, initially to find and save the crew and then to walk with the family on those terrible nights. That too needs to be acknowledged. I hope that the Minister will get the chance at some stage to visit the community, to see it for himself and to meet members of the community and hear their recollections of that time.

Those of us who live in coastal communities know the sound of that chopper as it flies over our homes. We know that, whatever part of the country those crews are coming from, they are on their way to assist. However, we did not know much of what has been outlined in the report with regard to the confusion over roles, call-outs and the management of that particular service. It is appalling that it took this tragedy to bring these issues to light. When we hear that chopper flying over us, we immediately think of families who may be about to get bad news or, hopefully, to be saved from bad news because of the efforts of those in the chopper and those behind them on the ground. That too needs to be supported.

The current challenges within the Coast Guard are incredibly unfortunate and unfair on volunteers right across our coastline and on our islands who are willing to stop their lives at any given minute to go to the assistance of others in very unpredictable and dangerous conditions 24-7. They deserve certainty and respect. They deserve for their voices to be heard in a co-operative and collaborative manner. That is not happening at the moment and that needs to be addressed urgently because, if that gets in, it ruins the spirit of volunteerism within the Coast Guard.

I wonder why we are contracting out our search and rescue service. As an island nation that is dependent on those who work on the sea, we at least owe them assurance that the State will protect them. It should do so with our own service either through our Air Corps or a specific State-run search and rescue air service. We cannot allow our search and rescue operations to be run for profit. We cannot allow them to be an asset on a balance sheet. It is a national service to protect our sea-faring communities in the work that they do. It is time that we ask ourselves

whether this is an appropriate way to run that service.

There is a commitment to an EU review of search and rescue services. This matter needs to be part of that EU review. I have seen the defence given that EU procurement laws dictate our current procurement and tender system in this area but surely, given the challenges in respect of migrants and many other issues, there would be an appreciation at EU level that search and rescue and the protection of our coast is a State function that should be carried out and staffed by the State. The most important thing is that we give a commitment that this will not be allowed to happen again and that the many flaws identified in what was a limited report will not arise again. The very notion that a structure such as Blacksod Lighthouse and Black Rock Island were not in the so-called enhanced ground proximity warning system is still incredible. As for the fact that had been highlighted some years beforehand and was not dealt with, who is being held responsible for that? So many issues of fault have been laid out in detail in the report. I acknowledge it was designed not to find fault, but facts have been laid out that show somebody was responsible. They show that if somebody had dealt with these issues in time, then maybe, just maybe, this would not have occurred. We cannot say that for definite, but the odds of it occurring would have been much lower. We have to hold people accountable for that because if they are not held to account, what else are others getting away with throughout the system? Four people lost their lives in the service of the State, yet some of the factors contributing to that, laid out in the report, had been highlighted ahead of it happening.

We owe it to them, their families and everyone who tonight is at the end of a bleeper awaiting a Coast Guard or search and rescue call, that is, every member of our emergency personnel whose life is dictated by a bleeper, full time and voluntary, that everything laid out in the report will be pursued. We owe it to them that the people who ignored the signposts highlighted in the report will be held accountable. If there is a culture of accountability, throughout the emergency service but especially, in this context, within the SAR service, people will know they have to do their job.

There are a number of other issues that could be dealt with. The Ballyglass Coast Guard, with which Deputy Conway-Walsh works closely, is a phenomenal unit and needs a permanent base. It carried out the most extraordinary work during that time, although it does so all the time. It has been messed around by various State agencies in trying to get a permanent functioning base that is fit for purpose. Will the Minister pursue that within his Department, as a mark of the unit's considerable work? The same goes for the RNLI and all the units in that area. They will do this work again tonight and every night. They are ready, willing and able to go to sea. What they need is the infrastructure and support. Most important in the context of the Coast Guard at the moment, they need respect, and that drive for respect has to come from the Minister's office.

Deputy Alan Farrell: I would like to be associated with Deputy Calleary's comments. Instinctively, my first contribution to the debate is to offer my condolences to the families of Captain Dara Fitzpatrick, Captain Mark Duffy, winch operator Paul Ormsby and winchman Ciarán Smith for their bravery and unnecessary and tragic loss. I live at the mouth of the Malahide Estuary and from my window I can see as far as Skerries. In fact, on the horizon I can see the Mountains of Mourne and County Down, and almost every day I also see Rescue 116 because I live along the flight path the aircraft takes into and out of Dublin Airport. In the summer, it often operates on Malahide and Donabate beaches conducting training exercises, so it is a regular sight. When I do not see it, I often feel it because of the size of the aircraft involved and the speed at which it deploys to sea on rescue missions.

This disaster was a tragedy but it casts a dark shadow on us as a nation. While the report, rightly or wrongly, does not identify specific persons at fault, it finds fault collectively except, of course, on the part of the pilot and crew. It is, therefore, right to know what happened, which is why I welcome the report and the lengths to which the agency went to produce it, but it has been more than four and a half years since the aircraft went down in the Atlantic Ocean. We know the equipment on board Rescue 116 that was designed to aid navigation during night-time flights or in low-visibility scenarios did not show the island, leaving the crew without crucial information. We also know the communication between relevant authorities was not clear, and incorrect and incomplete information was conveyed, leading to the deployment of the aircraft. The tragedy underscores the importance of ensuring extensive mapping of the island and land mass is completed, and it is frankly inconceivable that to this day this has not been done. The crew itself also raised issues, as had prior crews, with lighting within the cockpit and the difficulties this caused. Indeed, as was raised by other Deputies, the fact the island had not been mapped was raised as far back as 2015.

We must ensure our emergency services have the equipment and the resources they require to conduct their operations safely. The voices from the coal face must be heard with regard to these safety challenges in order to move forward appropriately. For example, Ireland does not have primary radar; we are the only country in the EU that does not. It is an extremely important navigational aid for pilots but we do not have it. Our first responders play a vital role in society, selflessly serving the community, and this often means them putting themselves in dangerous scenarios and risking their lives. They do so in order that they can protect others. They are often overlooked in society and we must, therefore, remind ourselves of their value and the service with which they provide us.

The Minister concluded his remarks by stating we must learn lessons, and I would add we must do so quickly.

Deputy Sorca Clarke: I welcome the opportunity to speak on the publication of this final report but I do so with a heavy heart and a deep sense of sadness, which was echoed by other Deputies. I place on record my sincere condolences to the families, loved ones and friends of Captain Mark Duffy, Captain Dara Fitzpatrick, winch operator Paul Ormsby and winchman Ciarán Smith, the four members of R116 who lost their lives on that tragic night in Black Rock almost five years ago while providing top cover. I acknowledge the work done by all those in the investigation for producing what must be, if not the most comprehensive air accident report ever, certainly one of them.

The report, published by the air accident investigation unit, has laid bare many unacceptable shortcomings in its 350 pages, including 42 safety recommendations. While I acknowledge and welcome the Minister's contribution fully accepting its recommendations and committing to evaluate the findings in the coming weeks, that simply does not go far enough. He must also commit to ensuring the recommendations will be implemented fully and within a timeline that reflects the urgency communicated in the report. Given the nature of the incident and the report, I call on him also to provide regular updates to the House on the progress made. Vital lessons must be learned from what occurred to ensure all crews will be able to work safely and have confidence that sufficient provisions to protect them are in place.

There must also be accountability for this tragic loss of life. When IALPA commented on the report, it said it was preventable and must result in regulatory and systemic change in order that those on whom we most rely when we are in perilous danger will never be placed in a simi-

lar position again. The association went on to state it had been let down by a regulatory system that left its crews ill equipped to carry out the vital work that same system had tasked them with, and I fully agree with that statement. The report found that the probable cause of the crash was a combination of factors, including altitude, poor weather and the crew being unaware of a 282 ft obstacle on the flight path towards a pre-programmed route it was using.

Each of those conclusions should strike fear into the heart of anybody with a responsibility for search and rescue operation, but that a rescue helicopter crew was not aware of an obstacle of that size is almost beyond belief. How, in this day and age, with the technology advancements that are at our fingertips, can this happen and why? How and why was Black Rock Island not identified as an obstacle on the flight management system? How and why were there so many anomalies on that route, some of which had gone uncorrected for years? In addition, how and why did the maps accessible to the crew not extend as far as Blackrock Island or appear to show open water in the vicinity of the island?

I wish to highlight two of the other 12 contributory causes of the accident, namely, that “There were serious and important weaknesses” in how the helicopter operator managed route testing and risk mitigation and that “There was confusion at the State level regarding [...] oversight of SAR operations in Ireland”. That is just not acceptable and cannot be allowed to continue in any scenario. The inquiry’s final report has concluded that there is a lack of clarity regarding the role of the Irish Aviation Authority in respect of the regulation of search and rescue flights. Despite how the operations “were classified as a ‘State’ activity and were to be regulated by the National Aviation Authority, the IAA subsequently expressed uncertainty about its mandate to regulate SAR”. Again, that is absolutely unacceptable.

Furthermore, the report stated that the Department “lacked the technical expertise to oversee the IAA”. If the Minister’s Department does not have this expertise, then what organisation does? In reality, it is the Department which should be in charge of this area. The last audible comment recorded was Captain Duffy saying “We’re gone”. None of us can imagine the grief that the loved ones of that crew have lived with daily since that tragic night. This report cannot be allowed to wither on the vine. This should not have happened and it cannot be allowed to happen again.

Deputy Bríd Smith: I wish to start by asking the Minister some questions. Can he confirm why the report was delayed for so long, prolonging the suffering of the families and their loved ones? Can he also confirm if CHC was the interested party that objected to the report’s findings? In addition, can he clarify whether this report was altered or amended in any way as a result of those objections?

The families have rightly said that the crew was let down badly, and this is true of CHC and of the IAA. The family of Captain Dara Fitzpatrick said that when the crew was killed that they were badly let down, and that “We believe that Dara and the other crew members of Rescue 116 were badly let down [not just] by [...] CHC [in] not providing them with the safe operating procedures and training”, mapping, proper life jackets etc. They were indeed let down by CHC, but also by the Irish Aviation Authority, by the Department, by the Ministers who over many decades allowed this to happen and by the State itself in its enthusiasm for contracting out core services and the responsibility of the State itself.

The Minister said that he believes this was a tragic, unforeseen accident, but I do not believe that this was a tragic, unforeseen accident. When costs are prioritised in tendering out core

services, then serious risks are created and the potential for costs in lives. It would not be said that the CervicalCheck debacle was an unforeseen accident and it cannot be said that this was a tragic accident either, because the awarding of such core public services to for-profit companies, whose bottom line is their profit, ensures that nothing takes priority over that profit. That includes safety, training, workers' conditions and putting people's lives at risk.

On the question of mapping, I encourage Deputies to go back over Katie Hannon's "Prime Time" report on the accident. I say that because it was not just Blacksod Bay that was missing off the map. In addition, Achill Island was depicted on the quarter-inch map as having no high ground, whereas in fact, Achill Island has two peaks that are over 2,200 ft high. Equally, the most westerly of the Blasket Islands off the coast of Kerry appears on the chart to have the highest point of 276 ft - I am referring to when these maps were being used - when in fact 660 ft is its highest point. On Rathlin Island, the map shows a lighthouse with an elevation of 243 ft, whereas the island has a highest point of 440 ft. Moreover, it was reported that there is no spot height on the map referring to the 1,400 ft mountain peak near Malin Beg. It goes on and on. People should read back over those reports and articles. There is then also the question of how the life jackets were faulty and the fact that the crew members complained continuously while maps were not kept up to date and they were blurry. Indeed, right up into the months before the accident happened, the crew members continued to complain about the faulty life jackets and the warning beacons that were misplaced inside them.

The responsibility and the failures here start with the failure of this State in every way. It includes the failure to provide wing cover from the Air Corps because of a lack of funding or a lack of personnel. That responsibility and failure continues with the role of the Irish Aviation Authority. I am sure that the Minister will say that has been dealt with through the reorganisation of the IAA and the commercial arm that deals with airlines but the underlying weakness and light-touch regulation of the IAA is not addressed in the new and more powerful body. In fact, the head of that new body is a former CEO of Ryanair, an airline with a notorious view on the rights of workers and consumers and on general safety and concerns for its staff. If that is not enough to confirm that light-touch regulation continues, then I will eat my hat.

Despite what the report said, there is also no doubt where responsibility lay for the maps and safety. A briefing provided by IALPA to all Deputies makes it clear that the IAA had the responsibility and that is a State body. If we are to fully honour the crew of Rescue 116 and all Air Corps and sea rescue personnel, then we must do more than to simply accept the recommendations in this report. We must end the light-touch regulations in bodies such as the IAA and we must also end the tendering of and obsession with cutting costs for vital public services and ensure that the State operates such vital services itself. Therefore, I call on the Minister to say to us, perhaps not here tonight, but before the contract in this regard is awarded, that it will not be awarded to CHC. If that contract is awarded to CHC, which has major responsibility for the loss of life in this case, then the dedicated staff and personnel employed to look after our safety at sea and to rescue us will be highly insulted. It would be ironic, and tragic, for the State to do this.

I express my solidarity to the families of the crew and I commiserate with them for having had to wait for so long for this report to be published. Regarding the contract for this service, which is worth billions of euro, should not the State itself, as has been said by previous speakers, take full responsibility in the role of providing our air and sea safety and rescue services? I say that in the context of this potentially service being contracted out for billions of euro to a company that has put the lives of people at risk, instead of taking on the responsibility ourselves.

I ask the Minister to comment on those points and to try to answer the questions that I asked him about the criminality inherent here. Ultimately, I believe the State owes the families an apology. This accident would not have happened were it not for things that happened through previous decades. Indeed, when Deputy Calleary was making his contribution, I was reminded that Fianna Fáil established the IAA in its initial form and contracted out the services and structured that aspect in the way it did when it was in power. Those aspects must be addressed by the State, and the families are owed that full apology and explanation from the Minister.

Deputy Cathal Crowe: I just had a text to tell me that Deputy Durkan is not going to make it into the Chamber. He said that I can use a little of his time, but I will not be using the full 11 minutes.

The Rescue 116 accident tragically claimed the lives of crew members, Captain Dara Fitzpatrick, Captain Mark Duffy, winchman Ciarán Smith and winch operator Paul Ormsby in March 2017. These individuals were highly skilled and trained and also highly committed to their jobs. They were dedicated to saving the lives of others, and there is a tragic irony to the fact that they died in the course of their work to keep those who go to sea safe.

I am glad that the investigation into this accident has now concluded. Dáil Éireann must recognise the terrible grief that this accident and loss of lives has caused the affected families. For two of these families, the Smiths and Ormsbys, that grief has been compounded because the bodies of Ciarán and Paul were lost at sea and have not yet been recovered.

8 o'clock

I am glad that the Department of Transport fully accepts the recommendations contained in this report. It is important that all actionable recommendations are now followed through and this House must maintain a level of oversight in that regard.

IALPA recently made a statement regarding the crash investigation. It stated, "They [the R116 crew] relied on the data production standards of Irish regulation to guarantee them correct information. They were let down." By way of elaboration on that point, I will refer to pages 326 and 327 of the air accident investigation unit's report. The finding listed at No. 26 was, "Black Rock was not in the EGPWS database." The finding at No. 27 stated, "The 1:250,000 Aeronautical Chart, Euronav imagery did not extend as far as Black Rock." No. 28 stated, "The 1:50,000 OSI imagery available on the Toughbook did not show Black Rock Lighthouse or terrain, and appeared to show open water in the vicinity of Black Rock."

In 2006, I went off to achieve something I always wanted to do as a child. I undertook some private pilot licence, PPL, training at Coonagh Airfield in Limerick, not too far from my home. I trained in a small light aircraft. There is a night rating that very experienced pilots go off and get. It is an entirely different kettle of fish for an aeroplane to take off during the night, as the Minister will understand. Pilots in that scenario are hugely reliant on the EGPWS terrain-mapping system to know what is ahead of them. The pilot and crew in the aircraft that night flew a hazardous mission believing they were above open water while going full tilt in a helicopter. Therein lies the ultimate problem. The terrain, the lighthouse and the rising of the land were not there for them to see from the cockpit that night. They were flying very much in the dark.

The role of aviation regulatory authorities in Ireland is to provide for or oversee the provision of accurate charts and aeronautical data. This requirement is set out by the International

Civil Aviation Organization, which publishes a series of annexes relating to nation state responsibilities. Annex 4 of chapter 1 makes specific references to the Irish State. It states that Ireland, the contracting state, should take all reasonable measures to ensure the information it provides and the aeronautical charts made available are adequate and accurate, and that they are maintained up-to-date by an adequate revision service. We can assume that Ireland has, and had, the responsibility to produce adequate and accurate charts or to arrange for their production by a third party, if it wishes to contract it out. That clearly did not happen in the case of R116.

In the Minister's opening statement, he referred to the section 32 examination of the Irish Aviation Authority. That comes under the Irish Aviation Authority Act of 1993 and deals with the requirement for an examination of the safety and technical performance of the Irish Aviation Authority every three years. It is important to note that this safety examination did not happen between 2007 and 2014. It is also important to note that some of the officials who should have overseen that safety examination are still in the Minister's Department, advising him and his ministerial team not to adopt amendments to the Air Navigation and Transport Bill.

I wish to mention Caitríona Lucas, who also tragically lost her life. She was an Irish Coast Guard volunteer who lost her life while on active service when her boat capsized as she was out searching for a missing man off the coast of Kilkee in County Clare. The investigation that followed that incident identified a number of serious flaws in the rib boat that Caitríona and her crew members were using that day. Accident investigations make recommendations, and rightly so, but what we have seen in Clare and, indeed, throughout Ireland, is that rather than bolstering and enhancing the Irish Coast Guard service, the Department of Transport has, in effect, diluted pretty much everything the Coast Guard does. These days in Kilkee, the Coast Guard's inflatable boat cannot go out beyond the confines of the bay area. If a rescue is required further out at sea, local fisherman and boaters must step into the breach. The Doolin Coast Guard station is currently closed and we anxiously await its reopening following a mediation process to resolve HR problems. That process will begin next Monday. The HR dispute is only one of the problems faced by volunteers at that station. I was alarmed to discover recently that the Coast Guard hierarchy no longer allows its members to undertake climbing training in the station building. They can no longer use a bolting system when training for climbing missions in the Burren area and they have been told that there are sections of the Cliffs of Moher they simply should not go near.

We need a strong Coast Guard. It is there to save lives and keep people who go to sea safe. We need to ensure that all recommendations within the air accident report relating to Rescue 116 are now fully implemented in a timely fashion.

Deputy Martin Kenny: All of us remember the circumstances and what we were doing when the news broke of the accident involving the aircraft Rescue 116 and, indeed, subsequently when it was discovered that Captain Dara Fitzpatrick, Captain Mark Duffy, winchman Ciarán Smith and winch operator Paul Ormsby died in the crash on 14 March 2017. All of us send our sympathies to their families and friends as part of this discussion. We also send our sympathies to all of their colleagues who today and every night are sitting and waiting for a call to go out and possibly save somebody's life.

Following the crash, as those days turned into weeks while the search for the missing continued, people came to that part of Mayo from all over the country. We recall the openness of that community, how they welcomed people and threw their doors open. I recently heard a discussion on the radio of what it is to be Irish. We can all identify with the aspect of being

Irish that was displayed at that time. When a crisis happens in our lives at any time, people rally around and come to rescue each other. That was the case in what we saw in Mayo during those days. It gave great heart to people for that to be happening in the context of such tragedy.

To the Minister's credit, he has accepted the recommendations of the air accident investigation unit. The report was delayed and the reason for that needs to be addressed. However, I am sure it brings some comfort to everyone who was involved that at least now there is a sense of certainty as to what happened and how things went so badly wrong. As my colleague, Deputy O'Rourke, has said, some of the recommendations are incredibly important and need to be acted upon immediately. Credit is due to everyone who was involved in bringing the comprehensive report together for the work they put into it. However, the report ultimately tells us these were preventable deaths that should not have happened. The mapping and the whole structure these four brave people who went out to rescue others were depending on, including the instruments and everything else they needed to do their jobs appropriately, were not there for them. The State has a responsibility for that which must be acknowledged.

We would all echo the calls for a specified timeframe around the implementation of the recommendations by the Department. Having said that, there are a number of these recommendations that warrant immediate action. My colleagues have already outlined what they are.

After reading through parts of the report, one of the main issues that requires serious consideration is the confusion at State level as to who holds responsibility and oversight of operations across Ireland. It is clear from the report that there were significant problems with the imagery and charting systems at the time of the accident. A whole island was missing from the charts. That is a reflection of what this is about and the problems we have. All of us talk about responsibility, but responsibility is not always about blame. It is about people being responsible for what they are doing, being responsible for others and recognising that if all of us do not shoulder a certain amount of responsibility, it can have devastating consequences. That is clearly what happened and continues to happen around this whole situation.

I urge the Minister to provide a specific timeframe for the implementation of these recommendations. He should act upon them without delay. While it is important to have this discussion in the House, we must acknowledge that our words will never ease the pain being felt by the families who lost loved ones on 14 March 2017.

Deputy Peter Fitzpatrick: I welcome the opportunity to speak. I offer my condolences to the families and friends of the four crew members who tragically lost their lives in March 2017 while trying to save the lives of others. This tragic accident claimed the lives of Captain Dara Fitzpatrick, Captain Mark Duffy, winch operator, Paul Ormsby, and winchman, Ciarán Smith.

I acknowledge the comprehensive report produced by the Air Accident Investigation Unit, which operates independently in the Department of Transport. The publication of this report represents a very difficult time for the families and friends of the deceased crew members. The report, which extends to 350 pages, goes into great detail on the events of the tragic night. Now is not the time for blame. This will not bring back the heroes who lost their lives on the night. Now is the time to reflect on the report and its recommendations. The relevant authorities need to study the findings of the report very closely and ensure a tragic accident of the kind in question does not happen again.

The final report contains 42 recommendations and 71 findings. Each and every one of the

recommendations must be carefully considered and implemented immediately. I note that the Minister, Deputy Ryan, said the Department of Transport fully accepts the recommendations contained in the report and will continue to evaluate the findings in the coming weeks. Although he said he fully accepts the recommendations within the report, I would much rather he gave a firm commitment that his Department will now implement each one of them. Implementation, which would enhance the future safety of flight crews, would at least give some indication to the families of the deceased that their loved ones did not die in vain.

The Minister of State, Deputy Hildegard Naughton, noted that the report contains safety recommendations and said she looks forward to seeing these implemented. Again, it is important that both Ministers make a firm commitment to implementing all the recommendations as a matter of urgency.

I offer my condolences to the family and friends of Mark Duffy. Mark, along with his wife and two young children, lived in my constituency, Louth. At first hand I witnessed the sorrow and grief that followed his tragic passing. We must not forget that Mark was a father and husband. He dedicated his life to saving others. His job meant that he risked his own life to save the lives of others. Unfortunately for Mark and his family, he paid the ultimate price.

Mark Duffy was only 51 years of age when he died. He had saved many lives and assisted many people who needed help during his 16-year career. He paid for his first flying lessons when he was just 16 with money he got from a summer job working in Dundalk. He loved his job and was dedicated to it.

We must not forget Dara, Paul and Ciarán as well because they also had families. Once more, I offer my sincere condolences to the families and friends of the heroes who lost their lives on the dreadful night. I hope they did not lose them in vain. The report on the accident contains 42 recommendations and 71 findings. Each and every one of the recommendations must be implemented without delay. This will not bring back the four lives lost on the night but it might prevent something similar from happening in the future. We have to learn. Five years have elapsed since the accident. I beg of the Minister to implement the recommendations.

Deputy Matt Shanahan: I extend my sympathies to the family of Captain Dara Fitzpatrick, chief pilot, Mark Duffy, winch operator, Paul Ormsby, and winchman, Ciarán Smith. I also want to remember the four Air Corps members of R111 who lost their lives in Waterford in 1999, also as a result of a tragic accident: Captains Dave O’Flaherty and Mick Baker, Sergeant Paddy Mooney and Corporal Niall Byrne. They were all courageous people who risked their lives and ultimately gave them to help others in significant and perilous danger.

The R116 report clearly shows specific measures are now needed to ensure that the air and sea rescue service is properly supported. The State needs to invest now in a new 24-7, available, fixed-wing aircraft, to be based in Dublin or Shannon and to operate on a national basis. Sporadic availability of Air Corps top-cover aircraft is no longer sufficient, as the report has shown. The aircraft I advocate could provide top-cover support on scene for extended operational hours and assist with the monitoring of marine pollution, as well as providing much-needed patient transfer capability across the island and to the UK.

The Irish Aviation Authority needs to adopt a management reference document, such as the UK Civil Aviation Authority’s CAP999 document, which assists organisations in determining procedures and in respect of operational guidance manuals for search and rescue helicopter

services and missions.

Night-vision goggles are being deployed across the search and rescue fleet, yet they are approved solely for helicopter emergency medical service, HEMS, operations. Will the Minister update the House on why there is a delay and when approval will issue for the use of night-vision goggles in all search and rescue aircraft activity?

Captain Dara Fitzpatrick had a very close association with Waterford's R117 service. She was a chief pilot in Waterford for many years and had many friends there. The R117 service is a service that was recently distinguished by its being awarded bravery honours by the Ceann Comhairle for the rescue of seven crew members from a ship that was sinking off the Kerry coast in March 2021. Dara would have revelled in the fact that the rescue mission was assisted by the only female winchman in the national service, Ms Sarah Courtney.

With reference to the R117 service in Waterford, perhaps the Minister will comment on why his Department is now reneging on a commitment to provide stopgap funding of €350,000 per annum to Waterford Airport, the home of R117, while the airport awaits planning permission for a new runway extension. This reneging comes at a time when the Minister has announced funding of €126 million to support all other regional airports. The hypocrisy shown by the Government in failing to support or secure Waterford Airport and its R117 helicopter service is breathtaking in light of the funding of €126 that was announced. The withdrawal of the Waterford Airport service and moneys dishonours those in our Waterford rescue base, which provides life-saving assistance to the population of the south east from Waterford Airport each day. I hope the report on R116 and the planned implementation of recommendations can bring some comfort and closure to the families involved and to all those with loved ones who operate in the air and sea rescue service. Regarding R116, mistakes have been identified. They must now be fully acknowledged and rectified. Remediating action must be plain to see for everybody involved in the air and sea rescue service so some good can come of this tragedy and to ensure such an accident will never happen again.

Deputy Marc Ó Cathasaigh: While listening to previous contributions, I was very struck by the affinity of Deputies, particularly those from coastal communities, with the services that serve us so well. The residents of my home town, Tramore, are no different in that they have a deep emotional connection with their helicopter rescue service, R117. The crew often train in the bay. There are nights – often stormy – when we hear the helicopter going over the town and realise it is responding to the call of somebody in trouble.

We have a deep connection with R116, as Deputy Shanahan mentioned. Captain Dara Fitzpatrick, who died along with winch operator, Paul Ormsby, winchman, Ciarán Smith, and Captain Mark Duffy when their helicopter crashed into Black Rock Island off the coast of Mayo on 14 March 2017, had spent ten years in Waterford with R117 and is very fondly remembered there. As Deputy Shanahan said, we still remember a similar tragedy, which occurred 22 years ago. After midnight on 22 July 1999, returning through dense fog on a rescue mission off the Waterford coast, the crew of R111 died when their helicopter hit the sand dunes at Tramore beach. Captain Dave O'Flaherty, Captain Mick Baker, Sergeant Paddy Mooney and Corporal Niall Byrne all lost their lives on the night. Their names remain in the memory of my local community, just as I know the names of the crew of R116 will be held in the memory of the community of Blacksod. The report acknowledges the support the local community gave to the large number of personnel, particularly the mariners who took part in the search and who worked in difficult sea conditions.

The final report of the Air Accident Investigation Unit on the R116 air accident attributes neither blame nor liability; that was not its job. It is a technical report that lays out probable and contributory causes. There were clear failings with safety systems, processes, oversights and usability issues, all of which resulted in this needless loss of life. I welcome the 42 safety recommendations within the report. They are clearly explained and outline what is required in order to help prevent another aviation tragedy such as this, but we had reports after R111 as well. The responsibility to implement each of the 42 safety recommendations outlined in this air accident report spans the operator, CHC Ireland, as well as the Irish Aviation Authority, the Sikorsky Aircraft Corporation, the European Union Aviation Safety Agency, the European Commission and the Department of Transport. I am glad the Department fully accepts all the recommendations of the report and has undertaken a programme of change to address several of the issues raised, but every agency with responsibility to implement these safety recommendations needs to do so, and quickly.

As is evident from the contributions in this debate, all coastal communities throughout the island really hold the volunteers and professionals involved in search and rescue in the highest regard. They respond when the buzzer goes and that is a significant act of courage. However, unless we match that sincere regard with the action required to ensure every barrier to their work is removed and the best safety systems are deployed for them, then it is only lip service. The RNLI lifeboat at Tramore has to contend with water quality issues when it launches. The RNLI lifeboat stationed at Helvick Harbour is on restricted service because of the build-up of silt in the harbour which makes it unnavigable at low tide. We need to ensure our search and rescue crews, both sea and air, have robust safeguards and the best possible working conditions. We can memorialise the brave people tragically lost in R116 and it is right and fitting to do so, but it would be a much more fitting tribute to make sure that we do not have another such tragedy and report in the future. *Suaimhneas síoraí orthu.*

Deputy Brian Leddin: It has been mentioned previously, but it is worth reminding ourselves, that the reports published by the air accident investigation unit contain the facts relating to the reported occurrences that have been determined. This information is published to inform the aviation industry and the public of the circumstances of these occurrences. The unit is clear that issues concerning liability are neither investigated nor described in association with its investigations, and matters relating to blame, liability, responsibility and damages are generally dealt with by the judicial authorities or insurance companies, for example.

This was a tragic accident and I express my condolences to the families of all the crew who died on that night. I pay particular tribute to Captain Dara Fitzpatrick, who lived on the Ennis Road in Limerick when she worked as a helicopter pilot in Shannon. She volunteered at Milford Care Centre in her spare time and she represented an ethos of serving her fellow citizens diligently and selflessly. We would do well to continue to remember her and the values she represented.

We should stick to the facts and learn from this tragedy. I will start with mapping and imagery. The Irish Air Line Pilots Association points out that the IAA is responsible for the provision of electronic terrain and obstacle data for use by GPS and flight management system suppliers. The report notes that some imagery and databases did not have Black Rock mapped. It was not in the enhanced ground proximity warning system, EGPWS, databases. EuroNav imagery did not extend as far as Black Rock and Ordnance Survey Ireland imagery did not show the lighthouse or terrain, but appeared to show open water. The report also notes that the extensive activity undertaken by the operator in respect of the testing of routes in the flight

management system route guide was not formalised, standardised, controlled or periodic.

It seems to me that we urgently need to ensure the mapping data is accurate and that it is disseminated and integrated into the systems that are being used by aircraft. This is particularly relevant when it comes to the rapid deployment of onshore and offshore wind. The tip height of newer turbines is up to 200 m and we must make absolutely sure that these turbines are incorporated into the systems as soon as they are erected. It is not just the physical height of the wind turbines, it is also their effect on airflow in their vicinity and downstream effects on the aerodynamic stability of aircraft. We need to make sure we have an adequate regulatory regime to deal with this issue. This tragic incident is a reminder that we need to make sure our airspace and features on the ground and sea underneath are adequately mapped and assessed for safety.

The other issue I wish to raise is that of State oversight. We in this House must take partial responsibility for the legislative framework that governs the Coast Guard, the Irish Aviation Authority and search and rescue operations in Ireland, and the oversight of this framework. The report found there was considerable confusion. We must ensure clarity replaces that confusion. It may be that we need to amend legislation to remove ambiguities and ensure all agencies have utter clarity on their roles in the operation and oversight of search and rescue operations.

I have been impressed by many of the contributions tonight and I hope the families of those who died in this tragic accident hear how seriously this accident is being taken and that there is a real desire to make sure the factors that led to the accident do not happen again so that we can prevent another family suffering this unimaginable grief.

Deputy Thomas Pringle: I am sharing time with Deputy Connolly. Coming from a coastal community, I recognise the importance of the Coast Guard and know of the sheer devastation felt by a coastal community when an accident such as the R116 air accident occurs. I take this opportunity to extend my sympathies to the families of Paul Ormsby, Mark Duffy, Dara Fitzpatrick and Ciarán Smith and to their communities which are, no doubt, feeling the impact of this tragedy.

The report of the air accident investigation unit makes for sobering reading and outlines further the tragedy that this was. It highlights that it was an avoidable tragedy. It seems to me that it could have been avoided by the company doing its job properly and the State actually providing oversight of the contract that it has given out on our behalf. The report shows almost a 50:50 split between the State and the operator of the aircraft in terms of the steps that need to be taken in light of this tragic disaster. Of the recommendations, 19 relate to State agencies and 23 to the operator.

All present know that Black Rock Island was not on the maps that were used on the helicopter and that the crew, not being based on the west coast, may not have been totally familiar with it. However, the question has to be asked as to how, in this day and age, that situation was allowed to continue. Has it been sorted since? It seems crazy that the situation does not seem to have been picked up by the operator, the Department or the Coast Guard.

The report and its highlighting of the oversight findings on the deficiencies of the Department, the Coast Guard and the Irish Aviation Authority are stark and have to be addressed to ensure this cannot happen again. It is extremely worrying that oversight finding No. 46 states, “Neither [the Department of Transport, Tourism and Sport] nor the [Irish Coast Guard] had aviation expertise available within their own personnel resources, and lacked the capacity to

remain an *'intelligent customer'* in relation to contracted helicopter operations or auditing". That is shocking. What is the State going to do to correct that situation? There is no doubt that there were massive failings on behalf of the contracted company but that does not remove the duty of care on the State, as the contractor, to make sure that everything is correct and to protect citizens.

To whom does it fall to have the recommendations of the report implemented? The recommendations are so damning that they have to be implemented in full and it seems to me that, unfortunately, neither the Department nor the Coast Guard are competent to do that. I know the Minister outlined that he is implementing the report but I think this House has to insist on oversight of the Department because it failed miserably through the whole process. There has to be oversight to make sure the report is implemented. That is vital. We will see what happens in that regard and from there on.

Deputy Catherine Connolly: Like all other speakers on this issue, I extend condolences to the families of the commander, Dara Fitzpatrick; her co-pilot, Captain Mark Duffy; the winch operator, Paul Ormsby; and the winchman, Ciarán Smith. We have to match our extension of condolences with holding the system to account. I only have three minutes to speak on this issue so it is difficult to deal with it thoroughly. I hope this is the start of a process through which we ensure that every single one of the 42 recommendations is implemented. I am not convinced of that today. The investigation started immediately, within hours of the accident on the night of 14 March, and continued right up to when the report was published on 5 November. That, in itself, begs the question of what happened during that time. There was a preliminary report, four interim statements and a draft report.

I pay tribute to the authors of the report. It is a very well-written, clearly set out and factual report, and analysis, conclusions, findings and recommendations are provided. It is a model in terms of how it is set out. The mother and baby homes commission of investigation might wish to have a look at it.

When the draft report became available to the Department, I understand one of the parties involved exercised their right to have a review of that draft report. Perhaps the Minister of State can confirm that this party was not one of the State entities. When that entity exercised that privilege and right, the review board was set up. Six months later, the review board of two people had to be set aside because of a conflict of interest that suddenly became known six months after the event. That person had a conflict of interest and was associated with the company. Perhaps the Minister of State might explain how that happened, and what oversight was in place - or not in place - for that to occur. The review board was then set up with a senior counsel. That report became available this year. The families had to go through all of that, as well as a 44-day hearing in relation to that review board. That, in itself, needs looking at.

The final report has been published. It contains 42 recommendations, findings and conclusions, and sets out 12 contributory causes of the accident. It is important to state that the probable cause is set out in the paragraph preceding those detailing the 12 contributory causes in the report. The report states that the probable cause was the fact that:

The Helicopter was manoeuvring at 200 ft, 9 NM from the intended landing point, at night, in poor weather, while the Crew was unaware that a 282 ft obstacle was on the flight path to the initial route waypoint of one of the Operator's pre-programmed FMS routes.

In relation to that, what jumps out at me is the comment of the psychologist, who is quoted on page 190 of the report. Writing of the care that must be taken when describing safety systems, the psychologist states:

The use of silly and meaningless safety language matters, it creates a distraction and delusion that safety and risk are being addressed. We may feel good about speaking such words but they dumb down culture and distract people from taking safety seriously.

If we learn anything, we should learn from those words. What have we learned from all of the reports that we have been given, on top of the accident, already referred to, that happened in Waterford 18 years before this accident? How many reports have been produced?

Let us look at the illusion of safety and oversight. The report details the 12 contributory causes, but I do not have time to read them out. One of the contributory causes was the fact that: “There was confusion at the State level regarding responsibility for oversight of SAR operations in Ireland.” The report also states:

There were serious and important weaknesses with aspects of the Operator’s SMS including in relation to safety reporting, safety meetings, its safety database SQID and the management of FMS Route Guide such that certain risks that could have been mitigated were not.

These are basic matters.

On the Irish Coast Guard, the report states:

Neither DTTAS nor the IRCG had aviation expertise available within their own personnel resources, and lacked the capacity to remain an “*intelligent customer*” in relation to contracted helicopter operations or auditing.

The IRCG relied on an external contractor to conduct annual audits of the Operator’s bases.

The report goes on to state that when audits took place:

The IRCG appears not to have appreciated the severity of some of the matters the Auditor raised and it appears that the Auditor’s reports and supporting evidence were not scrutinised by the IRCG.

The IRCG did not have a Safety Management System, and IRCG management completed their first aviation SMS training in October 2018.

The report goes on to discuss the IAA. Time precludes me from going into more detail and the Ceann Comhairle has allowed me some discretion.

I have read the 350-page report. I have had four or five minutes to deal with the issue. It is not the way to deal with such a report if we are seriously interested in learning how to hold the system to account.

I totally agree with Deputy Smith in relation to the privatisation of the service. If we learn anything, that is the most fundamental lesson we should learn here. We need an explanation as to how, when the business case was assessed for renewing the contract, it was found that it would not be valuable economically to have the Air Corps involved. Further, in my opinion,

there was a conflict of interest in relation to company used for that business case.

Deputy Danny Healy-Rae: I want to use my time to offer my deepest sympathies to the families and friends of Captain Dara Fitzpatrick, Captain Mark Duffy, winchman Ciarán Smyth and winch operator Paul Ormsby. The accident and loss of the crew were a terrible tragedy. We must surely learn lessons from this terrible tragedy and insist that something like it never happens again.

Minister of State at the Department of Transport (Deputy Hildegarde Naughton): The R116 accident was a tragedy that claimed the lives of four crew who dedicated their lives to saving others. I express my sympathies to the families and loved ones of pilot Dara Fitzpatrick, co-pilot Mark Duffy, winchman Ciarán Smyth and winch operator Paul Ormsby. I thank Members for their contributions. It is clear that we all share a common goal of seeking to prevent similar accidents occurring in the future.

I thank the chief inspector of the Air Accident Investigation Unit and his team for completing such a comprehensive report. The work they have done will greatly enhance the safety of search and rescue aviation operations in Ireland and internationally. I reiterate that I fully accept the recommendations addressed to me contained in the report. It is a large and complex report and deserves to be given due consideration. This my Department and I will do.

My Department fully accepts all recommendations from the AAIU report. I will ensure that recommendations addressed to the Minister are implemented. The provision of an effective maritime search and rescue service is critical to Ireland as an island nation with a strong maritime sector. The sector depends on the reliability and professionalism of the Irish Coast Guard and all its component parts, including the Coast Guard Aviation Service, to offer a service which can deploy at a moment's notice to rescue people in distress and bring them to a place of safety.

The national search and rescue, SAR, plan is the key means by which we implement search and rescue policy in Ireland. The new national SAR plan is the baseline reference document for use by all search and rescue organisations in Ireland, and promulgates the agreed method of co-ordination through which search and rescue operations are conducted in Ireland's search and rescue region. The new national SAR committee, the national SAR consultative committee and the other structures, such as the SAR health and safety forum, provide a good framework to progress the co-ordination of the implementation of safety recommendations across all relevant bodies.

The IAA has reviewed and fully accepts the recommendations addressed to it as the national aviation regulator, many of which have already been implemented or are proceeding to full implementation. The IAA will respond independently to the findings addressed to it. More broadly, in the overall context of improving safety in search and rescue operations, my officials have been engaging with the safety regulation division, SRD, of the IAA and the regulator himself. A team of technical experts within the safety regulation division is examining in detail the report, each finding and each safety recommendation. The IAA will use its regulatory oversight role to examine the implementation of the wider recommendations and provide any necessary support. The IAA will also continue to work with the European Commission and the EU Aviation Safety Agency in the development of safety rules.

The Air Navigation and Transport Bill 2020 provides legislation underpinning an even more enhanced role for the IAA in terms of the oversight of Coast Guard aviation activities generally.

The new provisions provide clarity and strengthen to the regulatory framework by ensuring the IAA, in making regulations that apply to the Coast Guard, takes into consideration the public benefit of the activities of the Coast Guard, which are very different in nature from commercial air transport activities, and consults with the Coast Guard as is good practice. The provisions further provide that in making regulations the IAA must align them with certain elements of European aviation safety regulations that are appropriate and relevant to Coast Guard aviation activities. In conjunction with the provisions in the Air Navigation and Transport Bill, secondary legislation is being prepared by the IAA to provide further operational clarity to operators of search and rescue. The IAA has developed a revised set of regulations and detailed rules specific to search and rescue that are being considered by the Department and the Coast Guard. The Irish national search and rescue rules are being developed to assist operational search and rescue stakeholders in determining the appropriate procedures and operations manual guidance to operate civil search and rescue helicopters in Ireland.

With regard to the Department's oversight of the IAA's role in regulating search and rescue and other aviation activities, the Department engages aviation expertise for periodic oversight audits as required by national legislation. The Coast Guard has been operating and delivering an aviation search and rescue service for the past 30 years through a mix of private contractors and military. The Coast Guard carries out regular audits of the aviation service provider to ensure compliance with the contractual arrangements. The Coast Guard has in place a contract for the provision of helicopter aviation consultancy services. In addition to this, the Department has approved an aviation manager post in the Coast Guard. The successful candidate will have the requisite aviation knowledge, skills and experience and will manage the aviation contract and related operational and safety issues. The Department and Coast Guard are examining options to increase its in-house expertise on foot of the air accident investigation unit's recommendations.

Recognising the detailed complex and interconnected findings, conclusions and safety recommendations contained in the report, I encourage Members to go to the report as the definitive source of information as to what contributed to the accident. It is unhelpful for findings to be inferred from the report that are not the findings of the investigation. I have listened very carefully to suggestions offered by Members on how we can further improve search and rescue operations. While a detailed programme of change is under way in the Coast Guard, I will continue to reflect on ways of further improving governance, oversight and safety procedures to ensure that Ireland can have a world-class search and rescue service.

Uppermost in our thoughts right now are the crew of R116 and their families and loved ones. We must all ensure the findings and recommendations set out in the report of the investigation are fully implemented to prevent similar accidents occurring in future.

Deputy Matt Shanahan: I asked a question on night vision technology, which has been deployed in Sligo. I asked why there is a delay in deploying it to other aircraft and why it is only approved for helicopter emergency medical services activity. Will the Minister of State come back to the House and to me with regard to search and rescue?

An Ceann Comhairle: The Minister of State will correspond with the Deputy on that. I invite Members to stand in memory of the four victims. Ar dheis Dé go raibh siad.

Members rose.

Child and Family Agency (Amendment) Bill 2021: Committee and Remaining Stages

Sections Nos. 1 to 30, inclusive, agreed to.

Title agreed to.

Bill reported without amendment, received for final consideration and passed.

National Standards Authority of Ireland (Carbon Footprint Labelling) Bill 2021 [Private Members]: Second Stage (Resumed)

The following motion was moved by Deputy Ivana Bacik on 17 November 2021: “That the Bill be now read a Second Time.”

Debate resumed on amendment No. 1:

To delete all words after “That” and substitute the following:

“(a) Dáil Éireann resolves that the National Standards Authority of Ireland (Carbon Footprint Labelling) Bill 2021 be deemed to be read a second time this day twelve months, to allow for further consideration and analysis, including a Regulatory Impact Assessment, of how the Bill will achieve its objectives; and particularly in light of developments at European Union (EU) level on the proposal for a Sustainable Products Initiative where the EU single market for products requires that labelling on products is developed and implemented on an EU-wide basis with EU-wide adoption. The Sustainable Products Initiative sets out a comprehensive and ambitious proposal in this regard including minimum sustainability standards on a significant array of products, a digital product passport, requirements for circularity, repairability and durability while also proposing the expansion of the Ecodesign directive to apply significant energy and sustainability standards on the most environmentally impactful product types; and for developments on these EU initiatives to be such considered in further scrutiny of the Bill; and

(b) notes that the Private Members’ Bill, as initiated, gives rise to several matters, some of which would present concerns and therefore require further consideration after passing Second Stage. These include its interaction with the EU energy label which follows a standard format which is easily recognisable to consumers; the viability of the Bill in achieving the policy objective of carbon footprint labelling at national level, its 2067 interaction with the existing NSAI Ecolabel standard, potential barriers to trade that could be created by Ireland applying national standards that could be considered inconsistent with freedom of movement of goods within the single market; its compatibility from a trade perspective with the World Trade Organization particularly regarding their principles of national treatment and non-discrimination; and the costs and benefits for companies including those additional costs in operating under both an EU and separate national carbon specifications.”

17 November 2021

An Ceann Comhairle: I must now deal with a postponed division relating to Second Stage of the National Standards Authority of Ireland (Carbon Footprint Labelling) Bill 2021, which took place on Wednesday, 17 November 2021. On the question, “That the amendment to the motion be made”, a division was claimed, and in accordance with Standing Order 80(2), that division must be taken now.

An Ceann Comhairle: With the Deputy dissenting who are claiming a division please rise in their places?

Deputies Michael Collins, Danny Healy-Rae, Michael Healy-Rae, Carol Nolan and Richard O'Donoghue rose.

An Ceann Comhairle: As fewer than ten Members have risen in their places, I deem that the question has been carried. In accordance with Standing Order 82, the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment declared carried.

Motion, as amended, agreed to.

The Dáil adjourned at 9.18 p.m. until 9 a.m. on Thursday, 18 November 2021.