



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Gnó an tSeanaid - Business of Seanad	473
Nithe i dtosach suíonna - Commencement Matters.	473
School Building Projects Status	473
Pharmaceutical Sector	475
An tOrd Gnó - Order of Business	478
Gnó an tSeanaid - Business of Seanad	492
Wildlife (Amendment) Bill 2016: Second Stage.	492
Gnó an tSeanaid - Business of Seanad	496
Wildlife (Amendment) Bill 2016: Second Stage (Resumed)	497
Sea-Fisheries (Amendment) Bill 2017: Report and Final Stages.	508

SEANAD ÉIREANN

Dé Máirt, 26 Márta 2019

Tuesday, 26 March 2019

Chuaigh an :Leas-Chathaoirleach i gceannas ar 2.30 p.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Gnó an tSeanaid - Business of Seanad

An Leas-Chathaoirleach: I have received notice from Senator Aodhán Ó Ríordáin that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister of Education and Skills to provide an update on the provision of permanent classrooms at Burrow national school, Sutton, Dublin 13.

I have also received notice from Senator Maria Byrne of the following matter:

The need for the Minister for Health to provide an update on the adoption of the draft pharmaceutical society of Ireland (temporary absence of pharmacist from pharmacy) rules 2018.

I have also received notice from Senator Lorraine Clifford-Lee of the following matter:

The need for the Minister for Justice and Equality to direct the coroner service to notify and liaise with local communities regarding the burial of unknown and unidentified persons.

The matters raised by Senators Ó Ríordáin and Byrne are suitable for discussion and will be taken now. I regret that I have had to rule out of order the matter raised by Senator Clifford-Lee on the ground that the Minister has no official responsibility in the matter.

Nithe i dtosach suíonna - Commencement Matters

School Building Projects Status

An Leas-Chathaoirleach: The Minister was delayed by matters of state no doubt. However, he is still very welcome.

Senator Aodhán Ó Riordáin: I very much appreciate the Minister being here to take this debate. I hope we can find a successful resolution to the issue at Burrow national school in Sutton, which I visited some weeks ago in order to talk to the principal and members of staff. However, the children are still learning in 20-year-old prefab buildings. In fact, one of the teachers, who is a teacher there now, is a past pupil of Burrow national school and remembers her own primary education taking place there. I want to raise the prefab replacement scheme, which was in place in 2011 and 2012. I seem to remember that the Department of Education and Skills invested in a scheme to achieve two aims, namely, to re-employ people in the construction sector who had fallen foul of the crash and to move children out of prefabricated buildings and ensure that as many as possible of the country's classrooms were permanent structures. Every child deserves to be in a permanent classroom. I am sure the Minister agrees with that. We do not want to see 20-year-old prefabs in any national school in the country. Can we work together to ensure that the children of Burrow national school have permanent classrooms and that these prefabricated buildings are done away with, so those children and the school's future pupils can look forward to a better future? It is a fantastic school that is doing a huge amount, but the children deserve more than the 20-year-old prefabricated structures in which they are learning. I would appreciate a positive response from the Minister.

Minister for Education and Skills (Deputy Joe McHugh): Tá brón orm go raibh mé mall ag teacht ón Dáil. Gabhaim buíochas leis an Seanadóir fáchoinne an ceist. I thank the Senator for raising the matter, as it provides me with the opportunity to clarify the current position with respect to Burrow national school, Sutton, Dublin 13. Burrow national school is a co-educational school under Church of Ireland patronage. The current staff of the school consists of the principal, nine mainstream posts, two special educational needs posts and one shared special educational needs post. There are currently 226 pupils enrolled in the school. The Department has no record of an application from Burrow national school seeking funding to replace prefabs. I know the Senator is also making reference to additional accommodation. As he is aware, under the national development plan's framework for the period from 2018 to 2027, my Department has an envelope of €11.9 billion for education infrastructure over the coming decade. This represents a 70% increase in schools capital funding compared to the last decade, rising from €4.9 billion to €8.4 billion. Investment will rise to €1 billion in 2027 compared to €540 million of investment in 2018. The budget for delivery of projects under the school building programme increased from €540 million in 2018 to €622 million in 2019. Under project Ireland 2040 we have continued to make progress to increase our infrastructural capacity in order to meet demographic and other demands.

Construction activity in 2018 and 2019 will involve more than 130 large-scale projects, around 38% of the 340 projects on the list, and around 280 smaller-scale projects under the additional accommodation scheme. These projects will deliver more than 40,000 school places, including additional and replacement places; the replacement of more than 600 prefabs, which is a key element of our prefab replacement programme; enhanced sports facilities through the construction or modernisation of 48 PE halls at post-primary level; and 82 general purpose rooms at primary level. The enhancement and modernisation of PE facilities in schools will also facilitate community usage of these facilities. Construction will also include more than 200 modern science laboratories, which will support the delivery of the reformed science curricula and the roll-out of computer science as a leaving certificate subject. In addition, in April of

26 March 2019

2018 my Department announced that 42 new schools would be established in areas of population growth between 2019 and 2022. The focus in 2019 is on start-up interim accommodation for the 17 schools opening in September 2019.

I wish to advise the Senator that since mid-2018 all schools approved for additional accommodation under my Department's additional accommodation scheme are also having all necessary prefabs replaced as part of their additional accommodation project. Therefore, it is open to Burrow national school to submit an application under my Department's additional school accommodation scheme to address any immediate deficits of accommodation it may have, including the replacement of prefab accommodation. The application form is available on my Department's website, *www.education.ie*.

I would once again like to thank the Senator for giving me an opportunity to outline the position to the House and I wish to assure him that should Burrow national school make an application under the additional school accommodation scheme, it will be considered and the decision relayed to the school authority directly. I wish to assure him that should Burrow national school make an application under the additional school accommodation scheme it will be considered and the decision relayed to the school authority directly.

Senator Aodhán Ó Ríordáin: I thank the Minister for his positive reply. I will make contact with the school and forward that information to it. I appreciate him dealing with the matter in the way that he has and I hope that as a result of his response and the school making such an application we can have a resolution to the accommodation issue at Burrow national school in due course.

An Leas-Chathaoirleach: It is great to have a happy punter on our hands. I thank the Minister.

Pharmaceutical Sector

Senator Maria Byrne: I welcome the Minister of State. I have raised this issue previously in the Seanad and with the Department. It relates to pharmaceutical assistants. The pharmaceutical association made a recommendation to the Minister for Health, Deputy Harris, recently that pharmaceutical assistants, most of whom have operated and worked in pharmacies for the past 35 years, should only be allowed to cover up to one hour per day in place of the pharmacist. That is fine but those people have been doing that job for 35 years during which time they were able to provide cover if the pharmacist was ill or on holidays. They brought a great deal of life experience to their work in pharmacies for the past 35 years but the association is trying to tell them now that their qualification does not mean anything. Those people went to college for four years. They did the practical side to the work. It was like an apprenticeship in that they learned about the different medicines. A number of them have taken part in upskilling and training to which pharmacists and their assistants are entitled. Continuing education is the best way to describe that.

I have had contact from a number of pharmaceutical assistants across the country who are very concerned that they will be seen now as unemployable because they will be only be able to cover in the pharmacy for up to one hour and, if these regulations go through, they will only be able to dispense repeat prescriptions and not any new prescriptions. That means if a customer comes into the pharmacy with a new prescription when the pharmacist is not present, the phar-

maceutical assistant will have to tell that person to come back in an hour when the pharmacist is back or else send the person to another pharmacy down the road. That is not acceptable.

I received a number of emails from people on the issue. The pharmaceutical assistants have taken this very seriously and have made their own submission on it. In terms of some of the things they are looking for, they say the following: it should be compulsory that all pharmaceutical assistants take part in the further education and training which is open to them; pharmaceutical assistants should be included in a core competency framework, similar to that which applies to pharmacists; all pharmaceutical assistants on the Pharmaceutical Society of Ireland, PSI, register should be required to undergo a practice to review with the Irish Institute of Pharmacy; the PSI rules 2015 should be amended to extend mandatory continuing professional development, CPD, to which I referred already, to pharmaceutical assistants; and the Pharmacy Act 2007 should be amended to make fitness to practise applicable to all pharmaceutical assistants.

The pharmaceutical assistants are taking this matter seriously and have submitted their own options but they are concerned that if the regulations being suggested by the pharmaceutical association were brought into play by the Minister, their jobs would become obsolete. Why did they spend four years going to college and the past 35 years working in pharmacies if they are now to become unemployable? I am interested in hearing the Minister of State's response.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank the Senator for the opportunity to speak on this issue because it is important that we acknowledge the work of pharmaceutical assistants and what they have done for many years.

The Pharmacy Act 2007 established the Pharmaceutical Society of Ireland, PSI. The functions of the society are set out in the Act and are carried out on its behalf by the council of the society. The council is made up of 21 members, comprising lay members and pharmacists, with a non-pharmacist majority of one. Pharmaceutical assistant is a grade of pharmacy professional permitted under the Pharmacy Act 2007 to act on behalf of registered pharmacists during the temporary absence of the latter. For many decades, pharmaceutical assistants have played a valuable role in the community pharmacy through the provision of skilled assistance to registered pharmacists. I acknowledge that role.

Section 26 of the Pharmacy Act 2007 requires that a registered pharmacist be present always in a registered pharmacy when a member of the public attends, whether to have medicines dispensed or to receive advice regarding medicines or other health matters. Public assurance that safe and appropriate pharmaceutical care is always available in a registered pharmacy is based on this patient safety requirement. Section 30 of the Act provides for an exception to the general provision in the Act, which requires the sale and supply of medicines at a pharmacy to be conducted under the personal supervision of a registered pharmacist and specifies that no offence is committed where a registered pharmaceutical assistant acts on behalf of a registered pharmacist during the temporary absence of the latter. Section 30 permits the council to make rules as to what may be done by a registered pharmaceutical assistant when acting on behalf of a registered pharmacist and what constitutes the temporary absence of a registered pharmacist.

Following a period of public consultation, the council of the PSI considered the proposed draft Pharmaceutical Society of Ireland (Temporary Absence of Pharmacists from Pharmacy) Rules 2018 at its meeting on 20 September 2018. The council approved the draft rules without amendment. Following this, the PSI undertook to redraft the rules on what may or may not be done by a registered pharmaceutical assistant when acting on behalf of the registered pharma-

26 March 2019

cists. On 6 December, the council of the PSI approved a revised draft of the Pharmaceutical Society of Ireland (Temporary Absence of Pharmacists from Pharmacy) Rules 2018 for issuance for public consultation. This public consultation commenced on 13 December 2018 and ran until 11 January 2019, affording any interested party the opportunity to make representations on the matter directly to the PSI. At its meeting on 14 February 2019, the council of the PSI approved the draft rules subject to certain amendments made on foot of the council's consideration of the results of the latest public consultation. On 8 March 2019, the PSI submitted the Pharmaceutical Society of Ireland (Temporary Absence of Pharmacists from Pharmacy) Rules 2019 to the Minister for Health for his consent in accordance with the requirements of the Pharmacy Act 2007. I will inform the Minister of the issues raised by the Senator.

Senator Maria Byrne: I thank the Minister of State. I also raised this issue with the Minister, Deputy Harris. When pharmaceutical assistants were surveyed, it was discovered that they will be working for only eight to ten more years because it is 35 years since one could become qualified. The course has not been run since the 1980s. Therefore, the last pharmaceutical assistant will have retired in ten years. The youngest are in their mid-50s. It is not the case that the grade is relatively new. The pharmaceutical assistants have been working for over 35 years. There has never been a case against any of them.

That is a really important point and I would like the Minister of State to bring it back to the Minister, Deputy Harris. It seems to me that their jobs will become obsolete. Some of them have even been given protective notice should this be introduced on the basis of why
3 o'clock they would be paid when in the temporary absence of the pharmacist another pharmacist might as well be brought in. These people have carried out the work and they bring so much experience with them. Most of them are almost as qualified as the pharmacist and from their experience they are well able to advise customers.

Deputy Finian McGrath: I thank the Senator for her contribution. I totally accept the points she raised about the life experience of pharmaceutical assistants, the four years they spend in college and the upskilling and education in which they engage. Some of them have 35 years' service without breaching any rules. My experience in the disabilities sector is that pharmaceutical assistants have made a massive contribution to society. I accept the Senator's points in that regard.

Throughout the course of this process, the Department of Health has received correspondence from and on behalf of registered pharmaceutical assistants outlining their concerns regarding the drafting of these rules. Under the Pharmacy Act 2007, the Minister for Health's role in this process is limited to the consideration of any such rules once submitted for his consent. In doing so, the Minister will give careful consideration to the rules submitted by the Pharmaceutical Society of Ireland, PSI, and the concerns raised by or on behalf of registered pharmaceutical assistants.

I will bring the points the Senator raised back to the Minister to help broaden the discussion on this issue.

Sitting suspended at 2.57 p.m. and resumed at 3.30 p.m.

An tOrd Gnó - Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, Wildlife (Amendment) Bill 2016 - Second Stage, to be taken at 4.45 p.m. and to adjourn at 5.45 p.m. with the contribution of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes; and No. 2, Sea-Fisheries (Amendment) Bill 2017 – Report and Final Stages, to be taken at 5.45 p.m.

Senator Catherine Ardagh: Since we last met we have witnessed and learned of many tragic situations around Ireland and across the world. On 15 March New Zealand was attacked in what we can only call an evil assault on the country. Some 50 innocent Muslims died and many more were wounded. I would like to put on record my solidarity, and that of the Fianna Fáil group, with the community of New Zealand as a whole and the Muslim community especially. There will be a day of solidarity and mourning today. We stand with them in their mourning.

I also put on record the sympathies of myself and the Fianna Fáil group for the teenagers who died in Cookstown, Tyrone, on St. Patrick's Day: Connor Currie, Lauren Bullock, and Morgan Barnard. Our thoughts and sympathies are with their families at this time. Unfortunately, over the weekend five people were killed in four different incidents on our roads. It is a worrying trend and I call for more vigilance in respect of road use. This loss of life is really a waste. Our thoughts are with those families as well.

I would like to raise the issue of the Economic and Social Research Institute, ESRI, report regarding the impact of Brexit with a deal and that of a no-deal Brexit. We learn that there will be a cost to us of between €1.8 billion and €7.5 billion whatever the outcome. Over ten years this will increase to between €8 billion and €15 billion. That equates to nearly seven children's hospitals. I call for a debate in this House to determine what economic recovery plan the Government has in mind for after Brexit, whether in the case of Brexit with a deal or in the case of a no-deal Brexit. There will be a fallout whatever situation arises. We need to see some sort of economic stabilisation plan from Government to ensure that businesses around the country are impacted as little as possible.

I would also like to raise the issue of the metro. The plans for the metro were released today. Metro north is welcome, but we understand that the green line will be stopping at Charlemont. I would have thought that Government would be more ambitious. I was disheartened to hear an Taoiseach, Deputy Varadkar, automatically disregard the idea of a south-west line towards Terenure and Rathfarnham on the basis of population density. It was encouraging that he said there is a possibility that the line could go as far as UCD. Those living in the Terenure and Rathfarnham area will be aware of the traffic chaos. There is a serious lack of public transport in the area, which really needs to be addressed urgently. I cannot see any reason consideration for a south-western Luas should be disregarded from the outset.

Senator Michael McDowell: I would also like to raise the matter just mentioned by Senator Ardagh, that of the decision made today in respect of the MetroLink project. It appears that the National Transport Authority is now saying that the absorption of the Luas green line into the metro system will not be necessary for another 20 years, despite the fact that it was being proposed that it be commenced in the next three or four years. That is the first thing. The second thing, as Senator Ardagh said, is that the inevitable implication of bringing it to Charlemont will be that another Luas-type service will not be provided to serve areas of south Dublin like Teren-

ure, Lucan, St. Vincent's Hospital, UCD and Stillorgan. This plan is being proceeded with on a kind of autopilot basis. We are not dealing with a postponement of the foolish plan to absorb the green line into the metro system. We are dealing with a carefully worked out scheme. All the preparatory work for it will be done. I suggest that as soon as local elections and things like that are out of the way, there will be a rethink and it will be decided that it will go ahead and this money will be spent in this foolish way. I remind the House that this whole project was never considered in advance by an Oireachtas committee. Approximately €170 million was spent on its planning. I do not know how much money was spent on the southern spur, which is now to be abandoned or shelved, but it must have been a significant amount of money.

This is an example of how planning in this country goes completely wrong. I live right beside the Luas. I have property there. I know that the people who live alongside it do not want it to be absorbed into a metro system. It has been suggested that future traffic requirements will make it essential for it to be incorporated into a metro system. All I will say is that I arranged to get information from the NTA on the current capacity of the Luas system. At the moment, Luas carriages are packed to the gills at rush hour. It transpires that a great number of additional 55 m tram sets, which would have the capacity to increase numbers travelling on the Luas in the short run, are on order. If the other project had been proceeded with, God only knows what would have happened to the additional tram sets that have been ordered. The point I am making with regard to decisions which are being made about Dublin applies to BusConnects, for example. Rathmines Road is to be made a one-way route, in effect. No consideration has been given to the implications of these decisions for traffic in Dublin. Decisions are being made by a group of people who are not accountable to the Irish people. The Minister, Deputy Ross, said he rejects this part of the proposal and the Minister, Deputy Eoghan Murphy, has said he rejects that part of the proposal. Who is in charge of this country? Who is spending this €4 billion? Who accepts responsibility for all this? A group of people who are not elected by anybody comes up with these plans before collapsing or altering them. This is what is happening.

Senator Jerry Buttimer: One would swear the Senator was never in government.

Senator Michael McDowell: I assure the Leader that I have always been an enthusiastic supporter of the Luas project. Some people who are more sensitive than me think it affects the amenity of their homes, but that does not worry me in the slightest. I live in a city and I am quite happy to live in a city.

Senator Jerry Buttimer: Well said.

Senator Michael McDowell: The ineptitude of the planning of Dublin's future transport requirements is just colossal. I will finish on this point. It was planned to connect Heuston Station with Connolly Station underground by DART, but that has been shelved.

An Leas-Chathaoirleach: I do not want to interrupt the Senator, but I must mention that the Dr. Crokes football team was taken that way when it was travelling from County Kerry to Connolly Station last week.

Senator Michael McDowell: We built a tunnel under the park to get Kerry teams around to Croke Park.

An Leas-Chathaoirleach: It sounds like an excellent remedy.

Senator Michael McDowell: An Bord Pleanála recently refused to allow Dublin City

Council to build a bridge because it would interfere with that project, which has been shelved. I will finish on this point. We need an elected mayor of Dublin. We need somebody in Dublin who makes decisions and is accountable to the people for them. We need Dublin City Council to be given some function in relation to the planning of future traffic needs in Dublin. We need an end to the ineptitude of the NTA, which is wasting money and making imperfect decisions on our behalf without any mandate from the Oireachtas or Dublin City Council to do what it is doing.

Senator Rose Conway-Walsh: Obviously, I wish the Mayo team well on Sunday.

An Leas-Chathaoirleach: I will refrain from commenting.

Senator Rose Conway-Walsh: Please do. It is all right - my mother is from Kerry.

I wish to commend the organisers of the conference on valproate and its legacy which was held in Trinity College Dublin last Friday and which I attended. In particular, I commend the Organisation for Anti-Convulsant Syndrome, OACS, Ireland, its chairperson, Ms Karen Keely, and Epilepsy Ireland for the work they put into the conference. I thank all of the international speakers who had an input into the conference. In stark contrast, there were no Government speakers in attendance, which is absolutely atrocious when one considers the seriousness of this issue which affects at least 1,200 people. Children and young people have been left with disabilities because their mothers were prescribed valproate while pregnant. I repeat my request for the Minister for Health, Deputy Harris, to come to the House for a full discussion of the issue of sodium valproate and the need for a proper, judge-led public inquiry into who knew what about this issue and when they knew it.

I also wish to raise the issue of the looming prospect of carbon taxes. The Taoiseach all but confirmed the Government's plans to pass on huge costs to working families rather than target the major polluting corporations. Carbon taxes currently add approximately €2 to the cost of a bag of coal, 50 cent to a bale of briquettes and 5 cent to a litre of diesel. Fine Gael, backed by Fianna Fáil, plans to massively increase carbon taxes over the next few years, which will lead to ordinary families paying an extra €1,000 a year. Under the plans, the carbon tax will add €10.50 to the cost of a bag of coal, €2.25 to a bale of briquettes and 26.5 cent to a litre of diesel.

My colleague, Deputy Pearse Doherty, tabled a parliamentary question on this issue. The reply to that question, which he received yesterday, confirmed that VAT will apply to any increase in the cost of fuel caused by the carbon tax. There will be a tax on a tax. This sums up the priorities of Fine Gael. Instead of taxing those who pollute and are responsible for Ireland missing its climate change targets, it would rather punish the ordinary people. It will tax ordinary folk twice rather than dare to tax big corporations once. At the Fine Gael conference at the weekend, the Taoiseach provided no clarity on whether it will be the major polluters or struggling families who will foot the bill. I call for a debate on the carbon tax proposals such that hard-working individuals and families who are already hammered by massive insurance premiums and sky-high rents can learn if they will once again take the hit because Fine Gael certainly will not hit the big corporations.

The carbon tax plans will particularly affect rural Ireland, where much of the housing stock is not insulated and public transport systems are not in place to provide an alternative to buying diesel. This is another issue that will significantly affect ordinary people. Many such people will also be affected by their mortgages being sold off to vulture funds. They cannot understand

26 March 2019

how a vulture fund can buy a property for €100,000, sell it on for €300,000 and pay no tax on that, whereas if they were to do so they would have to pay a third of the profits in tax. It is not right. The way the Government is treating ordinary people in this country is not right.

Senator Colette Kelleher: I wish to begin by thanking the Cathaoirleach, the Ceann Comhairle of the Dáil, the Oireachtas HR section and others for taking up a key recommendation of the Oireachtas Women's Parliamentary Caucus and commissioning a confidential dignity and respect in the parliamentary workplace survey of all staff and Members in these Houses. This very important survey went live yesterday. It will uncover positives as well as bringing into the open issues relating to dignity and respect in the workplace which exist but may remain under the radar, especially for staff members, interns and others. It will signal action to be taken on those issues by this House. It brings this House into the mainstream of good human resources practice commonplace in other workplaces. The results of a similar survey carried out in Westminster made for grim reading. The survey found that one in five people working in Westminster had experienced or witnessed sexual harassment or inappropriate behaviour in the past year - that was in 2017. A Unite official described a toxic and dysfunctional relationship between some British MPs, peers and staff. Almost 20% of employees reported being bullied by their bosses, 58% suffered from stress, 36% reported having anxiety and 17% reported suffering from depression. Those findings are stark and I sincerely hope we do not make similar findings here. It is important that all Members of the Houses engage with the survey so that we surface what is actually going on, warts and all. The survey sends an important message of zero tolerance of bullying and harassment in any form in these Houses and of the need for dignity and respect in how we work together in these Houses. I urge all Senators to encourage their staff to complete the survey and to complete the survey themselves, as I intend to do later today. I call on the powers that be who brought us this survey to commit to the full findings being published. Moreover, I call on the Leader to commit to a debate in the House on the aggregated and anonymised results of the survey findings once it is complete so that the survey is not buried if the results are not to our liking.

Senator Ivana Bacik: I join others in expressing sincere sympathies and condolences to the people of New Zealand following the tragic and horrific attacks on the mosques in Christchurch on 15 March. I imagine all of us have been deeply impressed by the dignified response of the Prime Minister of New Zealand, Jacinda Ardern, in speaking on behalf of all the people of New Zealand and all of us who were so shocked by the dreadful terrorist attacks on the people worshipping in New Zealand.

I wish to join Senator Ardagh in expressing sympathy with the families in Tyrone who lost three teenagers so tragically in that awful event on St. Patrick's Day.

I join others in calling on the Leader to arrange a debate on Brexit in the event of the dreadful prospect of a no-deal outcome becoming a reality, as seems increasingly likely this week. A previous Fianna Fáil leader talked about a boom getting "boomier", but a shambles in Westminster has become even more "shambolicker", or more shambolic is perhaps the better term, in recent weeks. I am getting as tongue-tied as Bertie.

An Leas-Chathaoirleach: We get your drift, Senator.

Senator Ivana Bacik: It is distressing to watch the parliamentary procedures in Westminster descending into the chaos and the chaotic scenes that we have seen in recent weeks. They really seem as chaotic as ever this week. I speak for the Labour Party in saying that we are

doing our best to try to talk to our colleagues in the British Labour Party. However, it does seem as if-----

Senator Jerry Buttimer: It is not working.

Senator Ivana Bacik: Nothing is working, it seems – the Leader is quite right. I imagine others with bilateral links are trying to do the same, of course, but it does not seem to be having any impact.

Our party leader, Deputy Howlin, has called on the Government to give greater clarity on the supports that will be available from the EU to Ireland and the Irish economy in the event of a no-deal outcome. Clearly, the Government is still working to try to ensure it will not be a no-deal outcome, but we are seeking greater clarity on that point. Deputy Howlin has also called on the Government to make clearer what specific plans will be available for a support fund or jobs fund in the event of the extraordinary level of job losses we are seeing projected. Deputy Howlin has called for a €500 million jobs fund in the event of a no-deal Brexit. I believe we will need to have a debate if that scenario becomes more real over the coming fortnight. We must have a debate to hear more clarity from the Government on the plans.

I call on the Leader to arrange a debate in due course on the report forthcoming from the Joint Committee on Climate Action. I listened to what Senator Conway-Walsh said about the carbon tax. Any debate on carbon tax needs to be had in light of the recommendations from the committee and, more generally, in light of the context of the pressing issue of climate change.

Anyone who joined the students from primary and secondary schools and third level universities on 15 March for the climate action protest, as I did, would have been highly impressed by the extraordinary commitment that the students and young people there brought to bear on the issue. The Oireachtas committee is looking at the sort of proposals that will actually make a difference in terms of changing the behaviour of corporations and consumers. The merit of a carbon tax is that it will assist in changing all our behaviours, as the plastic bag tax and smoking ban have done. We should not in any way dismiss a carbon tax. We should view it as part of a package of measures to tackle the urgent and pressing issue of climate change.

I remind colleagues that Senator Pádraig Mac Lochlainn, Deputy Marcella Corcoran Kennedy and I will host a briefing in the audiovisual room at 11 a.m. tomorrow. We will seek continued support from all who supported the Turn Off the Red Light campaign and the changes to the law on prostitution brought about by Part 4 of the Criminal Law (Sexual Offences) Act 2017. Those changes have now been in place for almost two years. We will hear tomorrow from a range of experts, civil society activists and groups, many of whom will be in the AV room, about the positive impact the legislation has had. They will seek our continuing support for the reform brought about by that legislation. I invite all colleagues to attend the briefing and reminders will issue again tomorrow.

Senator Gabrielle McFadden: It feels as if I raise the issue of Defence Forces pay and conditions almost weekly. This issue has gone on for far too long and needs to be addressed immediately. I call on the Public Service Pay Commission to publish its recommendations without further delay. Soldiers get up early in the morning and do a long day's work. They deserve a fair day's pay for a fair day's work, as do nurses and town and county councillors. I have had enough of raising this issue and getting nowhere. I ask the Leader to use his good offices to ask the Minister for Finance, Deputy Donohoe, and Taoiseach for their support and request the

immediate publication of the Public Service Pay Commission's report.

Senator Lorraine Clifford-Lee: Last December, a stillborn baby girl was found wrapped in a cloth on a beach in Balbriggan. She was found by a passer-by and had been there for less than 24 hours. The local community named the child baby Belle. Despite numerous appeals for baby Belle's mother to come forward to receive the care and attention she needed, she did not come forward. We in north County Dublin took baby Belle into our hearts. We held a vigil for her and her mother to show love and compassion for both of them. The appeals for her mother to come forward continued, but unfortunately she did not do so. There was a huge outpouring of support and grief for the loss of baby Belle from our community. We were assured that once the coroner had done the appropriate investigations, baby Belle's body would be released to the local gardaí and the community. Fingal County Council undertook to provide a dignified and respectful burial for her to allow the community to embrace her. It was hoped that baby Belle's mother would come forward when she got over her grief and the grave would be a place for her to visit and heal.

Unfortunately, however, we found out via the media a couple of weeks ago that baby Belle had been buried at the angels' plot in Glasnevin Cemetery with no one but the gravedigger and an undertaker present. No funeral service took place and nobody from Balbriggan was present. We were not informed. That is where baby Belle now rests. Needless to say, *4 o'clock* this decision caused distress in Balbriggan and across north County Dublin because baby Belle and the situation her mother faced had an impact on all of us. They were both part of our community. We are deeply upset and we are grappling for answers as to why this happened. How did the coroner allow this to happen when it was made clear that Fingal County Council and a charitable foundation would provide for the funeral service, allowing the community to be involved and creating a space for baby Belle's mother to visit, in time, when she wanted to? I want to have this matter discussed. When I submitted it as a Commencement matter for discussion with the Minister for Justice and Equality it was ruled out of order.

However, the people of Balbriggan need answers in that regard. The raw emotion being felt is still very real and we just want answers. We want to know why Baby Belle was not returned to us and buried within her community.

Senator Victor Boyhan: I raise with the Leader the issue of directly-elected mayors. There was much discussion in recent days, and particularly at the weekend, about the Government's proposals on this matter. No one really knows the Government's proposals on it. I am a member of the Joint Committee on Housing, Planning and Local Government and therefore I am aware that no primary legislation, or any legislation, has been presented and is not being discussed in any detail. There is no preparatory work relating to it. Someone just spun out of the air that we will have a plebiscite on the issue of directly-elected mayors in Waterford, Cork and Limerick.

It really does not matter what I think about directly-elected mayors but I can say, as someone who like many people in this Chamber has close contact with local elected members, that there are mixed views on it. The views vary from who will pay for it and whether it is correct to suggest, as has been suggested in the media, and that it could cost between €120,000 and €150,000 to pay for these mayors in those three locations if it were to happen at some future date. In that context, councillors are waiting months for the outcome of the review by Ms Moorhead, senior counsel, of local pay and conditions. It is obviously an issue that is exercising them. I predict on this day in this Chamber that unless there is a dramatic change in terms

of the Government promoting this issue of elected mayors it will be defeated in Cork, Waterford and Limerick. That will be the outcome if there is not substantial change in terms of working through the possibilities but, more importantly, explaining the possibilities to the people. I was in Cork recently where I spoke to a number of elected people who said they do not understand the parameters of this issue.

I do not want to be negative because I see many possibilities in having mayors but I ask the Leader to use his good office to see how we can come together to crystalise this proposal and explain and promote it. We know there will not be a plebiscite in Galway. We know there will not be one in Dublin because it will be referred to a citizens' engagement process. We have different things for different parts of the country. On "Morning Ireland" today, there was mention that some Ministers and the Attorney General had serious concerns about this issue. There are many questions. I do not have the answers but I suggest it would be timely if we had a debate and a conversation in the House as to what the Government is actually proposing. Let us see some sort of a scheme underwritten in terms of what it is actually proposing because we need greater clarity across all the political parties and none in respect of this issue which is being put to the people in Waterford, Limerick and Cork on 24 May.

Senator Maura Hopkins: I raise an issue I have raised in this Chamber on a number of occasions. It relates to the Rosalie Unit, which is a mental health long-term care facility in Castlerea. Currently, there are 12 residents in the unit and there have been major concerns about the long-term future of the unit since admissions were closed in September 2016. We have had two public meetings in that time and I have been working very closely on it, particularly with the Minister of State, Deputy Jim Daly, but also with the Minister, Deputy Harris. I have also raised the matter on numerous occasions with the Taoiseach, Deputy Varadkar. My most recent meeting was with the Minister of State, Deputy Jim Daly, on 12 March last. That was relating to the ongoing independent clinical assessment process. Family members are very frustrated about that process in terms of the lack of notice being given and the lack of consultation on which I very much agree with them. As an occupational therapist, I do not believe that the manner in which the independent review of this organisation has taken place is professional.

It is very important that we support the current residents in the Rosalie Unit and individuals in the future who will need specialist, high-level care. I ask the Leader to speak to the Minister of State, Deputy Jim Daly, about the matter. If possible, I will submit a Commencement matter. This is a really important issue for the current residents and the wider community in Castlerea in the context of supporting people with long-term, enduring mental health difficulties who need specialist care that cannot be provided in the community or home setting.

Senator Fintan Warfield: Mr. Viktor Orbán has spent the past nine years breaking down the rule of law and democracy in Hungary and whipping up fear. We know all too well his policies on gender, LGBT rights, refugee status, judicial independence and press freedom. The European People's Party last week decided to suspend the Fidesz party, which essentially means stripping the 12 MEPs concerned of voting and election rights internally within the European People's Party, but the only justification being given for the suspension is that the party is angry at how fellow Christian Democrats have been treated by Fidesz. The real issue here has to be the rights of Hungarian citizens. Mr. Orbán's interpretation of the suspension is a lot different from what I expect the Leader's to be. Mr. Orbán stated that to ensure unity - to protect unity - a resolution or compromise was adopted. The European People's Party could have expelled Fidesz but I presume it needed the numbers in the European Parliament. There has been a delay until after the European elections in May on the basis that the 12 MEPs are needed for jobs and

26 March 2019

positions of power. Everything I need to know is to be found in the language of the internal document of the European People's Party. It states that this is a joint decision. Has the Leader's party in the European Parliament called for Fidesz to be expelled? I repeat this has to be about Hungarian citizens rather than protecting one's own in the European Parliament.

Senator John O'Mahony: I support the request made by Senator McFadden in respect of the pay and conditions of members of the Defence Forces. Having spoken to many in the Defence Forces and having had family members serve therein, I am acutely aware of the pride members of the Defence Forces take in representing their country at home and abroad and of the outstanding service they give. Their pay and conditions are totally out of kilter with the service they provide. In emergencies, whether associated with flooding or other events, members of the Defence Forces are not getting anything comparable to what is received by other members of the emergency forces. This needs to be changed. So many members of the Defence Forces are leaving. Recruitment is not even keeping pace with the dropout rate. I could not believe it recently when I heard that if a member of the Defence Forces volunteers for a mission abroad, he or she has no control over where he or she is placed after coming back, after six months or a year. He or she could be stationed in Cork before going and in Donegal on his or her return. This is a problem for families. I am not fully aware whether there is a rule in this regard in the Defence Forces but it needs to be addressed. This matter requires serious attention and, as a result, I support the call made by Senator McFadden.

Senator Jennifer Murnane O'Connor: I wish to talk about Sláintecare Action Plan 2019, the ten-year €2.8 billion blueprint for the reform of the health service that was published recently. I am staggered at the sheer brazenness of this Government in announcing in that plan three new hospitals to be built to tackle waiting lists. There is already a massive overrun in the children's hospital before above-ground construction has even begun. There is a recruitment crisis where more than 2,500 additional staff are needed for the full provision of mental health services across the country. If the State is to honour the commitments made under a Vision for Change, then 2,671 extra staff need to be employed in our mental health services. Hundreds of patients are on trolleys every day. I recently spoke in this House about a psychiatric facility in Kilkenny which is a damning indictment of our health service. I have raised concerns about people who presented with mental health issues and who were treated in accident and emergency departments because they had nowhere else to go. Entire regions have no access to life-saving medical help in the evenings or weekends.

Last month, a constituent of mine told me about their recent trip to the accident and emergency department in Waterford regional hospital because Kilkenny hospital did not have access to the care they needed. My constituent sat in an overcrowded waiting room for more than nine hours. There were 70 people in front of them who had seen a triage nurse but had nowhere further up the chain to go. They were eventually seen in the middle of the night in some kind of supply room or storeroom because there was nowhere else to see a doctor. The staff were doing their best but a particularly busy night for the ambulance compounded the problems. Some people who were left waiting began to abuse the staff. There was blood. There were people who should not have been left in the waiting room. Some patients could not take it and went home to return and join the queue again the following day. Despite enjoying one of the youngest populations and having one of the highest incomes in the OECD, Ireland spends much more per person than average and yet this constituent's experience is not unusual. Any staff member in any hospital in Ireland would agree.

I want the Minister to come to the House to debate Sláintecare before we make these prom-

ises again because we cannot deliver three hospitals. This is uncalled for. We need to make sure we deliver to ensure there are no more people on trolleys and people are not on long waiting lists. We have to deliver a service that is not there at the moment.

Senator Frank Feighan: I give my condolences to the people of Christchurch in New Zealand on the shooting in the mosques during which 49 people were killed. It was very sad. We are seeing a lot of extremism from the far right and far left. The Prime Minister of New Zealand summed it up with her own words.

I mention also the tragedy at the Greenvale Hotel in Cookstown and the three young teenagers who died on that horrific night. Our thoughts and condolences are with the friends and families of those three teenagers.

I was at the Fine Gael national conference last Saturday and we had the honour of the attendance of Mr. Jeffrey Donaldson, MP. I agreed with some of the comments he made and disagreed with others but it was wonderful to see somebody like him coming to address the conference. It should happen more often across parties and across parliaments. Things like that open up lines of communication.

Mr. Donaldson spoke about Ireland in the Commonwealth which is an issue dear to my heart. I welcome the fact that Deputy Mary Lou McDonald said the debate about the Commonwealth should happen at the same time as a debate about Irish unification. I do not like the term “unification”, I prefer “one Ireland” or an “agreed Ireland”. If we were to have an agreed Ireland, aspects of Ireland’s relationship with the Commonwealth will be a part of that. Every dog in the street knows that. Everybody from Sinn Féin to Fianna Fáil to Fine Gael knows that to be true. Some people say we should not put the cart before the horse but I believe we need to be imaginative. We can use sport in that regard.

Let us consider the Commonwealth Games. If I am a citizen and a nationalist from Northern Ireland, I can compete in the Commonwealth Games. If I am an athlete from the Republic of Ireland, despite the Good Friday Agreement and parity of esteem, I cannot compete in the Commonwealth Games. It is a simple thing that this is a narrative that exists deep down. The United Kingdom accounts for 2% of the Commonwealth but there is an anti-Britishness at play. We can pretend there is not but there is. Ireland would join the Commonwealth tomorrow morning if it comprised only Australia, New Zealand, Canada and new, high-tech countries such as India and Pakistan. Sometimes we must address our own failings. The Republic of Ireland will play Georgia tonight in Lansdowne Road. If we do well, everyone will ask why we do not have an all-Ireland soccer team. People will say that if those boys in Northern Ireland joined up with us, we would beat the world. We would not beat the world. We should have an all-Ireland soccer team but we should do what we did when we had an all-Ireland soccer team between 1882 and 1924. This team played all its home internationals in Belfast. Would that not be a great compromise? Unification or an agreed Ireland is not a one-way street. Rather, it is a two-way street and we must be prepared to roll up our sleeves and compromise if we want to achieve that which people talk about, which I believe is an agreed Ireland where everybody on this island, unionist or nationalist, is a citizen.

Senator Ned O’Sullivan: We saw an unfortunate return to violence in the Middle East last week. It is quite clear how it started this time. Hamas launched a missile attack on an area of Israel 50 miles north of Gaza. The Israelis, as they always do, will react multiplied by ten. If this was the other way around and the aggressor had been Israel, we would have many state-

26 March 2019

ments in both Houses condemning it. However, there has been another resounding silence to this violence initiated by the Palestinian side. Clearly, Hamas is trying to disguise the fact that it is in very serious difficulties due to internal problems with Fatah and the Palestinian Authority. I will not engage in the business of condemning the last atrocity. It never worked in Ireland and will not work in this case. However, I ask the Leader to request that the Tánaiste and Minister for Foreign Affairs and Trade come to the House to make a statement on the Middle East and how he sees it progressing and, hopefully, coming to a peaceful resolution as quickly as possible.

It was interesting to note that the European Parliament adopted a proposal to abolish the practice of putting the clocks back, as we call it here, twice a year. It could not agree on whether we should be permanently in summer or winter time but it is worth noting that our former colleague, Feargal Quinn, a man with great imagination, was a pioneer on this issue and proposed this step many years ago. The Leader and the Cathaoirleach might join me in giving Mr. Quinn a clap on the back. Things are moving in his direction.

Senator Colm Burke: I welcome the confirmation from the Minister for Health today that the company that manufactures Spinraza has agreed to make further submissions to the HSE. Spinraza is a very important drug for children with spinal muscular atrophy. I understand this drug could assist the small number of people affected. I know the HSE has previously turned down the submissions made by Biogen that the drug be covered by the drugs payment scheme because of the price demanded by the company. I understand it would cost €600,000 per patient in the first year and €380,000 per patient for each year thereafter. It is helpful to hear that the company is now prepared to make further submissions. Hopefully, the HSE will take those on board and this drug can be approved because it is important for patients and their parents that the medication they require is made available to them. It is also important that the drug company acts in a reasonable manner regarding the price in order that the budget is not cut elsewhere if the drug is included in the scheme. That time has been extended by the HSE to allow the company to make final submissions is a welcome development. Hopefully, agreement can be reached following those submissions.

Senator Mark Daly: I look forward to the Leader organising the debate on the Commonwealth. It is an interesting discussion, which has nothing to do with who is or is not a member. The issue is the value of the Commonwealth. Those who have spoken to me about it query its relevance in this century. Its importance in the previous century is probably overstated as well. It is important to some on this island and, as such, it is worthy of debate. I hope the Tánaiste and Minister for Foreign Affairs and Trade will come to the House at some stage to discuss it.

The Minister for Transport, Tourism and Sport, Deputy Ross, was unable to come to the House for a Commencement debate on organ donation. Organ donor week begins on Saturday. We have this curious situation where the Minister, in a written reply to me, stated that he was unable, owing to Brexit and for data protection reasons, to make information available to doctors and nurses on those who have indicated they would like to be an organ donor by having code 115 marked on their driving licence. In the past two years, he has made this information available to private companies, including eFlow, clamping companies, the courts and the Garda, as he should. However, he is unwilling, and apparently unable for data protection reasons - that is the excuse he gave me - to make it available to doctors and nurses who are trying to save people's lives. I wonder if the Minister would be available to come to the House to debate this issue. We may propose an amendment the Order of Business tomorrow to have him come to the House if he is not willing to attend for a Commencement debate on this issue. He indicated

two weeks ago that he was not able to come to the House.

We will propose a second amendment to the Order of Business on Friday. We have seen prosecutions being taken in response to the Hillsborough disaster and people have been arrested in the North for manslaughter. I have asked officials from the Department of Justice and Equality to meet me to discuss corporate manslaughter legislation and, despite promising to do so, they have not met me in six months. In 2005, the Law Reform Commission stated corporate manslaughter legislation was needed because there was a gap in the law. This requirement arose from the hepatitis C scandal when thousands of women suffered injury and hundreds of died because the blood transfusion service knowingly contaminated and killed them. It did not care and no one went to jail. If that happened again, there would not be any prosecutions and no one would go to jail. Will the Government bring forward legislation to address this? If an event such as Hillsborough were to occur here or we had a tragic incident such as occurred over the St. Patrick's weekend in the North when persons were arrested and are facing prosecution, people would not face prosecution because the Government has refused to pass legislation.

Senator Jerry Buttimer: I join Members of the House who raised the tragic events in County Tyrone in remembering the lives of Morgan Barnard, Lauren Bullock and Connor Currie. I pay tribute to them and sympathise with their families on the awful tragedy of the loss of their lives over St. Patrick's weekend. I also join Members in condemning utterly the attack in Christchurch in which 50 innocent people were killed in mosques. It is important that we all stand in solidarity with the people of New Zealand and their Prime Minister who has shown real leadership in the issue of gun control and in her condemnation of the attack. On my behalf and on behalf of the House, I pay tribute to the people of New Zealand and thank them for standing so strong in their response to this awful tragedy. I remember and stand with the families of the three young people who were killed in County Tyrone. Ar dheis láimh Dé go raibh a anam dílis.

Senator Ardagh referred to deaths on our roads. One such death is too many. It is important that we continue to have enforcement, education and engineering, the three major prongs of road safety. I hope we will see a continuing reduction in the number of road deaths.

Senators McDowell and Ardagh raised the issue of the metro and the announcement of the decision on the MetroLink. Members of the House, including Senator Mark Daly, will be glad to hear that the Minister, Deputy Ross, will be in the House next Thursday week to deal with transport matters. Members will have an opportunity to have a debate, an interaction and an engagement with the Minister on transport-related matters. On the issue of metro, it will be an opportunity for Members to make their speeches and bring in their brochures and leaflets. I welcome Senator McDowell's point that it is about living in a city and, if making improvements, one has to expect certain modifications to roads and areas adjacent to them. We will have an opportunity on that day to have a debate with the Minister. On Senator Mark Daly's proposal on transport, I hope that response will satisfy him. I do not control Commencement matters but to be fair to the Minister, Deputy Ross, he is one of the Ministers who comes to the House on a regular basis to take his Commencement matters. He will, however, be here next Thursday week.

Senator Conway-Walsh raised the issue of the conference on climate change in Trinity College and thanked all those involved. Sometimes I have to smile at the members of the Sinn Féin Party. They do a really good course in populism for which they must receive weekly training. They try to be all things to all people. They are for the environment but they do not tell us what they would do. As Senator Warfield knows, carbon tax is not a form of raising money; it is

about trying to change behaviour. As the Taoiseach said in the Dáil today, it is about investment in public transport and renewable energy. Carbon tax is also about changing our behaviour.

As Senator Bacik said, the Joint Committee on Climate Action, which is not a Government committee but an all-party Oireachtas committee, will inform the Minister for Communications, Climate Action and Environment, Deputy Bruton, as to the next step we will take as a country. We have an obligation and a duty to meet our requirements. It is not about being populist. It is about ensuring that we meet the expectations and demands on us. Are we really saying Government can provide everything to people? Who then pays? I would like the Sinn Féin Party to answer that question as to who pays for all the grants in respect of carbon pricing. How is this funded? How is behaviour changed? I will be happy to have a debate on climate change when the all-party report is published. I look forward to that debate where we can have suggestions and solutions from all sides of the House.

Senator Kelleher raised the issue of the dignity and respect survey. It is a matter for people to complete it. I am not sure whether we can have a debate on a completed survey but I will be happy to talk to the Senator about that.

Brexit and the impact it will have was raised by Senators Ardagh and Bacik and indirectly by Senator Feighan and Senator Mark Daly commented on Senator Feighan's contribution. Brexit will have a profound impact on us and Government has put in place plans to support agriculture and business. I will be happy to have the Minister, Deputy Coveney, come to the House. We had a debate on the omnibus legislation prior to the break but I would be happy to have the Minister and the Minister of State, Deputy McEntee, to come to the House again on this matter.

Senators McFadden and O'Mahony raised the issue of the Defence Forces. I concur with them on the need for the Public Service Pay Commission report to be published. There is a huge need to address the issue of pay in the Defence Forces, notwithstanding the commitments made by the Government in relation to FEMPI and the restoration of pay. There is an obligation on Government to ensure the men and women of our Defence Forces are paid properly. As Senator McFadden, who has championed this issue here on a number of occasions, said, it is about the pride we have in the men and women of the Defence Forces and in the role they play in UN peacekeeping duties and the way in which they carry themselves around the world. There is, however, an obligation on Government to look after them in terms of pay. I look forward to having the Minister of State return to the House to discuss the matter. He has been here on a number of occasions, but I would be happy to have him come back.

Senator Clifford-Lee raised the issue of baby Belle. This is a very tragic case that has left a huge impression on people, not least the people of Balbriggan. I am not sure why the Commencement matter was ruled out of order - that is a matter for the Cathaoirleach - but again-----

An Leas-Chathaoirleach: The Minister of State has no official responsibility in the matter.

Senator Jerry Buttimer: Okay, but it is important that answers are given. I hope an answer will be given in respect of the matter Senator Clifford-Lee raised-----

An Leas-Chathaoirleach: An answer was given.

Senator Jerry Buttimer: -----not by the Cathaoirleach but by the powers that be. It is a very sensitive matter. The community acted in a hugely humanitarian way in reaching out. It is important to appeal to the young mother, if she is a young mother, to come forward in order

that we can give her the assistance she requires. Thankfully, we have moved away from being a very judgmental, draconian State to one that is embracing, inclusive and caring. I hope the mother will come forward.

Senator Boyhan referred to directly-elected mayors. It is important that those of us who support the proposition get behind it. I noted the Senator's concerns and I understand the frustration he expresses, but to come into the House and say in a defeatist manner that the proposition will be beaten does not help the case if we want to see its passage through the Houses. I accept the point the Senator makes, namely, that people need more information. However, I make the point - and I am sure my learned colleague, Senator McDowell, who led the charge in the campaign for retention of the Seanad, will understand and perhaps assist me in this - that people do not engage until perhaps the final three or four weeks of a referendum campaign. That is when they focus properly. In this instance, we have time between now and 24 May to inform people of the important need for a directly-elected mayor, particularly for the city of Cork. I heard the Leader of the Opposition, Deputy Micheál Martin, speak in the Dáil this afternoon on the matter. If he is so critical, let him come out and support and campaign for the proposition or otherwise state his position. He is either against or for the proposition. There is no point in coming into the Houses to be a hurler in the ditch. This is an important plebiscite; a significant transfer of power is involved in the newly created position of directly-elected mayor - to name just two, I refer to the power to propose a development plan and the power to propose a budget. It is a very important position. It is one which I wholeheartedly support and for which I will campaign. However, I appeal to Members of the Oireachtas who are in positions of responsibility: if they are in favour of the proposition, they should come out and campaign for it rather than coming into the Houses of the Oireachtas to state that there is not enough information or whatever. Let us campaign for it. I accept that the Government must be more proactive but I believe we have enough time to make this position a success and that the plebiscite can be carried. It is critically important, especially for the cities named because of the transformative powers it can provide, the level of accountability it can produce and the direction it can give to the cities in question. I hope the proposition will be carried.

Senator Hopkins referred to mental health and the Rosalie unit in Roscommon. I understand her frustration and I hope the Minister of State, Deputy Jim Daly, will come back to her on the matter. Perhaps a Commencement matter might be a more appropriate and more expeditious way to get a response.

Senator Warfield referred to Viktor Orbán. My position is quite clear; I have made it known on the record of the House. My party's position has also been quite clear: we are Members of the European Parliament, and we have no truck in Fine Gael with people who do not support and uphold human rights, for example. Our record in this regard is quite clear. I ask Senator Warfield to cast his mind back to his own party's relationship-----

Senator Fintan Warfield: Did the Leader ask Fine Gael Members of the European Parliament-----

An Leas-Chathaoirleach: Unfortunately, we cannot have a question when the Leader is responding.

Senator Jerry Buttimer: I ask Senator Warfield to reflect on his party's relationship with many different regimes around the world-----

26 March 2019

An Leas-Chathaoirleach: The Senators can discuss this outside of the Chamber.

Senator Jerry Buttimer: -----in which it has engaged.

An Leas-Chathaoirleach: The Leader is not going to engage in the matter now.

Senator Jerry Buttimer: I will not take lectures from Senator Warfield on this. We could travel around the world. We could go to South America or parts of Europe. We could name various people.

Senator Fintan Warfield: Let us stay in Europe today.

An Leas-Chathaoirleach: The Senator must raise the matter in another way, another time.

Senator Jerry Buttimer: I did not quite understand Senator Murnane O'Connor's contribution on Sláintecare. Is she against or for the new hospitals? It is a €5.8 billion proposal from the Government under Sláintecare that is delivering a new health and social care model for the treatment of patients, focusing on the importance of primary care, with additional beds being provided. I would be happy to have the Minister for Health come to the House to discuss the matter in due course.

I share with Senator Ned O'Sullivan our utter condemnation of the attacks in the Middle East last weekend. It is important to put on record and reflect upon our relationship, individually and collectively, with the Middle East. Some of the language being used by the President of the US does not help the situation. We need to see peace built in the Middle East. Watching the CNN documentary on Jimmy Carter, the longest-living former President of the US, and his Camp David agreement, I was conscious of the way in which he tried to bring peace to the Middle East. I hope that the current American Administration will try to do something similar. The Tánaiste and Minister for Foreign Affairs and Trade, Deputy Coveney, has been working on this issue. I wish him well. The points made by the Senator are worth noting. I would be happy to invite the Tánaiste to attend the House regarding the matter.

In the context of today's European Parliament vote, we should pay tribute to the former Senator, Feargal Quinn. Members of the European Parliament have also been involved and the Minister of State, Deputy Stanton, has been strong in this regard. It was right to remember our former colleague, Feargal Quinn, and commend him on his role in the context of today's decision.

I join Senator Colm Burke in welcoming the decision by the manufacturer of Spinraza to provide more information to the Joint Committee on Health. It is an important drug that requires greater debate.

Senators Feighan and Mark Daly referred to the Commonwealth. I am unsure as to whether we will have a debate on that matter in the short term, but we might have a debate on foreign affairs with the Tánaiste. It is important to recognise that he will be before the House tomorrow to discuss specific matters relating to the North.

Regarding the corporate manslaughter legislation that Senator Mark Daly is championing, I do not have an answer as to why the officials will not meet him. That is beyond my jurisdiction.

Senator Mark Daly: Will the Leader let them know? Otherwise, we will amend the Order of Business.

An Leas-Chathaoirleach: Please, we will not engage in a debate on it now.

Senator Jerry Buttimer: I can only do one thing.

An Leas-Chathaoirleach: The Leader can only respond. That is understood.

Senator Jerry Buttimer: I can only ask the officials to meet the Senator, which I will gladly do. He will appreciate, however, that I cannot direct them to meet Members of the House.

Senator Mark Daly: They said they would.

Order of Business agreed to.

Gnó an tSeanaid - Business of Seanad

Senator Jerry Buttimer: The Minister for Agriculture, Food and the Marine, Deputy Creed, is taking parliamentary questions in the Lower House. I have just received a communication asking us to suspend for ten minutes because the Minister is running late. As such and notwithstanding the Order of Business, I propose that No. 1 be taken ten minutes later than agreed. I apologise to the House for this.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Sitting suspended at 4.38 p.m. and resumed at 5 p.m.

Wildlife (Amendment) Bill 2016: Second Stage

An Cathaoirleach: I welcome the Minister of State to the House. He can proceed when he has drawn his breath. Group spokespersons have eight minutes. All other Senators have five minutes. The Minister of State can kick off when he is ready.

Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Seán Kyne): The Wildlife (Amendment) Bill 2016 was presented to the Dáil on 21 July 2016 and was passed by that House on 13 December 2018. I am pleased to have the opportunity to present the Bill to the Seanad today. The passage of this legislation through the Houses of the Oireachtas is delivering on a commitment in the Programme for a Partnership Government.

Ireland has designated 75 natural heritage areas, NHAs, under national law for the protection of raised bog habitats and 73 NHAs for the protection of blanket bog habitats. These sites complement the 53 areas of protected raised bog and 50 areas-----

An Cathaoirleach: Somebody has indicated they would like a copy of the Minister of State's speech. Is such a copy available?

Deputy Seán Kyne: I presume so.

An Cathaoirleach: Perhaps a few copies can be given to the Members who would like to speak. The Minister of State may proceed. I am sorry to have interrupted him.

Deputy Seán Kyne: These sites complement the 53 areas of protected raised bog and 50 areas of protected blanket bog in Ireland which have been selected for conservation as special areas of conservation, SACs, in accordance with the EU habitats directive.

In recognition of the fact that the same legal regime did not apply to NHAs as to SACs, in April 2011 the then Government decided to carry out a scientific review of the natural heritage area raised bogs. This decision was taken in tandem with the work which was ongoing to ensure that SAC raised bogs were being treated in accordance with the habitats directive. The main objective of the review was to look at how the NHA network could contribute to our conservation objectives while avoiding impacts on the traditional rights of landowners and turf cutters, thereby minimising the cost to the taxpayer arising from compensation. Independent experts working closely with departmental officials carried out the review of the raised bog resource in Ireland. They examined over 270 individual raised bogs including SACs, NHAs and undesignated sites. New scientific survey methods were employed and improved mathematical modelling methods used to identify the restoration potential of sites. A number of factors were taken into account when assessing the importance of individual bogs in terms of their economic, social and cultural contribution to individual communities. This included available ownership information, the number of active turf plots and restoration associated costs.

This has been the most comprehensive analysis to date of Ireland's raised bog habitats. The selection process for the analysis of sites adopted a sustainable approach. The selection criteria, while including the primary environmental and technical factors essential for a raised bog's existence now and into the future, also included economic and social criteria. At the same time, each site was examined by departmental staff from a nature conservation and management perspective to ensure that the final outcomes of the selection process were practical and achievable. The review concluded that a reconfiguration of the raised bog NHA network was required in order to meet nature conservation objectives more efficiently while having regard to economic, social and cultural needs.

The review of the raised bog natural heritage area network was published in January 2014. It sets out a series of measures to ensure that Ireland meets its obligations under the EU habitats directive, as well as its obligations under the environmental impact assessment directive relating to the regulation of turf cutting on raised bog NHAs, while at the same time avoiding impacts on the traditional rights of landowners and users and minimising the cost to the State of compensation payments. The review concluded that Ireland could more effectively achieve conservation of threatened raised bog habitat through focused protection and restoration of a reconfigured network. The review concluded that this would entail: the cessation of turf cutting on 36 existing NHAs which will remain designated - this includes seven sites to be divided, with part to be conserved and part to be de-designated; and the complete de-designation of 46 NHAs, including the relevant areas of the seven sites to be divided, where it has been judged that their conservation potential is expected to be marginal or that restoration would be prohibitively expensive for the conservation benefits achieved. Domestic turf cutting may continue on these sites, while larger scale or commercial turf cutting will continue to be regulated through other consent systems. The review concluded it would also entail the designation as NHAs of 25 currently undesignated raised bogs, which are in public ownership or in which there is reduced turf cutting pressure. These sites are to be proposed for designation to make up for the loss of habitat within the NHA sites where turf cutting is to continue.

The review clearly set out that the proposed newly-configured network will have considerable advantages over the current natural heritage area network. There will be a greater area

of both active and degraded raised bog still capable of regeneration compared with the current network. In the short to medium term, losses of active bog will be reduced due to the lower intensity of turf cutting in the new network. Costs to the taxpayer will be greatly reduced due to the smaller number of turf cutters who will be required to stop turf cutting who will require compensation. It is envisaged that there will be around 2,500 fewer actively cut turf plots in the new network. There will also be an increased potential for more rapid restoration of raised bog due to the inclusion of State-owned lands in the new network. In short, the new network will have more environmental benefits, it will have less negative impact on turf cutters, and it will cost less to the taxpayer.

In accordance with the 2014 review, the total area of active and degraded raised bog under the proposed new network is 765 ha in comparison with an area of 694 ha in the current network. The area of the new network will also contribute to the national conservation objective target area for raised bog within the SAC and NHA networks. Additional raised bog habitat within the natural heritage area network makes a contribution to the overall objectives of the habitats directive to maintain or restore the habitat to favourable conservation status. Since 2011, over €34 million in taxpayers' money has been spent on protecting and conserving the raised bog SAC and NHA networks. The SAC network remains the bedrock of Ireland's response to the conservation of raised bog under the habitats directive. The approach of the Government has been based on working with the turf cutters affected in a practical and pragmatic fashion, while also working to ensure we are protecting this rare natural environment and fulfilling our EU obligations.

As I mentioned earlier, the Wildlife (Amendment) Bill 2016 was presented to the Dáil on 21 July 2016. The purpose of the Bill, as presented, was to provide for the implementation of a reconfiguration of the raised bog natural heritage area network arising from the 2014 review. During Committee Stage of the Bill in the Dáil, Deputy Ó Cúiv proposed to amend the Bill to provide for the Minister for Culture, Heritage and the Gaeltacht to carry out further reviews of other natural heritage areas. The then Minister undertook to consider the matter further with a view to addressing same at Report Stage. Proposed amendments for that purpose from the Minister were moved in the Dáil at Report Stage and agreed. Consequently the Bill, as initiated, has been amended in Dáil Éireann and now provides for the Minister for Culture, Heritage and the Gaeltacht, at his or her discretion, to conduct a review or reviews of other existing natural heritage areas as well as to continue and complete the 2014 review of raised bog natural heritage area network. The scope of a future review or reviews would be limited to those natural heritage areas in respect of which natural heritage area orders are in force on the date of the commencement of the relevant section of the Bill.

There are 75 raised bog NHAs encompassed by the 2014 review and 73 blanket bog NHA sites. The Bill gives the Minister the power to conduct a review or reviews of these blanket bog natural heritage areas at some point in the future without obliging the Minister to do so. There are principles and criteria in the Bill to guide a Minister in conducting a review and in making decisions on designation or de-designation of natural heritage areas. These include: the carrying out of a strategic environmental assessment; public consultation; and linking the achievement of nature conservation objectives for bog habitats to the favourable conservation status of these habitats, having regard to environmental criteria, restoration potential and national, regional and local economic, social and cultural needs. The heart of any future review would be nature conservation in terms of maintaining bog habitats at or restoring bog habitats to a favourable conservation status.

In summary, the Bill now provides for the Minister for Culture, Heritage and the Gaeltacht to do the following: conduct and complete the 2014 review of raised bog natural heritage area network; carry out a review or reviews of other existing natural heritage areas, at his or her discretion; and arising from the 2014 review or any future review or reviews, to amend or revoke natural heritage area orders and to make new natural heritage area orders. The Wildlife (Amendment) Bill 2016 now provides for review of bog habitats, making amendment and revocation of natural heritage area orders and for these purposes to amend the Wildlife (Amendment) Act 2000.

The Bill contains five sections. Section 1 is a standard provision for a definition of the 2000 Act, that is, the Wildlife (Amendment) Act 2000. The legislative provisions regarding natural heritage areas are contained within Chapter II of Part III of the 2000 Act. Section 16(1) of that Act provides for the Minister to publish a notice of the intention to make a natural heritage area order, having regard to the special scientific interest of the site in question. Section 2 of the Bill amends this subsection to provide for the Minister to also publish a notice of the intention to make a natural heritage area order arising from the completion of the 2014 raised bog natural heritage area review and the completion of a review or reviews of other natural heritage areas.

Section 18(4) of the Wildlife (Amendment) Act 2000 provides that where the Minister proposes to amend or revoke a natural heritage area order, the Minister will publish a notice of the intention to do so. Section 3 of the Bill provides that the provisions of section 18(4) of the 2000 Act only apply to that section of the Act as section 4 of the Bill contains publication and notification provisions where the Minister makes an order to amend or revoke a natural heritage area order in accordance with the Bill.

Section 4 of the Bill amends the Wildlife (Amendment) Act 2000 by the insertion of a new section 18A after section 18 as follows. Section 18A(1) provides for the Minister to continue to conduct and complete the 2014 review of raised bog natural heritage areas and that the Minister may conduct one or more than one review of other natural heritage areas. Section 18A(2) provides that a review or reviews are limited to the natural heritage areas in respect of which natural heritage area orders are in force on the date of the commencement of section 18A. Section 18A(3) refers to the purposes of a review, including, in subsection (a), contributing to the achievement of nature conservation objectives of maintaining or restoring bog habitats to a favourable conservation status and, in subsection (b), selecting the most suitable bog habitats to be designated as natural heritage areas or to cease to be designated as natural heritage areas. Special scientific interest, environmental criteria, restoration potential and national, regional and local economic, social and cultural needs would be taken into account in the selection process. Section 18A(4) provides that the Minister shall, in relation to the effects on the environment of the proposals arising from a review, in subsection (a) carry out a strategic environmental assessment, including public consultation and, in subsection (b), if required, carry out any other screening for an assessment or, as the case may be, assessment, including public consultation. Section 18A(5) sets out that on the completion of a review, having considered the proposals arising from it, and having had regard to the strategic environmental assessment, any other screening for assessment or assessment undertaken, and observations or submissions received during the public consultation, the Minister shall, in subsection (a), where he or she is satisfied that a natural heritage area order should be made, publish under section 16 of the 2000 Act a notice of his or her intention to make the natural heritage area order and, in subsection (b), where he or she is satisfied that land should cease to be designated as a natural heritage area, make an order to amend or revoke the natural heritage area order which so designated

the land. Section 18A(6) states that where the Minister makes an order to amend or revoke a natural heritage area order which designated land as a natural heritage area, he or she will place an advertisement in at least one local newspaper to inform the public of the making of the order and cause a copy of the order to be sent to defined owners or occupiers of land, defined holders of valid prospecting or exploration licences, various Ministers of the Government and various public authorities. Section 19(2) of the Wildlife (Amendment) Act 2000 provides that no person shall carry out or cause to be carried out works which are liable to destroy or significantly alter, damage or interfere with the features of a site proposed for designation as a natural heritage area, NHA, without giving the Minister at least three months' notice. This obligation applies to land in respect of which the Minister has served notice of the intention to make a natural heritage area order. Section 18A(7) of the Bill clarifies that where land or part of land ceases to be designated in accordance with the provisions of the Bill, the obligation, arising from section 19(2) of the Wildlife (Amendment) Act 2000, is fully removed in respect of that land or part of land. Section 18A(8) sets out definitions of "bog habitat", "environmental criteria", "favourable conservation status" and "restoration potential" in respect of raised and blanket bog.

Section 5 of the Bill sets out the Short Title and commencement.

I view this Bill as an important piece of the jigsaw as we continue to deal with the need to protect the environment, live up to our EU obligations and work with landowners and turf cutters, on whose lives these obligations can have a very real impact. This legislation will allow for our raised bog network to be managed more efficiently and in a more environmentally-friendly manner. It is important to remember that the Bill initially arose from the Review of Raised Bog Natural Heritage Area Network, published in 2014. The reconfiguration of the raised bog network which this legislation will facilitate is based on sound scientific evidence and will have a positive impact on the raised bog network. As set out in the Bill, the heart of any future review of blanket bog natural heritage areas would be nature conservation in terms of maintaining bog habitats, restoring bog habitats to a favourable conservation status, or both. Decisions on designation or de-designation of natural heritage areas would not be made in a vacuum. There are principles and criteria in the Bill to guide a Minister in this process. The focus is on nature conservation and having a positive impact on the relevant network. I am pleased to have had the opportunity to outline the provisions of the Bill, and I look forward to hearing Senators' contributions on the contents of the Bill. I would also like to take this opportunity to mention that, arising from the recent national biodiversity conference, I may propose amendments to the Bill on Committee or Report Stage. I commend the Bill to the House.

Debate adjourned.

Gnó an tSeanaid - Business of Seanad

Senator Maura Hopkins: Notwithstanding anything in today's Order of Business, I propose that we extend the time allocated to this item of business by ten minutes, to conclude at 5.55 p.m.

An Cathaoirleach: Is that agreed? Agreed.

26 March 2019

Wildlife (Amendment) Bill 2016: Second Stage (Resumed)

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

An Cathaoirleach: Senator Ned O'Sullivan has eight minutes.

Senator Ned O'Sullivan: I will not take up anything like that amount of time as this is not my area of expertise. I welcome the Minister of State. We in Fianna Fáil welcome the Bill. It brings a rational conclusion to what was a very difficult period in the term of the previous Government. The Minister of State's predecessor and my constituency colleague, the former Minister, Jimmy Deenihan, effectively lost his seat over it, which is something I did not take any pleasure in because he was a big loss to politics and a big loss to his constituency. However, the matter became a completely irrational argument and no one was prepared to compromise, so it is fitting enough that the same party in government has undone the damage to a certain extent at this stage, and we welcome that.

I would like to highlight just one or two points. The Minister of State was good enough to refer in his speech to the fact that Deputy Ó Cuív put forward the proposal in the Dáil that other reviews would be carried out in other natural heritage areas. The Minister of State has undertaken to consider this and possibly include it in the final Bill.

The Bill gives legislative effect to the review recommendation to de-designate 46 national heritage areas. It de-designates 39 natural heritage areas, with part de-designation of seven other areas. Reconfiguring the network will lead to the safeguarding of a greater area of protected bog habitat, with around 2,500 fewer actively cut turf plots than exist currently. To counteract the impact of de-designation, a further 25 raised bogs which are in public ownership or where there is reduced turf cutting pressure will be designated. This will compensate for the bogs where cutting is proposed to continue.

What has been left out of the debate thus far is that we are all conservationists, and the greatest conservationists of all are the practitioners of rural life, be they farmers or turf cutters. They know and respect nature. Sometimes an image is created in refined debating circles that anyone living outside of the Dublin area is some kind of environmental philistine and that we do not appreciate nature. Of course we do. What was lacking in the debate, however, or in the previous attempts to handle this issue, was recognition of the fact that we have other issues concerning turf cutting, especially the areas of fuel poverty and reduced rural incomes. Rural household incomes in the midlands, for instance, are 9.4% below the national average. The majority of affected bogs are located in counties with the lowest disposable incomes, and this must be a central factor when we make arrangements to stop cutting turf. Turf is a very inexpensive source of fuel, being up to 60% cheaper than oil. The cost of turf is basically in the labour. Turf cutting must be recognised as a valuable source of farm or off-farm income. A cessation policy without adequate compensation schemes would expose another significant number of households to fuel poverty. Any compensation scheme must enable turf cutters to have a choice between adequate compensation, relocation or turf delivered to the door. Monetary compensation must be based on comprehensive analysis of land based on the income derived by families in recent years. We support the Minister of State on the Bill and welcome the fact that he is open to considering further reviews.

Senator Victor Boyhan: I welcome the Minister of State, Deputy Kyne, to the Chamber. I acknowledge what Senator Ned O'Sullivan said. He made some really practical and pragmatic

comments that are worth taking on board. I welcome the opportunity to speak on Second Stage of this important legislation, the Wildlife (Amendment) Bill 2016. It was passed in the Dáil. The Minister of State said the Bill is part of the joint programme for Government, and that is clearly an important consideration for him. It is one of his commitments and I have no doubt he is committed to delivering on his commitments for Government because ultimately that is what his platform is. I accept and acknowledge that.

Ireland has 75 designated natural heritage areas, NHAs, under national law for the protection of raised bogs. These sites complement the 53 areas of protected raised bog in Ireland that have been nominated for designation as special areas of conservation, SACs, in accordance with the EU habitats directive. Since 2011, over €18 million in taxpayers' money has been spent on protecting and conserving the SAC raised bog network in Ireland. That is right and appropriate. The figure may even have increased since I last read about it. It is a very significant contribution and commitment and one we have to acknowledge. Let us be honest about the fact that the SAC network remains the bedrock of Ireland's primary response to the conservation of raised bog under the habitats directive. That has to be acknowledged. We have to be pragmatic and have a reasonable approach. In this Bill, the Minister of State is attempting to do so.

It is important that we work with the turf cutters, as Senator Ned O'Sullivan said. We have to acknowledge their role, contribution and legitimate claim to exercise their skill and craft in cutting turf, be it on a very small scale or slightly larger one. We must be practical about how we address the issue to ensure we protect our unique natural environment and, more important, fulfil our EU environmental obligations. The latter is critical. The Minister of State has made that point also.

I acknowledge those who have campaigned in this area for many years and the various environmentalists, environmental groups and prescribed bodies that have advocated. As time has moved on, there has been compromise on all sides, which is an important factor and consideration. I acknowledge, in particular, the work of Deputy Fitzmaurice because I am aware he was passionate about this issue and worked very closely with people in his constituency, where this was a real issue for him and his constituents.

I acknowledge the traditional rights of landowners and turf cutters and their expectation of an income. We have to be practical. We must assess this environmentally and socially. There are many aspects to an overall assessment of the impact. I accept and acknowledge, as the Minister of State said, that a review of the raised bog natural heritage area network was carried out, and its findings were published in January 2014. The review concluded that Ireland could more effectively achieve conservation of threatened raised bog habitats through focused protection and restoration of a reconfigured network. I understand that the purpose of this Bill is to provide for the implementation of a reconfiguration of the raised bog natural heritage areas. I accept it is important legislation needed to protect the environment and comply with our EU obligations in this regard. It will allow for our raised bog network to be managed more effectively and in a more environmentally friendly manner. Admittedly, there are compromises and sections that have been taken out, in addition to possibilities of including bogs, but overall this is a pragmatic response to a major issue that has featured for some time.

I am advised, and the Minister of State has advised us in this House today, that this legislation is based on sound scientific evidence that will have a positive impact on the raised bog network. The statement that the legislation is based on scientific work and research is one of the most important to be made today. It certainly gives us comfort here.

26 March 2019

I thank the Minister of State, the Minister, Deputy Madigan, and her predecessor, Deputy Humphreys, in addition to the staff in the Department, for their meaningful engagement over a long period on what was a very heated debate. It presented many challenges but this legislation is basically decent. Having listened to the contributions of others in this debate, I reserve the right to propose amendments on later Stages of the Bill. I thank the Minister of State for attending. Giving a guarded welcome, I believe this is good legislation worthy of support.

Senator Maura Hopkins: I welcome the Minister of State, Deputy Kyne, to the House. It has taken some considerable time for this Bill to make it to this House. I hope its passage will not be significantly delayed so we can see it implemented to address a very important issue for rural communities. This Bill, as the Minister of State said, will primarily grant more power to the Minister and will provide for a reconfigured raised bog natural heritage network. I am very aware of the impact the designation of bogs has had for landowners and turf cutters. This legislation is a vital piece of the process in ensuring we can find a long-term solution that ensures landowners and turf cutters are not unduly bearing the brunt of meeting our environmental goals, which are very important. It is important that concerns continue to be voiced at the highest levels when it comes to the report to be published by the Joint Committee on Climate Action later this week. It is also important that we do not forget that when this country was in the depths of recession, it was very much the agriculture sector, the backbone of our economy, that brought it back from the brink and allowed us to return to a position of economic growth.

This legislation will be very positive and will mean that 46 bogs will be totally de-designated and a further seven will be partially de-designated. I am familiar with quite a few of the bogs in my area, following many representations by those concerned. It thank the Minister of State, Deputy Kyne, the Minister, Deputy Madigan, and the former Minister, Deputy Humphreys, for their co-operation and work on this issue. Bogs across Roscommon and Galway to be fully de-designated include Annaghbeg, Bella Bridge, Clooncullaun, Cloonlish, Cornaveagh, Crit Island West, Derrycanan, Derrynagran and Esker, Eskerboy, Funshin, Killaclogher, Killure, Kilmore, Kilnaborris, Leaha, Lisnarragh, Lough Namucka, Meeneen, Moorefield, Slieve, Suck River Callows and Tullaghan. Local bogs to be partially de-designated include Carrickynaghtan, Castle French, Keeloges and Lough Tee. These changes mean that the relocation process will be made much easier and will ensure that communities have access to bogs within a reasonable distance.

From an environmental perspective, this plan will create a network that can be managed in a more environmentally friendly manner and more effectively. The Minister of State pointed that out in his speech. It will focus on key sites and ensure they are appropriately invested in while returning many communities to their turf-cutting tradition. I have recently seen this work at first hand through a conservation project at Carrowbehy Bog, which is near Gorthaganny, County Roscommon. The committee involved is working hard to develop the tourism potential of the region. The boglands are very much key to that. The committee is working very closely with those concerned with the Living Bog project. Similarly, Cloonlarge Bog in Kiltewan, County Roscommon, has been successful in securing funding under the pilot peatlands community engagement scheme for 2018 and there are fabulous walks in the area. It is important in terms of valuing the unique biodiversity of our bog areas. Alongside that is the tourism potential of Ireland's Hidden Heartlands brand. The boglands, which are unique, are predominantly in the west and the midlands and they should be promoted more as a tourist amenity. I give those two very practical examples of communities that are trying to value and promote the biodiversity within those regions.

I thank the Minister of State, the Minister, Deputy Madigan, and her predecessor, Deputy Humphreys, for their work on this Bill. It will have a direct positive impact on many communities across our region. It has been a long journey but I believe it will provide us with a solution which balances both the needs of communities along with our environmental obligations in a very appropriate manner.

Senator Fintan Warfield: Sinn Féin will be supporting this legislation. While most of those involved in the issue of raised bogs and turf cutting would be broadly supportive of what the Habitats Directive is trying to achieve in terms of environmental protection, the implementation by previous Governments resulted in the disputes that we saw in recent years.

The Habitats directive specified that considerations must be given to the social and cultural impact that a designation of special areas of conservation, SACs, may bring. When the Habitats Directive was transposed in 1998, it seemed there was little or no consultation with turf cutters and those who relied on that fuel.

Furthermore, the basis of designating raised bogs in this case was to protect natural boglands. However, commercial turf cutting in the previous decades has devastated those boglands. It was those who cut turf for personal use who were more diligent in their management of the bogs. At appropriate times, they have engaged in re-wetting to ensure the bogs are not damaged in a way comparable to that done by commercial milling.

I draw attention, as I believe the Minister has also done, to the recent regulations signed off by the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, and the Minister for Communications, Climate Action and Environment, Deputy Bruton, which have put in place a new regulatory regime for commercial peat operators to exempt them from the requirement to obtain planning permission for areas of more than 30 ha where previously it was 50 ha. The new regime will be subject to an Environmental Protection Agency, EPA, licensing scheme. However, the change can be interpreted to offer a free pass to unauthorised operators to continue extracting peat without planning permission or environmental controls until at least mid-2021.

While I welcome the Bill, it seems the Government is proposing one policy of sustainable turf cutting with today's legislation while endorsing an unsustainable model by the actions of the Ministers, Deputies Eoghan Murphy and Bruton, that has and will destroy far more bogs in a short period of time than traditional turf cutters have done over centuries.

Uncontrolled peat extraction can contaminate drinking water, kill fish and destroy the habitats of rare animals and plants. Every measure that will have a detrimental impact on the environment should not be conducted under the guise of statutory instruments. The Minister might inform us if she supports these regulations.

In the intervening years since the Habitats Directive and the SAC designation, the boglands have been left to emit carbon and damage the environment, which completely goes against the objectives of their designation as a SAC. The turf cutters warned of that at the time. In retrospect, if the Governments had taken policies of collaboration rather than imposition we would most likely have reduced the carbon emissions in that period.

Successive Governments' negligence has led to an unwarranted scepticism of SACs and the habitats directive. While there are many cases in which those views might be valid, it was not the objectives of the directive or the SACs that were at fault. It was the lack of engagement

26 March 2019

from successive Governments which hid behind excuses that they were being directed to do so by Europe, which was not the case, and their failure to engage with turf cutters.

I commend the Department on taking a different strategy that has culminated in this Bill. I, too, reserve the right to submit amendments but I will leave it at that.

Senator Grace O’Sullivan: I thank the Minister of State, Deputy Kyne, for coming to the House today. I am delighted we are talking about the bogs of Ireland - the raised and blanket bogs, the upland and lowland blanket bogs and the different types of bog habitat.

There has been a long consultation and review process with stakeholders on this Bill regarding a review of the raised bogs. The Peatlands Council was set up 12 years ago in response to the social crisis that developed when people could not cut turf traditionally on raised bogs. Based on the recommendations of the Quirke report, a plan for managing raised bogs was developed in 2017. That has necessitated the introduction of this Bill to facilitate the reconfiguration of a new raised bog natural heritage area, NHA, network.

The point of the review process was to ensure that new raised bogs would be designated as natural heritage areas so as to replace degraded existing natural heritage areas. There has been a long public consultation process on the powers given in this Bill based on the following documents: the Government’s 2017 peatlands strategy; the raised bog SAC management plan; and the raised bog NHA network review by the RPS Group undertaken for the National Parks and Wildlife Service, NPWS.

All stakeholders and the public have had an opportunity to consult and make submissions to those documents. None of those documents mention the de-designation of blanket bogs.

At the 11th hour, a few days before the Christmas break, the Government introduced amendments to include blanket bogs within the scope of the de-designation review process. I remind the House that we were initially talking about raised bogs but this was brought in at the last minute to include blanket bogs, which is a different type of habitat. None of the stakeholders I have spoken to was informed that blanket bogs were to be included in the Government’s review. BirdWatch Ireland, the Irish Wildlife Trust and the Irish Peatland Conservation Council were not aware of blanket bogs being open for de-designation until I spoke to them last week.

On 6 February 2019, the Joint Committee on Culture, Heritage and the Gaeltacht discussed the preservation of the biodiversity and ecosystems of peatlands. In that committee, no mention was made of plans to de-designate blanket bogs.

I call on the Minister to withdraw her amendments that include blanket bogs as there has been no public consultation with the public on them.

Data have not been provided to show that there is a need for this review of blanket bogs. I want to know from the Minister the scientific basis she has for the creation of a power to de-designate blanket bogs in natural heritage areas. Is she planning to have a consultation process to open this to a large variety of stakeholders, including members of the public? Does she have some research she can share with Members with regard to the blanket bogs and the reason they have been inserted in this legislation at the last minute?

I support what other Senators said earlier. Without a doubt there has been a long process with regard to raised bogs but there has been nothing with regard to blanket bogs, which is a

whole other area that supports a very large diversity of habitats and communities of plants and animals. Is there is an existing cut turf bank in a blanket bog NHA or SAC that turf cutters still have a right to cut? Those activities are not restricted. However, a new turf bank cannot be opened. We have not seen any progress towards setting conservation objectives for blanket bogs and promised management plans have not materialised. There has been serious delay by the Department and the NPWS in designating new natural heritage areas and SACs. The Minister has interrupted a 12-year consultation process at the 11th hour to include blanket bogs without informing the stakeholders in that process. With regard to raised bogs, the proper time has been taken and consultation has happened in the right manner but I am concerned about the upland and lowland blanket bogs and the slipping in of an amendment at the last moment. I reserve the right to bring forward amendments on the next Stage of the Bill.

Senator Pádraig Ó Céidigh: Cuirim fáilte roimh an Aire Stáit. Táim ag ceapadh go bhfuil a fhios aige chomh maith is atá a fhios agam faoi phortaigh. Tá seans ann go raibh sé féin ag baint móna i bportach timpeall ar Mhaigh Cuilinn siar sa lá. They say that one can know somebody who spent a lot of time on the bog by looking at his or her hands. I know the Cathaoirleach and the Minister of State have done so.

Senator Paddy Burke: They have gloves now.

Senator Pádraig Ó Céidigh: Well they did not in our time. I also know that the Minister of State spent time up in the bog. He knows what it is like to cut turf, spread it, wait for it to dry, bring it out to the side of the road, and then get a tractor and bring it home. That was the staple diet for people like us, working-class people, in places like Connemara. We did not have oil or anything like that. I strongly welcome this Bill. Fair play to the Minister of State and his civil servant colleagues who worked on it. It arises from an evidence-based study. There has not been consultation in the past but there has been on this occasion. The lack of consultation in the past caused serious issues. I particularly welcome the key factors the Minister of State, his team and the study group considered, which included the economic, social and cultural impacts on communities, because these impacts are different for different communities. This is particularly so for poorer communities in the west that are totally dependent on the bog.

I want to put one particularly important fact on the record. People where I come from, and I am sure people from many other areas as well, who are dependent on the bog and turf cutting were the best environmentalists one could find because they believed in the land. The land was and still is so important to them. I suggest that we keep that in mind. Turf cutting is a way of life for these people and it is important that is not changed. It is still a way of life for them, even though they can now get oil and have electricity. People still want to go and cut their own turf up in the bog. This Bill recognises that and I support it for that reason.

There are one or two factors which I ask the Minister of State to consider. One is that, as I said earlier, people who cut turf have traditionally come from lower income areas. Whatever turf one cuts is taken into account in determining social welfare payments or the dole. That should be reconsidered. It is a broad issue which does not only come under the Minister of State's Department. I suggest he speak to the relevant Department and Minister in that regard because it is neither fair nor reasonable that this is taken into account.

I very much welcome section 4(5) which gives the Minister the flexibility to review the situation on an ongoing basis. That is really important. It is important that existing practices and uses be considered. For example, there are some uses, including the recreational use of

26 March 2019

bogland, in different areas close to Maigh Cuilinn and An Spidéal which need to be preserved and recognised. The *status quo* in that regard needs to be maintained. I may propose some amendments at a later stage.

An Cathaoirleach: The Senator brought a smile to my face as he reminded me of times when I would bring two donkeys down *cosán an ghabhair*. They would lie down about 300 yd from the house with the baskets and one would have to unload and reload again. That is history. I call on Senator Paddy Burke and remind the House that we are due to finish in six minutes.

Senator Paddy Burke: I will be brief. I welcome the Minister of State to the House and I also welcome the Bill. It is a very good Bill. As Senator Ó Céidigh said, all of our generation have been in the bog. There is still nothing better than a day in the bog.

Senator Michelle Mulherin: Will the next generation?

Senator Paddy Burke: Part of the next generation probably will.

An Cathaoirleach: There are some days in here when I think we are still in the bog.

Senator Paddy Burke: It is still a great day for one's head. This Bill covers that. There are two areas on which I would like to speak. One is an issue which I have mentioned here before, namely, protected species. We have our own problems with protected species in Mayo, and I have no doubt the Minister of State has similar problems in Galway. I would like his Department to have a look at areas where there is supposed to have been displacement of species. Over the past 25 or 30 years significant development has taken place in the country and there were many issues in respect of the displacement of snails, birds and everything else. I would like the Department to carry out an assessment of whether displaced species have come back to the areas from which they are supposed to have been displaced. Planning permission was refused for a wind farm in our area because it would displace red grouse. The farmer on whose land the windmills are operating to this day informs me that red grouse are nesting under the windmills. Many other species were also supposed to have been displaced.

I may go into the Bill in more detail and bring forward an amendment to strengthen the proposed new section 5(b) of the Wildlife (Amendment) Act 2000 which gives to the Minister of the day the power to "make an order to amend or revoke the natural heritage area order which so designated the land." This has been missing from Bills over recent years. I welcome this section because there are areas which should be taken out and others that should probably be included. I have seen a number of golf courses built in our areas and along the whole west coast in recent years. Planning permission for the last golf links in Ireland has been given. There cannot be any further golf links built in Ireland. This section could deal with many of those issues. I welcome it because it gives power to the Minister of the day but I believe it could be strengthened. I will consider tabling an amendment to the section on Committee Stage because this has been missing and we could have a better Bill if it was strengthened.

Senator Alice-Mary Higgins: How much time do I have?

An Cathaoirleach: We already extended the debate by ten minutes to 5.55 p.m. The debate will not conclude but will adjourn.

Senator Alice-Mary Higgins: There are positive elements in the Bill, some of which have been highlighted. There has been a 12-year consultation with many stakeholders on certain

aspects of the Bill in respect of raised bogs. The designation of 25 new natural heritage areas is positive and needed. The Bill includes, as it must, the special areas of conservation. We need to be very clear that these are not being included out of virtue. Those special areas of conservation are already designated and we are obliged to preserve them under European law. It is very important that a situation does not arise in which the obligation on us to preserve these special areas of conservation is used to counterbalance or justify the removal of natural heritage area status from other areas.

I refer to getting rid of resources. There is a major issue regarding the need to scale up resources and the restoration of peatlands. That is positive. Monitoring is also positive. The fact that we take positive steps forward, however, should not justify backward steps. If we do take steps to de-designate, then that is a serious issue. It is important that we be clear on how this has been framed and how it was framed in the newspapers in September and December. One headline referred to the coalition succeeding in de-designating NHA bogs. The big area of concern is de-designation. It would be different if this Bill simply stated that the Minister might consider making new regulations or orders. The fact is, however, that it involves revocation of orders not only in respect of raised bogs, which have been discussed, but also blanket bogs. The latter were added at a very late stage. My colleague, Senator Grace O'Sullivan, spoke about blanket bogs. They are recognised as a particularly important area of heritage and conservation but were added in at the 11th hour.

We are also at the 11th hour in the context of our climate change targets. The Minister of State did not refer to our climate targets and how they should be factored and nor does the Bill. The landscape has literally changed during this long period of consultation. We have a dual crisis. We are looking at biodiversity - and the conservation thereof - and climate change. Those two issues need to be addressed. A bog may have been degraded to a point where it may no longer be possible to restore biodiversity to its full environmental and conservation capacity, but that bog may still have significance in the context of Ireland achieving its climate change targets. I refer to carbon capture and the reduction of emissions. It will have significance in that regard.

I want to be very clear on this matter. I absolutely support the idea of social sustainability. Turbary rights are very important, as are seaweed rights. These are our traditional rights. The stories we have been hearing of people who like to cut their own turf are important. That is, however, already recognised. It could perhaps be strengthened. I am a member of the Joint Committee on Employment Affairs and Social Protection. Senator Ó Céidigh suggested that turbary rights should not be set against a fuel allowance in respect of those coping with fuel poverty. That is a sensible suggestion and I would be happy to bring it to the committee. Turbary rights, however, allow people to go to the bog and take turf for household use.

It is already acknowledged that this is allowed where there has already been cutting in NHAs. Let us be clear, however. De-designation is about commercial turf cutting; it is about opening up areas up for widescale commercial use. This is happening at the same time that we are acknowledging we are hitting the end of the fossil fuel era. This is about commercial exploitation and a "last orders" mindset whereby we cut as much as we can. There is also an intergenerational issue here. I would like to see families passing on turbary rights for many generations to come. The use of sausage machines and the industrialisation of bog cutting, however, means we have seen generations of turbary rights being used up by one generation. We are also seeing generations who will have to deal with climate change being ill served by this measure.

My final point relates to the Minister of State declaring that he will advertise in local newspapers when he wishes to de-designate. He should also advertise those de-designations in national and, perhaps, European newspapers. I state that because when we agree to extract fossil fuels on a large commercial scale, that is an issue that affects everybody. There are positive aspects in this Bill but I really regret the inclusion of blanket bogs. That was a poor step. We need to include the pollinator plan and our climate targets to ensure it is fit for purpose.

An Cathaoirleach: Senator Mulherin has one minute available to her if she wishes to use it. We have already extended by ten minutes. There is another Bill following and this matter will have to be adjourned to another day. I call Senator Mulherin for a brief contribution.

Senator Michelle Mulherin: The Minister of State will be well aware that environmental designation of land can have a severe impact on the ability of human beings to pursue legitimate socioeconomic objectives. I point to the western seaboard, and the west in general, as an example of where most of the lands designated as SACs are located. Contrary to what one might assume, a major road can run through an SAC and still be designated as an SAC. An attempt to take a dangerous turn out of that road will be crippled. It takes years. I can point to an example in the Minister of State's constituency. I refer to the N59 from Galway to Clifden. The amount of investigation that has gone on involving the National Parks and Wildlife Service is ridiculous. There have been 17 consultations concerning the decision to improve that road. The Minister of State knows the lie of the land there better than I do. I can, however, vouch for the same problem in County Mayo. We are years behind. Taxpayers have spent millions of euro trying to find transport solutions in respect of the N26. That has been held back by freshwater pearl mussels and by alluvial woodland. If the Minister of State went down there now, looked at the road and at either side of it, he would ask what is the problem.

We are not talking about virgin wilderness or where people went into bogs. These areas where there is a legitimate objective for human beings to develop, prosper and grow. Finally, when the Minister of State returns the next day perhaps he might be able to give us some information on the conservation objectives set out under the habitats and birds directives. They have been put in place in respect of each SAC by the National Parks and Wildlife Service. When are we going to have management plans for each of those so we can get a better balance between wildlife and human beings? It is not happening. There is massive frustration that it takes years to get a pokey road upgraded whereas other parts of the country can build superhighways. They have them done. That situation is putting us behind from a socioeconomic point of view. It has to be addressed.

An Cathaoirleach: A suggestion was made to me that this debate might be extended until 6.05 p.m. to allow the Minister of State to respond. The Leader will have to move that suggestion formally.

Senator Maura Hopkins: I propose that the time for the Minister of State to reply be extended.

An Cathaoirleach: Is that agreed? Agreed. The Minister of State has until 6.05 p.m. to conclude. He can come back on another day if he wishes, of course.

Deputy Seán Kyne: It is up to the House.

An Cathaoirleach: We will see how the Minister of State gets on. He has approximately eight minutes.

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Seán Kyne): I thank the Cathaoirleach. I also thank all of the Senators for their contributions. I acknowledge the work of the Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, and the Minister for Business, Enterprise and Innovation, Deputy Humphreys, in taking this through.

I will deal with some of the issues raised. Senator Ned O’Sullivan mentioned those involved. I referred to Deputy Ó Cuív. I do not have the date, but I understand there was much discussion regarding blanket bogs on Committee Stage. I was not in the Department at that time but I understand it was the Minister, Deputy Humphreys, who agreed to look again at the suggestion regarding blanket bogs. The amendments came from that debate prior to Christmas.

I also acknowledge the role of the former Deputy and Minister for Arts, Heritage and the Gaeltacht, Mr. Jimmy Deenihan, as has been mentioned, and some of the good points made on fuel poverty and rural incomes. Many people in these Houses and beyond have a long association with turf cutting. The cessation of turf cutting scheme was established in 2011 for active turf cutters. That arose from the cessation of turf cutting on raised bog SACs. It was extended in 2014 to include the NHAs. A significant amount of funding has been contributed by the State in that regard.

Senator Boyhan spoke of the reconfiguration being positive in respect of our EU requirements on SACs. Senator Hopkins, likewise, referred to the reconfiguration of SACs and the significant impact of de-designation. Turf cutters have expressed emotion and passion over many years since the cessation schemes were instigated and turf cutting stopped.

The costs and bad publicity that the National Parks and Wildlife Service has endured, unfortunately, for enforcing the law and the associated difficulties have not provided a good setting for what is an important debate. I am pleased that the review and work carried out by the officials in the Department have in some way resolved the difficulties from those early years.

Senators O’Sullivan, Warfield and Boyhan referred to the efforts that have been made. Significant efforts have been made by the State to resolve the issues of protection of Ireland’s raised bogs and special areas of conservation within the framework of the habitats directive and national heritage areas. These include the establishment of the Peatlands Council, intensive and ongoing engagement with turf cutting interests, the farming community, non-governmental organisations and the European Commission. We have also seen the establishment of long-term compensation schemes.

Senator Hopkins referred to relocation and the Peatlands Council community engagement pilot scheme 2018. The scheme served to encourage local communities, groups, schools and individuals to engage with the Department on conservation and revitalisation of special areas of conservation. The scheme was developed to grant funds to local community groups, organisations and individuals to support a diverse range of initiatives with community benefit. Under the 2018 scheme, the Minister approved grant funding of a little less than €137,000 in total to 12 local community groups with a focus on conservation and revitalisation of special areas of conservation and natural heritage areas. It is expected the same will apply for 2019.

Senator Warfield referred to the large-scale peat extraction. I am supportive of the regulations of both Ministers. The Ministers made new regulations to provide for an exemption from planning permission for large-scale peat extraction activity coming under the consent system

operated by the Environmental Protection Agency, EPA. These regulations came into operation on 25 January. Corresponding supplementary regulations provide that large-scale peat extraction involving an area of 30 ha or more shall be an activity controlled by the integrated pollution control licensing under the EPA. These regulations came into force on 25 January.

Senator O'Sullivan referred to public consultation. The main task of any future review of blanket bog natural heritage areas would be to assess how these sites could contribute to the national conservation objective of restoring blanket bog habitats to favourable conservation status. The Senator welcomed some aspects of the consultation process, including the peatlands strategy, and referred to the blanket bogs. While the amendments came in December, the matter was discussed and flagged on Committee Stage. They were proposed by Deputy Ó Cuív. As I recall it, the Minister for Culture, Heritage and the Gaeltacht at the time, Deputy Humphreys, indicated that she would look at the matter on Report Stage, which was done subsequently.

Senator Alice-Mary Higgins: Was there consultation?

Deputy Seán Kyne: No, but the matter was discussed on Committee Stage. It was flagged as a possibility.

Senator Ó Céidigh referred to the long and proud tradition in many rural areas where, to be blunt about it, turf and fishing in the sea were all that people had. It was a way of life and it sustained many families. I accept the point made by the Senator - Senator Higgins mentioned this too - that it is something we could take to the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty.

Senators Ó Céidigh, Paddy Burke and Mulherin referred to the de-designation of certain areas. We all know the story about major road infrastructure and minor road infrastructure if a person is impacted by a designated area. Although powers will be given to the Minister, this will not be a blanket policy. A process must be undergone for any de-designation. I understand the Senators have indicated that they may look at amendments in this area.

Senator Higgins referred to raised bogs and to the designation of 25 new areas as being positive. These are mainly State-owned lands. One of the things we often hear is that the State is attacking the little guy while ignoring its own responsibilities. We are now looking at designating and restoring State lands. Since they are larger areas, they will have more of an impact on the total network. The total network of raised bogs will increase rather than reduce. There will be a reconfiguration along those lines.

The question of blanket bogs was discussed on Committee Stage. Senator O'Sullivan is right about climate change and blanket bogs. Clearly bogs, have an important role to play in climate change initiatives. That is why the reconfiguration is adding to the total network rather than reducing it. I would welcome additional designations of particular State-owned land. It is easier and the State has control of these large areas. If additional areas of raised bog that are State-owned could be designated then I would welcome it. Senator O'Sullivan mentioned local, national and European newspapers. Again, I will look at the matter with officials in respect of the requirements.

Senator Mulherin mentioned issues regarding roads. There are ongoing problems on the improvement of roads. Roads are not improved for the fun of it but predominately to improve road safety and reduce the risk of accidents and of lives being lost. A balance must be struck between protecting the environment and the necessity to improve driving conditions, making

roads safer and saving lives. It is complex but I am conscious of the importance of it.

I thank Senators for their support in the areas they are supporting while acknowledging the concerns that many have raised. I commend the Bill to the House.

Question put and agreed to.

An Cathaoirleach: When is it proposed to take Committee Stage?

Senator Maura Hopkins: Next Tuesday.

An Cathaoirleach: Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 2 April 2019.

Sea-Fisheries (Amendment) Bill 2017: Report and Final Stages

An Cathaoirleach: My apologies for delaying you somewhat, Minister. There was a delay for the Minister of State, Deputy Kyne, as well and it had a knock-on effect.

I remind Senators that they may speak only once on Report Stage, except the proposer of an amendment, who may reply to the discussion on the amendment. On Report Stage each non-Government amendment must be seconded.

Amendments Nos. 1 and 3 to 9, inclusive, are related and may be discussed together by agreement. Amendments Nos. 1 and 8 are consequential on amendment No. 7. Amendments Nos. 4 to 6, inclusive, are physical alternatives to amendment No. 3.

Government amendment No. 1:

In page 3, line 12, after “section 9” to insert “and subsection (2)”.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I remind the House that the Supreme Court upheld the High Court finding that the *voisinage* arrangements are valid but that, as it stands, there is insufficient provision for them in domestic law. The Bill seeks to address what the Supreme Court identified as required, that is, to give the arrangements a legal footing and to cement our ongoing relationship with Northern Ireland. The *voisinage* or neighbourhood agreement between Ireland and Northern Ireland has provided reciprocal fishing access for more than 50 years. These arrangements have allowed boats from Northern Ireland to fish in coastal waters in Ireland. They have also allowed, and continue to allow, Irish-registered fishing boats access to fish in coastal waters in Northern Ireland.

The Government approved the preparation of a legislative amendment, namely, this Bill, to address the issues raised by the Supreme Court judgment. The Bill was published in February 2017 with a view to restoring as expediently as possible the arrangements that have long been in existence to provide access for fishing. The amendments I am introducing today will clarify some matters which were raised as concerns in previous debates. I welcome the support of the House in making progress with the Bill today.

Two weeks ago, I undertook to host a consultation session with fishing industry representatives. This session took place at the National Seafood Centre in Clonakilty last Thursday. Our

discussions were detailed and considered. I agreed to provide further clarity in my statements here today and on the principles and policies behind the amendments. I also undertook to put on record the assurances received to date from the UK Government on its commitment to the *voisinage* arrangements for our boats and boats from Northern Ireland. I hope the House will indulge me in this regard.

The Bill sets out a proposed legislative amendment to address the issue of providing sufficient legal provision for Northern Ireland boats to resume reciprocal fishing access under the *voisinage* arrangements. Section 1 of the Bill proposes to do this by amending section 10 of the Sea-Fisheries and Maritime Jurisdiction Act 2006. The proposed new section 10 continues to assert Ireland's exclusive right to fish within the exclusive fishery limits of the State by maintaining previous provisions. It also explicitly provides for access to fish by sea-fishing boats owned and operated in Northern Ireland within the area between zero and six nautical miles as measured from the baseline of the State's exclusive fishery limits. Although the Bill proposes to restore access to Northern Ireland boats to fish, under the terms of the *voisinage* arrangements this access is subject to the same conditions that apply to Irish sea-fishing boats. This is consistent with the concept of reciprocity which is fundamental to the arrangements. My amendments Nos. 1, 3 and 7 to 9, inclusive, aim to specify this conditionality of access to give further assurance to the House that there is no question of preferential treatment for Northern Ireland vessels while fishing in our zero to six nautical mile zone. Amendment No. 7 is the main element of this as it proposes to insert new subsections (2) and (3) which provide the policies and principles necessary for applying equivalent conditions. Amendments Nos. 1, 3, 8 and 9 address drafting issues arising from the insertion of amendment No. 7.

In December 2018, I announced the introduction of restrictions on vessels over 18 m trawling inside six nautical miles to come into effect from 1 January 2020. Northern Irish vessels will be subject to these restrictions. This is in keeping with the basis on which the *voisinage* arrangements were formalised in the 1960s, continuing access subject to the usual regulations which apply to our own vessels. This is consistent with the Supreme Court judgment which has brought us all here.

Although there has been much scaremongering, the access arrangements for Northern Ireland boats will not change from what they were before. Northern Ireland boats will simply regain fishing access they have had for decades under the *voisinage* arrangements in the zero to six nautical mile zone of the territorial waters of the State. They will continue to be subject to the same measures that apply to Irish-registered fishing boats. The Bill is expressly to provide access for the purpose of the act of fishing.

While Northern Irish boats are being granted access to fish, I have been asked to clarify the issue of quota. Any Northern Irish boats wishing to avail of the *voisinage* arrangements to fish for quota species in the zero to six nautical mile area will need to have the necessary authorisation from their own fisheries administration to avail of the UK quota for the species in question. That has always been the case and will continue to be so. There is no question of vessels of other countries gaining access to the Irish zero to six nautical mile zone as a result of the Bill, a point which I was happy to clarify for the representatives from the fishing industry at our consultation session last week. The Bill clearly stipulates the boats which may avail of the access and the principle behind the proposed legislation is on public record. In layman's language, boats of any other nationality which are not specifically allowed into the relevant waters under the legislation will be subject to the full rigours of the law.

Two weeks ago, I stated in the House that our neighbours have exercised good grace while we have debated in this House whether or not to share with them that which we had been sharing with them for decades. We are here to re-establish the reciprocity on our side of these arrangements. I acknowledge and understand concerns that have arisen on the issue of long-term reciprocity, particularly given the sensitivities around access to fishing generally in UK waters with Brexit looming. For its part, the UK Government has set out a consistent position on the matter of the *voisinage* arrangements for Northern Ireland. On 5 July 2017, the Secretary of State for the Environment, Food and Rural Affairs, Mr. Michael Gove, wrote to me on the matter of the withdrawal from the London Fisheries Convention and expressly stated that the UK Government remains committed to the principles behind the *voisinage* agreement between Northern Ireland and Ireland. The letter, dated 5 July 2017, states:

Dear Michael,

I am writing to inform you that as part of the wider process of becoming an independent Coastal State, we will be withdrawing from the London Fisheries Convention 1964. We have today given the required two years notice, in accordance with Article 15 of the Convention.

This is a preliminary procedural step so that the UK is able to manage and control UK waters, in accordance with our international rights and obligations, when we leave the EU and that we have a clear starting point for negotiations on future fisheries agreements. The UK remains fully committed to acting as a responsible Coastal State. We are keen to work with you to agree a future fisheries deal that is both fair and guarantees the sustainable management of fish stocks.

As the Prime Minister has said, we are committed to protecting our strong, historic ties with Ireland and to finding a solution that works for Ireland and Northern Ireland. We also remain committed to the principles behind the *voisinage* agreement between Northern Ireland and Ireland. I know that you have discussed this issue with George Eustice. Please be assured that we are keen to work with you to find a firm legal footing for this agreement as soon as possible.

My officials will be in contact with yours shortly to answer any questions you may have.

Best wishes,

Michael Gove MP

Secretary of State for the Environment, Food and Rural Affairs

On 6 June 2018 I received a letter from the then UK Minister of State for Agriculture, Fisheries and Food, Mr. George Eustice, reaffirming the UK Government commitment to protecting and supporting continued co-operation between Ireland and Northern Ireland. The concern was expressed that the UK could not accept unequal application of the arrangements indefinitely. The letter stated:

Dear Michael,

I am writing to you to express my continuing concern about the Voisinage Agreement between the UK and Ireland, which allows for reciprocal access to the 0 to 6 nm zones for

26 March 2019

Ireland and Northern Ireland vessels.

As you are aware the agreement, which has been in place since 1965 and affects capture fisheries and the mussel sector on both the Irish and Northern Irish sides, has been suspended, in Ireland, following a decision by the Irish Supreme Court in 2016. As a result, fishing by Northern Ireland vessels within Ireland's 0 to 6 nm zone is not permitted. The UK has not to date suspended the operation of the Agreement but we are increasingly concerned about the asymmetric application of the agreement and the lack of progress to rectify the situation. I would like to reassure you that the UK Government remains committed to the principles behind the Voisinage Agreement and to protecting and supporting continued cooperation between Northern Ireland and Ireland. We have continued to honour the agreement, however, we will not be able to accept this unequal application indefinitely.

I would welcome an update on the progress of the Bill and steps which you are taking to put the agreement on a firm legal footing. We are keen to explore possible solutions to make sure that the Agreement can be reinstated as quickly as possible and that it can benefit both Irish and Northern Irish fishers.

I look forward to working with you constructively on this matter.

George Eustice MP

In December 2018, the UK Government again reiterated its commitment in response to the fourth report of the Northern Ireland affairs committee, stating:

The UK Government remains committed to the principles behind the Voisinage Arrangement and to protecting and supporting continued cooperation between Northern Ireland and Ireland. We have continued to honour the agreement. However, we will not be able to accept this unequal application indefinitely.

The Government has raised this with Minister Creed, Irish Minister for Agriculture, Food and the Marine, and will keep the situation under review.

In the meantime, we will continue to explore possible solutions to make sure that the arrangement can be reinstated as quickly as possible and that it can benefit fishers from both Northern Ireland and Ireland.

On March 18, I met the current UK Minister of State for Agriculture, Fisheries and Food, Mr. Robert Goodwill, while we were in Brussels. He reiterated the UK Government's commitment to the arrangements. In view of the findings of the Irish Supreme Court, I asked Minister Goodwill if the arrangement is legally sound on the UK side and he expressed confidence that it is.

It is important to be aware that the UK has demonstrated its commitment to the arrangements in continuing to allow Irish sea-fishing boats to benefit from access to the Northern Ireland zero to six nautical mile zone in circumstances of unequal application. It is time that we act to restore our side of this reciprocal arrangement. I ask the House to accept this amendment and to demonstrate that we are and will continue to be good neighbours with Northern Ireland.

Senator David Norris: I hope the Cathaoirleach will accept that, since virtually all of the amendments have been grouped together, we must be given some latitude to wander around a little. I will not be too long but I have certain things to say about the Bill. I am very concerned

that this Government sees the beef deal as more important than fishing and I am very much afraid that, to some extent, fishing may be sold out again, as it always has been.

The *voisinage* agreement shows good neighbourliness but I cannot say the Northern Ireland trawlers that were caught plundering fish off the coast of Drogheda have been good neighbours. I understand their crews have been filmed declawing crabs that were under the size limits. I would not say they are terribly good neighbours. As for Michael Gove, who would believe the Lord's Prayer out of his pursed-up little mouth after his performance on Brexit? I would not trust a single word out of him.

This all comes about in the aftermath of a Supreme Court judgment to which I will briefly refer. On 27 October 2016, the Supreme Court issued a judgment in a case taken by a number of mussel seed fishermen which found that fishing by Northern Ireland boats within the nought to six nautical mile zone of the territorial waters of the State under the *voisinage* arrangements is not permitted by law.

Turning to the issues of mussels, eels, etc., I draw the Minister's attention to a correspondent of mine who had three commercial eel fishing licences, two in the north-west fishery region and one in the Galway fishery region. When the fishing ban was introduced, his fishing here became redundant. He is badly stuck. I understand that the Minister says that, in the current circumstances, there is no compelling legal case for compensation where the State makes *ex gratia* payments and so on. I ask him to take another look at this.

We have a situation whereby, within the nought to six mile nautical zone, the *voisinage* agreement is not permitted by law. The central aspect of this entire Bill is given to us in the explanatory and financial memorandum, which states:

Section 1 of the Bill amends section 10 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 to continue to assert Ireland's exclusive right to fish within the exclusive fishery limits of the State by maintaining previous provisions but also explicitly provides for access to fish by sea-fishing boats owned and operated in Northern Ireland within 0 - 6 nautical miles of the baseline of the State's exclusive fishery limits.

The Minister indicated that he had negotiations with some of the fisheries organisations but he certainly did not engage with all of them. My information is that there are sections of this industry with which he has not consulted at all. The Minister introduced this Bill in its previous incarnation two years ago and, since then, all the fishing organisations have presented serious objections about it to Oireachtas committees.

The Minister read letters from Mr. Eustice and Mr. Gove. I am very concerned about the withdrawal from the Common Fisheries Policy and the two-year withdrawal process from the London fisheries agreement because there is still a considerable risk that this opens up the Irish coastal fishing industry to exploitation by the French, the Dutch, the Spanish, the Belgians and boats from other European Union countries. I say that on the basis of the following evidence. The UK is a signatory to the London Fisheries Convention. Article 8, section 1 of that convention states:

Once a contracting party applies the regime described in articles 2 to 6, any right to fish which it may thereafter grant to a state not a contracting party shall extend automatically to the other contracting parties, whether or not they could claim this right by virtue of habitual fishing, to the extent that the state not a contracting party avails itself effectively and habitu-

ally of that right.

Section 2 states, “If a contracting party which has established the regime described in articles 2 to 6 should grant to another contracting party any right to fish which the latter cannot claim under articles 3 and 4, the same right shall extend automatically to all other contracting parties.” The Minister has not persuaded me that this is not actually the situation. I would be very happy if he would.

Deputy Michael Creed: If Senator Norris yields, I will try and explain.

Senator David Norris: Yes, as long as I can come back in again.

An Cathaoirleach: The Senator should be careful because he will not be allowed back in. I cannot break the rules.

Senator David Norris: I will wait.

An Cathaoirleach: Do not fall into that trap.

Senator David Norris: I know, this fellow is a cute hoor. No, he is not; he is blushing very modestly and becomingly.

An Cathaoirleach: I am obliged to be fair to everybody. A Senator is allowed back in on Report Stage if he or she is moving a motion but otherwise he or she has only one bite at the cherry.

Senator David Norris: I am speaking to amendment No. 4 in my name. Returning to Article 8, section 2 of the London Fisheries Convention, Northern Ireland and UK boats cannot claim a right to fish inside the nought to six nautical mile zone under Articles 3 and 4. These articles simply do not provide for anyone to claim such rights. They deal only with rights in the six to 12-mile belt. Therefore, if the Bill becomes law, the rights given to the UK as a contracted party automatically extend to all other contracted parties. This means that the French, Spanish, Dutch, Belgians and all the others to which I referred could possibly, at least, have access to our waters.

Despite the reservations I have outlined, I welcome the fact that the Minister has moved, to some degree, in a positive direction with these amendments. For example, Government amendment No. 3 is very close in feeling to my amendment No. 4. I hope that the arguments I made the last time we discussed the Bill, several months ago, had some impact.

I appreciate that amendment No. 7 introduces a level playing field. Previously, there was a situation whereby Irish boats above 18 feet in length were banned from fishing whereas Northern Irish boats of the same length were not. That was wrong and unfair. The Minister has now addressed this satisfactorily.

I will leave it at that but I have the right to come back briefly. I look forward with great interest to the Minister’s explanation and justification. I am open to persuasion.

An Cathaoirleach: I must admonish Senator Norris. We are on Report Stage and, with the exception of amendment No. 2 in the name of Senator Mac Lochlainn and others, Senators are only allowed to speak once because the amendments are grouped and already discussed. When

we come to Senator Norris' amendment No. 4, it will already have been discussed.

Senator David Norris: Yes, but I only contributed once.

An Cathaoirleach: Yes, that is because the amendments are grouped. If Senator Norris wants to say something now on amendment No. 4, he can do so. The Chair will not let Senator Norris in again because his amendment has already been discussed, a fact that is written in my notes. We cannot discuss it a second time.

Senator David Norris: That is peculiar. I understood that, on Report Stage, I could come in twice. I do not know where I am. I think I will buzz off home and read what the Minister has to say. There is damn all I can do to influence him.

An Cathaoirleach: That is the Senator's prerogative.

Senator David Norris: Will there be a vote on the amendments?

Senator Gerald Nash: Yes.

Senator David Norris: I will stay then.

An Cathaoirleach: The Senator is aware of the procedure.

Senator David Norris: I did indicate my surprise that virtually the entire rake of amendments are being taken together. I would have strongly objected had I realised the implication that I would not be allowed in a second time. I am warned for the future.

An Cathaoirleach: We note Senator Norris' remarks. I call on Senator Mac Lochlainn, to be followed by Senators Marshall, Nash and Ó Domhnaill in that order.

Senator Pádraig Mac Lochlainn: I said on the last day when we debated this issue two weeks ago, that we had dealt with this legislation two years ago. It came to this House from the Oireachtas Joint Committee on Agriculture, Food and Marine, which had hearings with all of the fishing representative organisations. Every one of them was in opposition to the legislation, as presented then, and hoped their concerns would be addressed.

The Minister chose to park the legislation. No efforts were made to engage with the range of fishing organisations over these two years about this legislation. There were no efforts to engage with other political parties to address our concerns, but more importantly, to address the concerns of the fishing organisations. Nothing has been done in two years. When this was queried from time to time, Brexit and the declaration of the British Government at the time of the London Fisheries Convention was held up as the reason for inaction.

We then hear the argument from the Minister that there was a great urgency and that he needs to proceed and has no time. Gladly, this House forced the Minister to engage in meaningful consultation. That is the reality. The Minister, and his senior officials, would have proceeded with this legislation if they had the numbers without any meaningful consultation with the various fisheries organisations.

That consultation has taken place. It was substantial. The Minister issued a press release afterwards. My understanding is that the Minister is arguing that all the organisations present are in agreement. It does not say in this statement that they are in agreement with the legislation or say that all of the fishing organisations are happy now for the Minister to proceed on the

basis of what is here.

This evening I spoke with two very important organisations, namely, the Irish Fish Producers Organisation, IFPO, and the National Inshore Fisheries Forum, NIFF. Both organisations are very clear. They still have substantial concerns with this legislation, how it will impact on them, and more importantly, on the people they represent. They acknowledge that some progress had been made in understanding the Government's position, but there are a range of issues that need to be addressed as to a level playing pitch and assurances about quota and how that will impact them. It is critical that the Minister engages in further dialogue in the next number of days and he cannot be certain that it will go through the Dáil on Thursday. He will need to engage in further dialogue, particularly with the IFPO and the National Inshore Fisheries Forum. This is the forum that represents all the inshore fishermen around the coast.

I want to put this on the record. The front page of *The Skipper* magazine has good news for the National Inshore Fisheries Forum, which acknowledges the Minister's role in this and helping them to develop their industry. It is completely perplexed as to why on the one hand he has a strategy for the next number of years to try to grow our inshore fishery potential at long last, while on the other hand he does not fully address the concerns that this sector has before he pushes this legislation forward.

I will also put on record that there is a man outside these Houses today, all day. His name is Gerard Kelly who comes from a respected fishing family based in Greencastle in County Donegal. He has gone on hunger strike. He is a determined man. Do not underestimate Gerard Kelly's resolve. Gerard and the Kelly family submitted proposals that they believe can strike the right balance between the access that we support in this House for small trawlers based in the Six Counties to fish in Irish waters. There is that balance and then there is protecting a range of fisheries. Of particular concern to the Kelly family is the mussel fishery. I ask the Minister to seriously consider this appeal to him to meet with Gerard Kelly and his family in the next 24 hours and to listen to what they have to say. I acknowledge that the Minister has engaged in dialogue with the fishing organisations and that progress has been made but that we are not there yet. The Minister has the ability to address their concerns and to make this legislation work for everybody. What we want with this legislation is fairness for everybody. *Voisinage*, as it was envisioned, was right and proper for many years. It was about giving access to fisheries on the island of Ireland to small fishermen in particular sectors around our coast. It evolved, unfortunately, into the abuse that led to practically the decimation of the mussel industry, a precious natural resource. I am sure the Minister in his heart of hearts is aware of this.

I also wish to read into the record the conclusion of the High Court judgment of recent days. It states that:

[T]he fact remained that for many years the State permitted Northern Ireland-registered vessels to fish for mussel seed unlawfully to the detriment of the industry. Thus it cannot be said the plaintiff fishermen were well served by the State.

Even though they have not got compensation they have got vindication in those words. Fishermen had to take a case to the Supreme Court, at huge cost to themselves, to defend the natural resources of the Irish people. These fishermen, supported by many more fishermen around the coast, at the 11th hour are appealing to the Minister to meet with them. I am referring here to the National Inshore Fisheries Forum, the IFPO and the Kelly family. Will the Minister meet with these three parties to make one last effort to address their concerns? Does he

appreciate the severity of the situation where Gerard Kelly, a very honourable man, is outside these Houses and is commencing a hunger strike? I know that man and I would ask the Minister not to take his actions lightly. They must be taken seriously. I appeal to the Minister's humanity to please meet with this family, the NIFF and the IFPO to address their remaining concerns. I acknowledge the Minister's efforts in the last fortnight. We have moved in the right direction. Let us get it to the right place where everybody can feel comfortable with this legislation. I will not be pressing the amendment on the 12 m limit if the Minister is proposing that all boats over 18 m are excluded and that all boats under that length across the island are permitted, and this is acceptable.

Finally, I will be seeking clarification on the issue of residency. It is really critical that the idea of fishermen from Kilkeel fishing in Irish waters is desirable. We want Irish fishermen to be able to fish in Irish waters, in managed fisheries. We want a level playing pitch for all fishermen. I hope the Minister would share those objectives. We would of course want to reinstate access for genuine Irish fishermen on the island of Ireland. What we want to remove is the potential for some corporate body, away from these islands, using an address in the North of Ireland to abuse the goodwill and the principle of good neighbourliness - which the Minister refers to - by using an address in the North as a flag of convenience to avail of access to precious Irish natural resources. I am seeking clarification on that issue.

I appeal to the Minister to show humanity and confirm that he is willing, with his officials, to meet the Kelly family. There is no issue of *sub judice* now and nothing to prevent him from meeting the family to discuss their concerns, not in connection with the case but about this legislation. I also ask him to meet the NIFF once more and to meet the IFPO. Both organisations continue to have concerns.

I also ask the Minister to consider making available the Attorney General's advice. As he will be aware, legal advice being made available to the IFPO is different from the advice the Minister is being given. There is genuine concern, based on legal advice, that this could endanger the vulnerable inshore fisheries. I make that appeal to the Minister and hope he hears what is being said.

Senator Ian Marshall: I suppose my circumstances are slightly different from those of other Senators in that I reside in the North and I perform a function as a Senator in this House. I am, therefore, aware of both sides of this argument.

Agreements made more than 60 years ago with a degree of vagueness and ambiguity present a number of concerns. However, if we consider that we trade in an all-island agrifood economy with all-island animal and plant health as our primary concern, *voisinage* must be about reciprocal arrangements. It is about fairness and transparency and an acceptance that an arrangement that gives access to one party while restricting the other is wholly unfair.

I do not believe this Bill is the biggest threat to the fishing industry. When we consider what the biggest threats are to this industry, we need to consider everything. The aquaculture licensing review group, in line with the recommendations in Food Wise 2025 and Ireland's national strategic plan for sustainable aquaculture development, indicated the threats most important to the bottom grown industry are the variation of seed stalk and invasive species. The group cites as contributing factors a "highly energetic" Irish Sea and predation concerns, especially by starfish. Furthermore, the Northern Ireland Department of Environment, Food and Agriculture indicated in 2015 that the downward trend in the occurrence, location and size of wild seed

beds was due to natural variability and unsustainable weather conditions. Climate change is, therefore, potentially having an impact on the industry.

Subject to regulation and supervision, I would support the Bill. I stress the Northern Ireland component of this. Northern Ireland owned and registered vessels are small in number. It is not the case that a large flotilla or armada is coming in this direction. The issue is one of making legal provision for these individuals and ensuring they are subject to the same controls, direction and regulations as all Southern vessels. Furthermore, Bord Iascaigh Mhara and the Agri-Food and Biosciences Institute in Belfast can and should work together to ensure the environment and all the coastal waters and marine ecology of this island are protected.

As a farmer, I understand the concern of the fishing industry and fishing organisations but I understand these concerns South and North. If we consider everything in the round, specifically proper regulation, adequate surveillance and controls, including timing and methods of fishing, and the current pressures on the industry, namely, climatic pressures on the stalks, and if the review process and scrutiny is upheld, I would support this Bill and move to ensure that reciprocal arrangements are in place.

This is about families and about businesses, in Southern Ireland but also in Northern Ireland. Protecting them and growing and developing the industry in a sustainable manner on an all-island basis must be paramount.

Senator Gerald Nash: I regret that we are in this difficult situation. I do not believe we would be in this position if the opportunities outlined by Senator Mac Lochlainn had been taken up by the Minister and his officials in the past two years. We have had almost two years to reflect on this issue. The Cathaoirleach or the Minister can correct me if I am wrong but I understand the matter dates back to the decision by the Minister in May 2017 to withdraw this legislation from the consideration of this House because agreement could not be reached at that time.

I acknowledge Senator Mac Lochlainn's point that the Minister has made some inroads in recent days in addressing some of the concerns of the major fish production organisation. The organisation in question iterated these concerns to each and every Member of this House two years ago when we were initially considering the legislation on Second Stage and, subsequently, on Committee Stage. Unfortunately, since May 2017, we have had nothing but radio silence from the Minister and Department. That time could have been used constructively to engage with us, as Members of this Parliament, and fishing communities and fishing representative organisations to address the concerns that we are again expressing this evening in relation to the application of this legislation, if it is to pass.

The Minister referred to letters and so forth that he has received from the British authorities. They are consistent in many ways in that they express the view that the British authorities would like to see the spirit and letter of the previous *voisinage* agreement provided for, respected and honoured. However, it is difficult for us to accept the bona fides of some of those expressions that *voisinage* may be honoured by both sides and there would be reciprocity in the absence of any commitment from the British Government to legislate to give effect to that. I ask the Minister to address that. Is it his view that primary legislation would be required in the UK to give effect to the *voisinage* agreement and reciprocity?

We are not living in normal times. In normal times, a commitment such as that set out in

the letters the Minister read out a few moments ago would generally be enough to convince and persuade this Parliament to take a certain course of action. However, normal business has been suspended in the UK where the political situation is so fluid and unreal that we could be staring down the barrel of political anarchy in the UK over the next short period in the context of the ongoing Brexit farrago.

This issue arrived back on the agenda with a bang in recent weeks as a direct result of the detention of two Kilkeel fishers who were fishing in Dundalk Bay. Naturally at this sensitive time, such issues are magnified in the context of Brexit and delicate North-South and east-west relationships. As I have stated time and again, this has nothing to do with Brexit and everything to do with our right as a sovereign Parliament to legislate or not legislate in the interests of the people we represent, notwithstanding all of the valid concerns of everybody inside and outside this Chamber and across this island to generate, protect, promote and nurture positive relationships. Our primary responsibility is to fishing communities in the Republic of Ireland. I represent Clogherhead while Senators Mac Lochlainn and Ó Domhnaill represent Donegal and my party colleague, Deputy Howlin, represents in Wexford - people who have really been at the front of this issue for many years. I agree with Senator Mac Lochlainn that we must take the action taken by Gerard Kelly very seriously indeed. He is, in my experience, an honourable man. He is a man of enormous integrity, and I am sure the Minister will agree with me on that, and a man who has taken considerable risks to protect his business, family and community and that is what we are trying to do here today. I do not say that in any pithy way. That is a fact and that is what we need to focus on, that is, what is in the interest of fishing communities in this Republic and what course of action should our sovereign Parliament take to protect their interests.

The reality is that we have no idea what the post-Brexit fishing or fisheries relationship is going to be. Even if someone were minded to legislate to give effect to the former *voisinage* agreement, it is ill-conceived, wrong-headed and poorly advised, in my opinion, to legislate at this point in time because we do not know what the Common Fisheries Policy arrangements are going to look like in the context of a post-Brexit scenario.

I ask the Minister to clarify something for me. He may have done so already and I apologise for being slightly late to the debate. There are many in this House who would like to be reassured that if we are to legislate, that access will only be provided to the Irish inshore for those vessels that are owned, managed and operated by those who reside in Northern Ireland, and have their business interests in Northern Ireland. I am not convinced that is possible for many reasons that we have discussed in the context of the meeting that we have had and the meeting with the Minister's officials. I am not convinced or persuaded in respect of issues that have arisen here time and again - for example, Dutch multinational corporation vessels with Northern Irish flags of convenience, which are in effect UK vessels fishing in the Irish inshore depleting our natural resources to the detriment of fishing communities. I do not believe that there is any way of ensuring that access can only be provided if one were minded to legislate for vessels that are exclusively from Northern Ireland to the exclusion, for example, of vessels that would be registered in England, Scotland and Wales because the reality is there is no such thing, in my opinion, as a Northern Irish vessel.

My advice is that we tread extremely carefully. It is unwise, at least at this point, to give effect to the old *voisinage* agreement in legislation. At the very least we should embark on a process of pre-legislative scrutiny to look under the bonnet of this legislation, and interrogate it very robustly which I do not think that we have managed to do in that two-year window that has been created since the withdrawal of this legislation from this House back in May of 2017. We

should tread carefully and not just accept the goodwill and bona fides at face value of various statements from the UK Government in terms of what it would do because remember that it is withdrawing unilaterally from the London Fisheries Convention on 4 July of this year. Therefore, we could be staring down the barrel of a serious challenge for the Irish fishing industry and it would be very unwise, if I may use the language, to play this hand at this point in time even if this House is minded to legislate based on the principles that were expressed and espoused by my good colleague, Senator Marshall, and others.

We all want to see positive North-South relationships. As I said in the week before the St. Patrick's week break when we dealt with this issue previously, it is our responsibility, as the sovereign Parliament of the Republic of Ireland, to legislate in the interests of those we represent. This is the Legislature that they look to. I accept and appreciate that we need to promote, generate and nurture those good relationships but that needs to be done in an equitable fashion. We need to be reassured, and we need legal certainties and guarantees from the UK, that their side of the bargain will be fulfilled, and that would involve genuine reciprocity provided for in primary law in Westminster. It could be the case that what we need to do is to say that we will agree to legislate but only when the Houses of Parliament does so and in parallel with any action that the Houses of Parliament might take.

Senator Brian Ó Domhnaill: I want to briefly add to what has been said. I acknowledge and agree with much of what has been said by colleagues, particularly by Senators Norris, Mac Lochlainn, Nash and Senator Marshall who provided insight from a Northern perspective.

I acknowledge that last Thursday the Minister met representative organisations and had a discussion, presumably, on this Bill. However, notwithstanding that, concerns remain. The following is clear to me. When we adjourned our discussion of this Bill two weeks ago, there was a request for meaningful consultations to take place but from my perspective such consultations have not occurred. While I acknowledge that discussions took place with representative bodies, including the IFPO and the national forum, there were other requests to his Department and office from other fishermen and fishermen co-operatives, including, for example, the Dunany Lobster and Crab Association. I understand that a request on behalf of Mulroy Shellfish was submitted to the Minister's office seeking a meeting with him to discuss the legislation. What is the status of that request? Why has the meeting not been facilitated prior to today? I ask the Minister to clarify the matter.

The main groups of people affected by this legislation and with boats registered in the Republic of Ireland are mussel, crab and lobster fishermen. Other fishermen are affected but primarily it is the inshore fishermen in those categories who are affected. We are talking about people who have invested lifetimes of hard work and financial resources, time and commitment into establishing, developing and nurturing their businesses over the years. Their fear is that their enterprises and livelihoods will be wiped out as a result of this legislation. I fully appreciate the reciprocal nature of the *voisinage* agreement. Notwithstanding that, the Supreme Court ruled against the *voisinage* agreement giving a very clear and specific line around the constitutional protection that should be extended to the natural resources inside the six-mile limit. Yet, this legislation is being brought in now to, effectively, attack our Constitution and the protection referred to in the Supreme Court judgment.

If we accept that the reciprocal arrangements are mutually beneficial to both parties, that is fine. It is my understanding that the reciprocal arrangements are not mutually beneficial to both parties. One party has much more to lose than the other and one has much more to gain than

the other. Therefore, that is not in keeping with the definition of a reciprocal arrangement. In fact, this is not only a reciprocal arrangement but it is also a binding bilateral commitment with reciprocal duties, rights and obligations attached to it. That is what we are talking about here. It is a binding bilateral commitment that we are offering here. The issue at stake here is much greater than the weight being given to it by the Department at this juncture.

I read carefully the 2017 letter from the British Minister with responsibility for environmental matters, Mr. Michael Gove. They were different times in 2017 and today things are very different in London. Whitehall is a different place and the British Parliament is a different place. The Ministers, including Mr. Gove, are effectively dancing with shadows over there. We should not be extending the courtesy of any deal in those sorts of circumstances.

This should not be rushed as this is crucial to livelihoods. I have absolutely no connection with any of the stakeholders involved but I only raise these matters out of pure concern. I know some of the fishermen from Senator Nash's area of Dundalk have spoken to me and their livelihoods will be wiped out. For example, they have spent in excess of 25 years in the v-notching programme for lobsters, trying to nurture and cultivate the stock. The same nurturing and cultivation of the stock, in my understanding, has not taken place in northern waters. As such, vessels in the North would benefit substantially from the great work of our fishermen in the Republic of Ireland, so this could not be defined as a reciprocal arrangement. There is no equality or parity of esteem here whatever. These are issues that should have been teased out more with our fishermen. Surely it is the job of a Department to listen to the concerns of stakeholders.

The Killybegs Fishermens Organisation, KFO, based in my area, is a representative body predominantly for the larger vessels or the pelagic fleet. I sometimes refer to the "small fishermen" as I would the "small farmer". The small farmer in west Donegal, Connemara or west Mayo does not always have his or her view necessarily represented by the Irish Farmers Association, which is why there are so many splinter groups of farming organisations being established and holding public meetings and demonstrations. I do not have the answer but I am not sure all the national platforms and fora of these organisations represent the views of these specific fishermen. That is why it is so important that the Minister should fulfil his obligations and meet the groups that have made specific requests to meet him. I am not suggesting he must agree with them but he should at least listen to their concerns and tease out the issues. Until that happens, I cannot support this legislation because I would be doing a disservice to ordinary fishermen in doing so. We cannot ride roughshod over small fishermen for the benefit of larger commercial operations. I get the distinct impression that it is happening in this instance and I do not like to see it happening.

Many other matters have been raised with me concerning this Bill. I know the Minister is genuine in his objectives and I do not doubt his sincerity for one moment; however, it is misplaced. The Minister should not rush this legislation through the Seanad this evening and he should certainly not put it through the Dáil on Thursday. He must afford that further space to meet the affected fishermen. I agree wholeheartedly with my colleague from Donegal, Senator Mac Lochlainn, as the Kelly family should be included. They were brave enough to bring that case to the Supreme Court and they were successful in that venture. Their livelihood is also at stake here.

There are far-reaching ramifications to this legislation and although the Minister might be of the view that those ramifications are not founded in fact, he may or may not be right. The

fishermen affected by the legislation feel that the Bill will have a detrimental effect on their livelihood and they may or may not be right. They should be afforded the opportunity to meet the relevant Minister, who is in the Chamber this evening. I respectfully suggest that he should reach out to those people, respond to the request made of him and meet those people this week and certainly before the Bill is discussed in the Dáil. If the legislation is passed here this evening, so be it, although it is the wrong course of action, such is the extent of the damage that this Bill could do to some of our smaller fishermen along the coast. The timing is wrong and there should be further consultation.

I agree that there should have been pre-legislative scrutiny of the Bill, which would have allowed an Oireachtas committee to listen to all the key stakeholders and tease out some of the issues. It is the best way to formulate legislation anyway. We had two years in which that could have been done but, unfortunately, that did not happen. I certainly do not subscribe to the notion that just because Mr. Gove or the British Government wants to see this legislation introduced, we should jump to that tune. We should not do so but we should protect our own fishermen first before worrying about the consequences in London afterwards. I am not so sure there will even be a British Government in London in a few months and nobody knows the answer to that question. We can only speculate. A deal with any British Government or Minister now is a deal with a shadow as far as I am concerned. We should protect our own interests in the meantime before any legislation is brought before the House again. I appeal to the Minister even at this late stage to fulfil the request before him.

Senator Grace O'Sullivan: I also feel the timing around this legislation is wholly inadequate. Two years ago, when we discussed the legislation in the Seanad, we spoke about the withdrawal of the United Kingdom from the European Union. One of the reasons for it being shelved was that process but now we are at the midnight hour, so it would seem appropriate to put this legislation on standby until we see what happens with the UK. That will have an impact on the legislation.

I echo some of the concerns raised this evening. In my area of Waterford and the south-east coast I have spoken to fishermen who are extremely concerned about the access that this legislation will grant to northern fishermen. Our mussel, crab and particularly lobster fishermen have been very innovative in conserving stocks in recent years in co-operation with the Minister, which is to be welcomed. It is a sign of supporting rural communities, enterprise and jobs. However, these fishermen have concerns about this legislation that should be considered without a doubt.

As a number of Senators have said this evening, there has been consultation but has it been truly meaningful? Have the fishermen who have contacted the Minister been involved in sufficient consultation? I echo the request of Senator Mac Lochlainn, who proposed that the Minister meet representatives of the National Inshore Fisheries Forum and the Kelly family. We are in the Seanad this evening while Mr. Gerard Kelly is outside on hunger strike because this is really important legislation for our fisheries. The timing is wrong, as I said, with respect to the United Kingdom withdrawal from the European Union. As I have said, the timing is wrong with regard to the UK withdrawal and with regard to the consultation or lack of consultation. I urge the Minister to pause this legislation. As Senator Ó Domhnaill has said, this legislation has not been the subject of pre-legislative scrutiny. This crucial time of Brexit negotiations - we are at the midnight hour - could be a good time to pause this legislation and enable pre-legislative scrutiny to take place. Perhaps the Bill could be taken forward once more after some weeks or months have passed. I know this is highly political for the Minister and the Government. That

is why the Bill is being rushed through now. The fallout from this legislation will be extremely negative for fisheries around Ireland.

I would like to make a point about vessels that are registered in Northern Ireland. My understanding is that these vessels are registered and regulated in the UK. I would like clarification on that. The *voisinage* agreement is approximately 50 years old. Mussel seed fishing by boats from Northern Ireland has been going on since 2002. The plaintiffs in the recent cases maintained that this largely self-regulated industry has pretty much collapsed since then. How can we maintain a stable and healthy mussel stock if boats have little regard for this area and do not abide by our management practices? The Minister said the other day that this is all about access, but I remind him that we are talking about access to natural resources that need to be maintained, managed and regulated in a way that supports the fisheries sector, the fishing communities I mentioned earlier and rural communities, enterprises and jobs.

Are we sure that if regulations are imposed on vessels coming from Northern Ireland, we will have full legal authority to impose regulations on boats that are not from this jurisdiction? How will that work? What are the specific legal implications of Northern Ireland boats taking mussel, crab or lobster seed, for instance, for cultivation in Northern Ireland? Is this not an alienation of the Irish natural seed resource? How are we going to protect our natural resources? I suppose that is the central point. The Minister's remit is to protect our natural resources. His job is to ensure our people in our country can have reasonable livelihoods. Fisheries communities are really on the lower end of decent livelihoods. How does the Minister intend to protect their livelihoods and enterprises? How does he intend to protect our resources? That is his job. He has this gift in his hand. I understand all the lovely *voisinage* and neighbourhood agreements. They are all very well and good. Are we going to stand here today and hand away a resource without proper management and regulation for our own people here in the Republic of Ireland?

Deputy Michael Creed: I welcome the opportunity to reply to the points that have been made. In his opening remarks, Senator Norris spoke about people in the UK who have not been good neighbours. Senator Nash suggested that we should be legislating in our own national interest. He said that this is not about Brexit, our relations with the UK or anything else. I accept his premise that our primary function here is to legislate for our citizens. However, it is important to be conscious that the context to this debate generally, including the historical context, is greater than the interests of our citizens. Regardless of our views on the specifics of this legislation, all of us have witnessed the consequences of poor North-South relations. Everything we do in the context of North-South relations should be about building confidence and relationships. That context to the debate must be considered when we are considering the overall Brexit context.

It is important, in the context of good neighbourliness and outside of the issue of *voisinage*, to put on the record some of the issues that arise in the context of the broader fishing industry. In the period between 2011 and 2015, Ireland caught an average of 84,850 tonnes of fish in the UK 200-mile zone. That catch has been valued at €83.83 million. In the same period, the UK caught an average of 62,381 tonnes of fish in the Irish 200-mile zone. That catch has been valued at €71.25 million. We must look at the bigger picture and the broader context. As I said the last time we debated this matter, I firmly believe - Brexit aside - that it is right to reinstate something that existed long before the London fisheries convention. The convention acknowledged its existence, but the convention is not the legal basis on which it exists. The consequences of the Supreme Court decision have brought us here. We need to put on a statutory footing some-

thing which the Supreme Court implicitly said was a good thing that needed to be legislated for. One does not need to be a constitutional expert to understand the context in which this was underpinned. If one casts one's mind back to the 1960s, one will recall that the constitutional status of Articles 2 and 3 gave rise to difficulties in legislating for something which, under our Constitution, we believed we owned anyway. Circumstances have changed since then.

Senator Norris and others have suggested that under the London fisheries convention, other contracting parties will consequently be able to access our waters on the basis of what we are doing. It is worth reading the specific provisions of this very short Bill. It states:

Subject to section 9, a person on board a foreign sea-fishing boat shall not fish or attempt to fish while the boat is within the exclusive fishery limits, unless he or she—

(a) is on board a sea-fishing boat owned and operated in Northern Ireland while the boat is within the area between 0 and 6 nautical miles as measured from the baseline (within the meaning of section 85).

The Bill specifically provides that this entitlement will be enjoyed by Northern Ireland boats only. This means, *ipso facto*, that anyone who strays into the relevant zone will be in breach of the law, as envisaged by this legislation, and will be subject to the full rigours of the law. It is as simple as that outside the 6-mile zone. Any Northern Ireland fishing boats that will be within our 6-mile zone will only be there by legal permit under this legislation. It has been suggested that there is no Northern Ireland fishing register, but there is such a register. When a boat is registered, a port of operation and a region of operation must be designated. Therefore, there is a specific register for Northern Ireland boats. That is clearly the situation. The register is available for-----

Senator Grace O'Sullivan: They are British-flagged.

Deputy Michael Creed: They are British-flagged, but there is a Northern Ireland register within that.

Senator Grace O'Sullivan: The port can be identified.

Deputy Michael Creed: Obviously, they are UK-flagged.

Senator Grace O'Sullivan: Yes.

Deputy Michael Creed: There is a Northern Ireland register. It is not open to every UK boat. It is open to boats that are owned and operated in Northern Ireland. Senator Mac Lochlainn made a point about inadequate consultation. I do not want to go over the history of this going back to 2016 and the Supreme Court decision and the number of meetings I have had with representatives of the National Inshore Fisheries Forum, NIFF, and the Irish Fish Producers Organisation, IFPO. In respect of the two organisations he specifically mentioned, the IFPO and NIFF, representatives of both bodies were in attendance and before we issued a press release arising from that consultation last Thursday, we cleared the draft press release with each of the representative bodies that were present. The specific ask of the IFPO and the other representatives there was to read in the specific assurances about other boats, other than the Northern Ireland vessels, being specifically excluded. They wanted the letters of the UK minister referenced and reference to the Northern Ireland committee in the House of Commons specifically

read into the record. I believe what I have done so far is compliant with their wishes. I have not met individual interests, either companies or lobbyists, but I have met representative of the National Inshore Fisheries Forum on many occasions in recent times, not specifically about *voisinage* but we discussed it last Thursday with their chairperson. I have discussed it previously with them. I have been very engaged with the National Inshore Fisheries Forum because I believe the sector has significant potential. Let us leave aside this issue, which is a separate one. The National Inshore Fisheries Forum consists of all the Regional Inshore Fisheries Forums. They are all constituted around the table when I meet the National Inshore Fisheries Forum. We have discussed this previously as a collective and in detail with them through their representative last Thursday. The consultation has been substantial.

It is important to make the following point because there is conflation of access and management. Senator Marshall made the point about managing the resource. Of course, it is important to preface this by saying this is not species-specific. I know many Members are straying into a subset, a specific species area, and I am not going to do that because it is fraught with legal issues. Management of any one of these resources is important. I acknowledge the leadership position that the National Inshore Fisheries Forum, NIFF, has taken. Reference was made to V-notching and a host of other initiatives that it has been involved in that I have signed off on in terms of regulations, etc.

If one reads the Bill and the amendment, it is the case that anybody who is coming in will have access only under the same terms and conditions as our inshore sector. If there are regulations around size, weight and V-notching, they apply to those who are coming in as much as they apply to our inshore sector.

Senator Marshall made a very good point in terms of the resource and climate change. There are shifting sands in terms of these resources. I am fully committed to working with the NIFF and the stakeholders in terms of managing a sustainable resource, whether it is under the Common Fisheries Policy or within our zero to six nautical miles from shore in non-quota species. Management of a scarce resource is critical. We have management structures that are there, but let us not confuse management of these resources with the principle of access. Fundamentally this legislation is about the principle of access and reciprocity.

Senator Ó Domhnaill referred to the legislation and the attack on our Constitution. We cannot, by law, introduce legislation that is contrary to the Constitution. The advice we have is that the Bill is not contrary to the Constitution. In the context of who has more to lose, obviously the coastline in the South is larger than in the North. That is a geographical fact. I do not think that should be the determinant in terms of the arrangement, it is either a good thing to have a reciprocal neighbourhood arrangement or it is not. I happen to believe firmly that it is good for many reasons, some of which are shared. It is a good thing to have, but the important thing is that when we have it, that we manage the resource separately. Dealing with managing a resource is separate from the issue of the principle of access, which the Bill is about. The amendments deal very specifically with the terms and conditions under which boats from Northern Ireland would have access.

I do not want to avoid the point made by Senator Mac Lochlainn about meeting Mr. Gerard Kelly. I do not know the gentleman but I obviously know of him. I very much regret the course of action he is taking and I appeal to him not to pursue it but, of course, nobody can have, through such action, a vetoing effort on the course of the national Legislature. We obviously operate in terms of collective wisdom. It is, as Senator Mac Lochlainn knows, *sub*

judice. The judgment is not perfected and it is to be perfected within a period of 28 days and it is then open to any party to appeal. I do not wish to stray into the details of that but it is not, as the Senator stated, an easy issue. If it were, it would not be an issue. My engagement with the inshore fisheries sector has been extensive for many reasons, not least because I believe there is a tremendous opportunity for it in the context of that resource being properly managed and shared in the context of *voisinage*. For those reasons, I am sure the Senator will understand that I cannot accede to that request.

Senator Nash made the point around being satisfied as to whether there is need for UK legislation. It is our side of the bargain that has fallen down. We have to mend our fences in that regard. We are still enjoying access. In the context of direct conversations I had on Monday, 18 March with the minister in the UK, Mr. Goodwill, MP, he said they were satisfied that the legal basis for *voisinage* continued to exist for it and that they were interested in continuing that arrangement. It is a truism that it is open to any sovereign government at any time to revisit, amend, or vary any legislation on the Statute Book. I find it difficult to envisage circumstances under which a Dublin Government would consider taking that action in the context of this Bill because we have to be generous, proactive, bridge building and good neighbours. It is open, in circumstances that we probably cannot envisage what may happen some time down the road that may lead us in that direction.

Senator Nash made the point that there is no such thing as a Northern Ireland register for vessels. I am assured by my officials that there is and obviously such a register would be available in the context of any prosecutions in terms of entitlement to fish in that area. Senator Grace O'Sullivan queried whether we had the legal authority to prosecute. I ask Members to cast their minds back a couple of weeks. It proves the legal authority we have to prosecute. Some boats from Northern Ireland in our zone were prosecuted. That is what has brought a degree of urgency to this. We do not want to stand accused in terms of not wanting hard borders either on land or on sea. That has crystallised what is at stake here, but it is abundantly clear we obviously have the power to prosecute.

Senator Ó Domhnaill made the point about riding roughshod over small fishermen. I ask him to meet the representatives of either the Regional Inshore Fisheries Forums or the National Inshore Fisheries Forum with whom I have engaged extensively in the context of a plan for that sector. I do not think any of those representatives would share his analysis. In fact, I think I have done more in a short period to promote their interests. It has not always been a comfortable journey to promote their interests, sometimes in the teeth of significant opposition from other representatives of the fishing industry. I make no apologies for that. It is the right thing to do. It is a sector whose potential, for a long period of time, did not get significant recognition. I utterly reject the idea that my Department and I are in any way party to riding roughshod over the inshore sector or small vessels to the benefit of larger vessels. I ask the Senator to look at the decision we made last December to ring-fence the inshore sector for smaller boats. That decision has also been transposed into this legislation. I do not, therefore, accept the Senator's premise.

I have dealt with most of the issues raised. One can make this issue complex and tie it into Brexit. There are consequences from Brexit that spill over into the debate, but at its heart it is a simple argument. It is about reinstating something that existed up to October 2016. These arrangements have fallen down on our side but our industry continues to enjoy the right to fish in the zero to six nautical mile zone off the North. It is as simple as that. One can add layers of complexity onto it in the context of the shared history on the island of Ireland and the issue of

Brexit. The matter of Brexit is very significant in the context of our access to the UK's waters generally. The kind of message we send out from here impacts on that, but at its heart it is a simple matter. Supporting the legislation is the right thing to do.

Amendment agreed to.

Senator Pádraig Mac Lochlainn: I move amendment No. 2:

In page 3, line 12, after "boat" to insert "or a boat used for the purposes of aquaculture".

The Minister can see the objective of this amendment. I would like to get clear clarification from him for the record.

Acting Chairman (Senator Gerry Horkan): Does the amendment have a seconder?

Senator Gerald Nash: I second the amendment.

Senator Pádraig Mac Lochlainn: I want to get clarification from the Minister. The idea of allowing Irish boats access to Irish waters is accepted, but the issue of allocation of stocks is a concern. Will the Minister make it clear that his ability, or that of his Department, to allocate stocks is excluded from the legislation? Will he make it clear that this legislation does not facilitate the allocation of stocks? Will he make it clear that no additional quota comes with this access? Access is one thing if it is based on the existing quota of existing licence-holders, but will the Minister clarify that issue on the record?

I again appeal to the Minister with regard to this amendment and what I am trying to achieve. It is critical that he meet the Kelly family. He should not underestimate Gerard Kelly's resolve or sense of injustice. I make it absolutely clear that the issues the Kelly family wish to discuss with the Minister relate solely to this legislation. This is really important. Mr. Kelly presented to the Joint Committee on Agriculture, Food and the Marine. He was one of those who contributed, on the record, to this legislation. He has been a participant in the consultation process. I ask the Minister to meet Mr. Kelly and his family in the next 24 hours solely in respect of their concerns about this legislation, and not about the matters before the courts. I want to be clear on that. That is not what I am requesting. I am asking that the Minister at least hear what the family have to say regarding their concerns about this legislation. They have submitted to me very constructive proposals which would address the wider concerns of inshore fishermen around the coast. These proposals are very constructive. I ask the Minister to keep an open mind and to have a look at what the Kelly family have to say and at their amendments. I ask him to give them a hearing and to see whether he can address some of those concerns. Those concerns and very constructive proposals align to the wider issues.

I will reiterate this because it will become a big issue in the next 24 hours. I am sure all of the political parties that are not in government wish the Minister would consult the National Inshore Fisheries Forum, NIFF. I acknowledge that he has been working with it positively in other regards. I put that on the record. The NIFF also acknowledges that, but it has real concerns. It released a press release tonight. It is on the social media of *The Skipper*. Its concerns are out in the public domain. I ask the Minister, who has a good relationship with the NIFF, to engage with it in the next 24 hours to see if his amendments address its concerns.

Finally, I will refer to the Irish Fish Producers Organisation, IFPO. I know the Minister

respects the IFPO as a stakeholder and a key voice for fishermen around our coasts. It has concerns and I would like the Minister to engage more with it. That is the request of the political parties that are not in government.

I again ask the Minister not to assume that this legislation will go through these Houses on Thursday. Its passage will be conditional on further dialogue and the Minister's attempts in this regard. He has made progress and I acknowledge that. There have been talks but we are not there yet. To recap, I ask the Minister to meet the Kelly family solely about this legislation and not about anything to do with the issues before the courts; to look at their proposals and their intervention, which I think are very positive and substantial; and to engage with the NIFF and IFPO. That is critical. If the Minister can give me assurances on these issues, we will have the basis to proceed on to Thursday.

Deputy Michael Creed: Is the Senator moving the amendment on aquaculture?

Senator Pádraig Mac Lochlainn: Yes, it has been moved, but I ask the Minister to address the issues I have raised rather than the amendment.

Acting Chairman (Senator Gerry Horkan): Amendment No. 2 was moved and seconded.

Deputy Michael Creed: The amendment Senator Mac Lochlainn and his colleagues have proposed seeks to amend the text of section 10 to add to the description of a foreign sea-fishing boat. The Senators will wish to be aware that the Bill intends to amend Part 2 of the Sea-Fisheries and Maritime Jurisdiction Act 2006, and so the definitions within that Part of the Act apply to terms or phrases used in this Bill. Within that Part, the definitions already address the Senator's concern. I will read the definitions for information for the House.

“sea-fishing” means fishing for or taking fish or sea-fish;

“sea-fishing boat” means any ship, boat or other vessel of whatsoever kind used for sea-fishing and includes any vessel or boat used for the treatment of fish or partly or wholly for the transport of fish;

The Senator's amendment is therefore unnecessary as the definitions already encompass the elements the amendment seeks to include. Irish aquaculture boats are sea-fishing boats within the meaning of the Sea-Fisheries and Maritime Jurisdiction Act 2006 and are licensed accordingly. Irish aquaculture boats which engage in fishing for mussel seed must be licensed to do so and so it follows that Northern Ireland aquaculture boats must also be licensed appropriately by their own jurisdiction. I understand that the authorities in Northern Ireland license their vessels to fish for mussel seed and apply terms and conditions just as is the case for Irish sea-fishing boats which engage in the same form of fishing. I will quote from Mr. Justice O'Donnell's judgment in the Supreme Court for the benefit of the House.

In particular I agree that reciprocity is only required at the general level of fishing, and is not required at the level of each species. I also accept that the arrangement must be a flexible one if it is to permit the fishing now carried out. The corollary is however that the present fishing is not within the precise terms of the 1965 correspondence.

Reciprocity at the level of fishing means that if an Irish sea-fishing boat is permitted or restricted in a particular way, then the same must apply to a Northern Irish sea-fishing boat while fishing under the arrangements and *vice versa*. I am introducing amendments which set out the

policies and principles which will apply to give assurance to those concerned that there is no question of preferential treatment for Northern Irish sea-fishing boats.

I wish to return to the point made by Senator Mac Lochlainn about consultation. I had extensive consultation with the National Inshore Fisheries Forum as recently as last Thursday. The National Inshore Fisheries Forum signed off on the press release issued in the context of the consultations we had, as did all the other principal officers in the room. That is simply the fact of the case. All of them signed off on the press statement that I issued subsequently.

I find myself in the regrettable position of having to decline the Senator's invitation to meet Mr. Kelly. A court case is ongoing. It is not possible to ring-fence the content of the first element of the case from what is currently before the courts. A judgment was issued last Friday. It remains to be perfected and there is entitlement to appeal it. Senators are possibly aware that the stakes of the court case are significant indeed. I do not propose to jeopardise the State's case in that litigation by engaging in bipartisan engagement with the litigants. That is simply not something to be countenanced and it would not be in the interests of the State's position. I very much regret Mr. Kelly's course of action and I recognise that he is a significant player and stakeholder in the industry generally. However, it cannot be that the Government, Seanad, Dáil or I would be held prisoner in terms of our objectives by the actions of any single stakeholder. What this legislation is about is what is perceived to be in the best interests of the Legislature and the country.

Acting Chairman (Senator Gerry Horkan): You can respond if you wish, Senator.

Senator Pádraig Mac Lochlainn: I wish to be clear - I have the press release in my hands now. There is nothing in this press release to suggest that everyone who was present at the meeting last Thursday was in agreement that they supported the legislation. That is not what it says. I spoke to the Irish Fish Producers Organisation and the National Inshore Fisheries Forum this evening before I came to the debate. They have made their positions clear to me. The press release states that the Minister will seek to address their concerns and that he is proceeding with the legislation - it is the Minister's right to do that. The Minister said that during the course of the forthcoming debate he intended to speak to many of the key issues articulated by those in the industry, including concerns raised. They were simply agreeing that the Minister would address their concerns. That is all. They were not saying that they supported the legislation.

I know the Minister appreciates this point and agrees with me on it. The IFPO and NIFF are serious and important stakeholders. They are making the case to Fianna Fáil, Sinn Féin, the Labour Party, the Green Party and Independents in opposition. They are making it clear that they have remaining concerns and do not support the legislation as it currently stands.

The Minister engaged in dialogue and rang people prior to the last debate. I appeal to the Minister to reflect on this tonight. I believe there is space for the Minister to engage in further dialogue. It is critical that he engages with the IFPO and NIFF to see if he can assure them that the amendments and letters and so on can address their concerns. That is all I am asking. I believe it is a reasonable request.

I call on the Minister tonight to reconsider the issue of the Kelly family. The Minister could meet a representative of the family to listen to their proposal. I have read through the detailed proposals they have made. They are highly knowledgeable and respected throughout the industry. Could the Minister meet a representative of the family who was not party to the legal

case? Is that something to which the Minister could agree? In that way the Minister would not be meeting the plaintiff - he is insisting that is an issue legally - but he could meet a member of the family who could articulate the concerns over the legislation. There are no grounds for refusing that.

Acting Chairman (Senator Gerry Horkan): Minister, do you wish to respond?

Senator Gerald Nash: Can I say something?

Acting Chairman (Senator Gerry Horkan): We had the debate and the Senator was allowed to come back in as a responder to the debate. The only person I can really let in is the Minister.

Deputy Michael Creed: It is my nature to be accommodating in all of these things, but in respect of meeting with individual stakeholders the list is endless. I have met the representative bodies. I am not putting words in the mouths of those representative bodies. I am merely saying that the press statement issued subsequently was issued with their approval and *imprimatur*. I am not going to interpret what it means for Senators but I was satisfied in the context of that consultation that the people I met understood that I was proceeding with the legislation. That much was clear. My clear understanding was that whereas the level of discomfort around it would vary from individual group to individual group none of them was opposing it. For that reason I regret I cannot meet the Senator's request.

Senator Pádraig Mac Lochlainn: I cannot be clear enough. The press statement does not say they have signed off on these amendments. It does not say that.

Deputy Michael Creed: With all due respect, no one has a veto on it.

Senator Pádraig Mac Lochlainn: I am not referring to a veto.

Acting Chairman (Senator Gerry Horkan): Senator Mac Lochlainn, you have made that point already.

Senator Pádraig Mac Lochlainn: The principle those of us on this side of the House are seeking is for the Minister to engage in meaningful dialogue to attempt to address the concerns of these people. The Bill will be before the Dáil on Thursday. I know the Minister wants to get this legislation through. I think there are many positives around the legislation. We want to reinstate access for Irish boats of a certain size into Irish waters in a managed way – we are agreed on that point. However, there are still some concerns among two important stakeholders. I know the Minister will respect them. I appeal to the Minister to engage in the next 24 hours. Other parties will be making this request of the Minister. I am going to say it again: there is a man on hunger strike. I am appealing to the Minister's humanity in exceptional circumstances. I am not calling this a veto. All I am asking is that the Minister will hear what they have to say. I am not asking for vetoes. I am asking the Minister to hear what they have to say in the interests of humanity to see if we can convince Mr. Kelly of grounds not to proceed. He is a highly determined man, more than most people I have ever met in my life.

Acting Chairman (Senator Gerry Horkan): We are dealing with amendment No. 2.

Senator Pádraig Mac Lochlainn: Will the Minister respond?

Deputy Michael Creed: I have little further to add. I believe in the context of the negotia-

tions I had last Thursday and of the reassurances sought that I have put my views on the matter on the record. I have done so today.

Senator Pádraig Mac Lochlainn: There is one issue the Minister did not address. One issue the legislation does not permit is the allocation. It allows access but it does not increase quotas or give access to the Irish stocks for quota.

Deputy Michael Creed: If a boat that is Northern-Ireland registered fishes in our zone from zero to 6 miles offshore, there is no question but that the quota will be UK quota. It will not come off Irish quota allocations.

Acting Chairman (Senator Gerry Horkan): Senator Mac Lochlainn, what do you want to do with amendment No. 2? Are you pressing it?

Senator Pádraig Mac Lochlainn: I will set out what I am going to do. I am willing to withdraw the amendment on the basis that the Minister will engage in further discussions in the coming days. The Minister is aware of where the amendment comes from and what the concern is. I call on the Minister to reflect on this at least. There will be conversations with other political parties in the coming days. This call will grow stronger in the next 24 hours. Even if the Minister indicates that he will reflect on it and that he is not absolutely saying “No”, that would be enough to suggest we are making some progress tonight.

Deputy Michael Creed: When I am not in the direct line of fire, I am always in reflective mode. However, I cannot see circumstances under which, in the context of the legal issues at stake, I can meet with the plaintiff in a substantial court case.

Senator Pádraig Mac Lochlainn: What about the others?

Deputy Michael Creed: I have met the representative bodies. I believe that in the context of the issues they have raised, I have responded in a way that meets their concerns in the debate today.

Senator Pádraig Mac Lochlainn: The Minister is absolutely ruling out any further conversation. Is that correct?

Acting Chairman (Senator Gerry Horkan): The Minister said he is always willing to reflect and to be in reflective mode when he is not in the direct line of fire. It is clear that is what he said.

Senator Pádraig Mac Lochlainn: Will the Minister reflect on it?

Deputy Michael Creed: I do not want to leave the House under any misapprehension.

Senator Pádraig Mac Lochlainn: If the Minister could even say he is reflecting on this, that would leave us open to more conversation tomorrow.

Acting Chairman (Senator Gerry Horkan): I heard the Minister say he was reflective when he was not in a direct line of fire. If that is good enough for Senator Mac Lochlainn, will he withdraw his amendment?

Amendment, by leave, withdrawn.

Government amendment No. 3:

26 March 2019

In page 3, to delete lines 14 to 19 and substitute the following: “limits unless he or she is authorised by law to do so.”.

Amendment agreed to.

Amendments Nos. 4 to 6, inclusive, not moved.

Government amendment No. 7:

In page 3, between lines 19 and 20, to insert the following:

“(2) A person who is on board a sea-fishing boat owned and operated in Northern Ireland may fish or attempt to fish while the boat is within the area between 0 and 6 nautical miles as measured from the baseline (within the meaning of section 85) if, at that time, both the person and the boat comply with any obligation specified in subsection (3) which would apply in the same circumstances if the boat were an Irish sea-fishing boat.

(3) The obligations referred to in subsection (2) are the following:(a) an obligation under the Sea-Fisheries Acts 2003 to 2019 or regulations made under those Acts

(b) an obligation under the Fisheries Acts 1959 to 2019 or regulations made under those Acts;

(c) an obligation contained in regulations made under section 3 of the European Communities Act 1972;

(d) an obligation under a provision of the treaties of the European Union, or a provision of an act adopted by an institution of the European Union, an institution of the European Communities or a body competent under those treaties;

(e) an obligation specified in a policy directive given by the Minister under section 3(2)(b) of the Act of 2003;

(f) such other obligation as the Minister may specify in regulations under section 3.”.

Amendment agreed to.

Government amendment No. 8:

In page 3, line 20, to delete “(2) A person” and substitute “(4) A person”.

Amendment agreed to.

Government amendment No. 9:

In page 3, lines 20 to 23, to delete all words from and including “offence.” in line 20 down to and including line 23 and substitute the following:“offence.”.”.

Amendment agreed to.

Bill, as amended, received for final consideration and passed.

Acting Chairman (Senator Gerry Horkan): When is it proposed to sit again?

Seanad Éireann

Senator Michelle Mulherin: At 10.30 a.m. on Wednesday, 27 March 2019.

The Seanad adjourned at 7.52 p.m. until 10.30 a.m. on Wednesday, 27 March 2019.