



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé Máirt, 10 Samhain 2020*

*Tuesday, 10 November 2020*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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

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### Gnó an tSeanaid - Business of Seanad

**An Cathaoirleach:** Many Senators spoke last week on the issue of the US presidential election. Now that we have President-elect Biden, the Ceann Comhairle and I wrote to the Taoiseach asking that consideration be given to inviting President-elect Biden to come to Ireland and to address a joint sitting of these Houses. I know the Mayo and Louth contingents, and now I hear the Wexford and Cork contingents, where he has relatives would welcome such an address. In our letter to President-elect Biden, we quoted one of his favourite poets, W.B. Yeats, who is a former Member of the Seanad:

Think where man's glory most begins and ends,

And say my glory was I had such friends.

I am sure Ireland has a friend in President-elect Biden and that he looks forward to meeting all his friends in Ireland when he comes here in due course.

**Senator Regina Doherty:** I speak on behalf of the female contingent in saying that we are very much looking forward to receiving the first lady Vice President to address both Houses of the Oireachtas. I pay tribute to RTÉ for the coverage it gave us over the weekend, in particular the montage at the very end that was so poignantly put to the Seamus Heaney poem. I thought it was beautiful and, apparently, it has gone viral in America so it has not done us any harm whatsoever.

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

**Senator Regina Doherty:** The Order of Business is No. 1, motion re the Technological Universities Act 2018 (Section 36) (Appointed Day) Order 2020 – referral to committee, to be taken on the conclusion of the Order of Business, without debate; No. 2, motion re the reappointment of four members of the Legal Services Regulatory Authority and the appointment of one new member, to be taken on the conclusion of No. 1, without debate; No. 3, statements on living with Covid-19 and an update on level 5 restrictions, to be taken at 3 p.m. in the Seanad Chamber, and to conclude at 4.45 p.m., with the contribution of group spokespeople not to exceed eight minutes and all other Senators not to exceed five minutes, the time can be shared, and the Minister is to be given not less than eight minutes to reply to the debate; and No. 4, Private Members' business, Seanad Electoral (University Members) (Amendment) Bill 2020 – Second Stage, to be taken at 5 p.m. in the Seanad Chamber and to adjourn after 105 minutes.

**Senator Catherine Ardagh:** We are well aware that the tourism industry has taken a severe battering since March due to Covid-19. Prior to Covid-19 the tourism industry employed 265,000 people and was worth €9.2 billion to the economy. The tourism industry is resilient and it can recover but we need to do everything we can to help.

Today, I wish to raise the challenges facing St. Patrick's Cathedral, which is undergoing restoration to its roof. I visited the site several weeks ago and saw at first hand the intricate work and detail that is being put into it, with each slate being placed by hand, by experts. Prior to the pandemic, St. Patrick's Cathedral was generally in receipt of no State funding and had planned to pay for the restoration of the roof from the revenues it receives from admission. To date, approximately two thirds of the €9.2 million project cost has been successfully fundraised by the cathedral.

In one year, the cathedral can accommodate up to 600,000 visitors, 90% of them coming from overseas. However, an unintended consequence of Covid-19 has meant St. Patrick's Cathedral has been empty since March, with no visitors, which means there is no revenue. The administrators now face a shortfall of €3 million for the repair of the roof. We all know the cathedral and probably drive by it every day. In terms of its location, antiquity and scale, the cathedral is one of the most important buildings on the island of Ireland. To pause the roof project would entail not only financial risk but a grave physical risk to the future of this historic, medieval building. If we are serious about kick-starting the economy in a post-Covid Ireland, I ask the Leader to ask the Minister to liaise with the board of St. Patrick's Cathedral, with a view to providing the extra funding in order that the cathedral can start welcoming visitors back without delay in the near future once the pandemic ends.

**Senator Victor Boyhan:** I wish to raise three issues with the Leader. First, I take this opportunity to welcome the news by the Minister for Agriculture, Food and the Marine, Deputy McConalogue, on the payment, two weeks in advance, for the GLAS scheme. For those who are not familiar with such payments, they are the green, low-carbon scheme, GLAS. In the past two years at least, there have been issues about payments being late or back payments. The scheme, which amounts to €138 million, will arrive this week in the bank accounts of almost 40,000 farmers on the GLAS scheme. I am happy to say I received calls today from two farmers, one in the west and one in Cork, who have received their payments this morning. It is good news, particularly at a time when farmers have had major difficulties with the weather affecting their primary income from farming and also the impact of Covid in terms of access

to cattle marts, etc., to sell animals. It has been a particularly challenging year for farmers. As the Minister said in his statement, these advanced payments are at a rate 85% of the full annual payment due to these farmers. This has enormous benefits to them and their families and more importantly to rural communities where the money will be spent. I thank the Minister for setting up a helpline number that will be open this Saturday and the following Saturday at 076-1064451. The email alias is *glas@agriculture.gov.ie*.

I also wish to raise the issue of coronavirus in mink, which has been identified in six countries from America to Italy. Six countries have reported coronavirus cases in mink farms amid growing concern about a new strain of the disease jumping from animals to humans. It is of concern in terms of health and people travelling from Denmark and across Europe. According to the World Health Organization, it is a major public health wake-up call for everybody. The Government should proceed with testing. We have three major mink farms in Ireland which now represent a health concern as well as an animal welfare concern. What is the status of the Government's commitment in the autumn legislative programme for a Bill to ban fur farming in Ireland anyway? The banning of fur farms is a proposal in the programme for Government. I would like an update on that.

Would it be possible to extend to the Taoiseach an invitation to come to the House? I say this in November because I know there is a long lead-in time. The previous Taoiseach made two or three visits to address the House. I ask the Leader to extend on behalf of the House an invitation to the Taoiseach to come to the House before Christmas.

**Senator Annie Hoey:** Today I will reflect on two issues, both pertaining to gender. Over the weekend the Leader may have seen the hashtag *#IrelandTurnsPurple* which was floating around social media with many photographs of locations around Ireland lit up with purple lights. It was quite stunning to see images from Cork to Dublin to Galway and everywhere. The reason was that Sunday was International Intersex Solidarity Day. To commemorate the day the Intersex Mapping Study in DCU launched the Ireland Turns Purple campaign. More than 60 landmarks, including Government Buildings and cultural institutions, turned purple to support the intersex community. The idea was to raise awareness and show support for the intersex community in Ireland and abroad. In October Ireland was one of 33 countries that signed up to the international joint pledge to promote and protect the rights of intersex people.

The DCU Intersex Mapping Study is mapping the lived experience of intersex people in Ireland. Hopefully, it will contextualise the existing knowledge of intersex people in Ireland and will inform law and policy designed to protect the rights of intersex people, protect them from discrimination and improve their lives.

According to the United Nations about 1.7% of the global population are intersex. For context, only about 5% of the global population have red hair. Obviously in Ireland the rate is a little higher at 10% with 40% of Irish people having the red hair gene. This indicates that many people are affected by the issue. I hope this weekend will shine a light both here and globally on intersex people and open a conversation about how we can support their lives and needs.

From yesterday until the end of the year the average Irish woman will effectively be working for free because the average Irish woman earns 14.4% less than her male counterparts. Yesterday was Equal Pay Day which ironically highlights the lack of equality in pay. This day is held every year, but the date changes in line with existing gender pay gap figures, getting closer to or further from the end of the year. According to EUROSTAT, Ireland's gender pay gap fell

from 17.3% in 2007 to 14.4% in 2017. This is just below the European average of 14.9%. We still have a bit to go. Many of us who support this campaign recognise that it is quite a blunt tool. There are many different reasons for disparities, for example, certain sectors attract particular genders and women tend to take more caring roles, but that does not mean that we cannot strive to tackle the gender pay gap. One of the main things we could do relates to legislation passed by the Seanad in the last session, which now awaits passage through the Dáil. I call on the Government parties to speak to their colleagues about jiggling that along to see if it could be passed through the Dáil quick smart.

**Senator Pauline O'Reilly:** Senator Hoey raised the issue of the gender pay gap and I would like to extend that conversation. One of my colleagues on Dún Laoghaire-Rathdown County Council yesterday passed a motion to ask the Government and the Minister to extend maternity and paternity leave to councillors. As more than three quarters of our councillors are men, it is time to take stock and look at the gender issue not only as it relates to Senators and Deputies. We have all spoken about that issue and we have also all heard Deputies mention, on many occasions, the problem of not receiving maternity leave. Deputies, however, earn more than €92,000 and receive up to €25,000 in expenses. A councillor earns €17,000 and receives €2,500 in expenses which cannot be used for childcare. This shows how difficult it is for women to get involved at the lowest levels of political life. An awful lot of the nearly one quarter of councillors who are women are not mothers. When I joined the council, there were other women on it but none of them were mothers. When women who are mothers are not involved in politics, we do not have people representing their point of view, which is also that of children. We therefore also see children not being represented to the fullest extent. Mothers know what it is like to look for a comfortable park bench on which to feed a child, to not have any active birth centres in Ireland, to have very little access to facilities for home births and to only have a milk bank in the North of Ireland and none in the South. All of us, but particularly those of us who feel the impact of them, can raise these issues. I ask the Leader to write to the Minister, Deputy Darragh O'Brien, to ask him to extend maternity and paternity rights to councillors.

**Senator Niall Ó Donnghaile:** I will make a quick point on Senator Pauline O'Reilly's contribution. The milk bank in the North was featured in a recent segment on the news. It has been impacted by the Covid restrictions and is seeking donations. It is encouraging mothers who can contribute to do so. The importance of this service is that it provides for babies who are sometimes very ill and very vulnerable in hospital. Given that the Senator mentioned the issue, I thought I would take the opportunity to reinforce the call the milk bank has made.

I echo the congratulations of others for President-elect Biden and Vice President-elect Harris. As we all know, and has been said here over the course of recent days, the President-elect has deep-rooted connections to Ireland. He is a proud Irish-American. He has been, and no doubt will continue to be, a steadfast friend to Ireland. At this point in time, we need our friends. While I appreciate and fully understand that people here want to investigate as much as possible and, dare I say it, lay claim to his geographical lineage, perhaps with a view to getting him to visit, we have more important asks of the President-elect and the US Administration at this point in time. It is really important to take the opportunities provided to us to again articulate some of those asks. All of us will have the opportunity to speak to friends in the United States over the coming days and weeks. It is really important we reinforce the message of solidarity that is required for Ireland in these very tempestuous days between now and the end of the transition period.

Our priority must be to continue to encourage the new Biden Administration to stand firm

on its very clear and welcome commitment to protect, defend and uphold the Good Friday Agreement. I hope the new Biden Administration will also bring a new era for American foreign policy more generally, which puts solidarity and justice to the fore and which rows back on some of the disastrous and awfully cruel policies taken by the current President, not least with regard to refugees, Palestine, Cuba and many other areas as well.

In finishing, I note the very significant announcement yesterday on a potential Covid-19 vaccine. We are advised it is cause for hope, although not yet celebration. It is important in these days that we have and sustain hope. We will have the opportunity in this House to discuss the Covid-19 level 5 restrictions but it is important to hear and understand any plans that the Government has in place to roll out any safe and medically compliant vaccine that gets to those who are most vulnerable and in need in a quick, efficient and free way.

**Senator Frances Black:** I will start today on behalf of the Dublin contingent by congratulating Mr. Joe Biden on his election to the US Presidency. I also congratulate Senator Kamala Harris on her election as US Vice President. Mr. Biden is a great friend of Ireland, as we all know, and he has stated categorically that the Good Friday Agreement cannot become a casualty of Brexit. That is a fantastic stance.

The destruction of the homes of 80 Palestinian Bedouins in the occupied West Bank under last week's blanket coverage of the US presidential election must be condemned by all right-thinking people. I invite the Minister for Foreign Affairs, Deputy Coveney, to the House today to explain the apparent contradiction between his condemnation of the Israeli destruction of a Palestinian village and his refusal to take any meaningful action. Describing the actions as brutal, violent and as clearly prohibited under international humanitarian law will not mean anything unless these words are accompanied by consequences.

Last week's demolition left 74 people, including 41 children, homeless during a pandemic and just as we approach winter. It repeated a grim pattern. Ireland and EU states give badly needed humanitarian aid to build homes and schools but the Israeli army then demolishes them. The Minister previously told the Dáil that EU states have sought €625,000 in compensation for demolished aid but how much has actually been recovered? Will we just repeat the process of giving money and building homes before watching them being demolished and then building them again? Is the definition of insanity not doing the same thing over and over again and expecting a different result?

Does the Minister believe the words of condemnation will be taken seriously? We have been criticising the process for decades but settlement expansion continues. Annexation is the reality on the ground and it has not been postponed, as many wrongly said during the summer.

Fine Gael was wrong to rely on the narrow and misguided opinion of the then Attorney General, Séamus Wolfe, in opposing the Control of Economic Activity (Occupied Territories) Bill 2018, despite a long list of experts in EU law insisting we could pass the legislation. The Bill would see us move beyond more condemnation and it is badly needed now. The Palestinian people deserve actions and not words. I hope the relevant clause the programme for Government will be implemented before it is too late and the possibility of a Palestinian state has disappeared.

**Senator Malcolm Byrne:** I echo the Leader's praise of RTÉ's coverage of the US presidential election, which exhibited public service broadcasting at its best. I think in particular of the



montage piece put together by Jackie Fox, Meabh Kearney and Cliona Higgins. It used some footage of Mr. Biden speaking the words of Seamus Heaney and we are only too well aware of the importance of poetry and the arts in communicating. The President-elect, Mr. Biden, clearly used that to very good effect. While we are on the subject of media coverage, many people were glued to the “magic wall” of John King who has also professed his Irish heritage. I suggest that the Cathaoirleach invites him for a special visitor’s tour of these Houses when he comes down from his electoral high.

**An Cathaoirleach:** I will put him on the list.

**Senator Malcolm Byrne:** Like others, I want to pay tribute to Mr. Paul Roche, an amateur genealogist in Wexford, who discovered that Joe Biden’s great grandmother, Catherine Roche, emigrated from Taghmon in County Wexford in the 1840s.

Today is World Science Day for Peace and Development and we all appreciate the importance of science and evidence-based research in tackling the pandemic and also in dealing with issues like fake news. The biggest challenge that we face, which science shows is happening, is climate change. I seek a debate in this House on the UN Climate Change Conference, COP26, which will take place in Glasgow next year, particularly in the context of Ireland’s approach to climate change. The Government has been very progressive with its Climate Action (Amendment) Bill 2020 but we need to consider not just what we can do domestically but what we can do internationally. In that context, I ask the Government to consider offering to host a future climate change conference.

**Senator Micheál Carrigy:** Unfortunately Longford cannot claim any part of Joe Biden.

I wish to raise the issue of student nurses. These young people have been providing essential care as care assistants during the pandemic. This experience is invaluable to them in their journey to become nurses. It is work which is necessary to fund their college fees and to support them while living away from home. However, a number of issues have come to the fore recently as these young people go on placement as part of their degree with no pay. Many of these students are back living at home and are doing their courses online because it is considered unsafe for them to go on campus and yet they are expected to go on placement to hospitals and care settings and either return home to their families or get accommodation near their placement without any financial support. These young trainee nurses have been asked to give up any part-time jobs they have in other care settings while on placement but there is no compensation for this, which is unfair. We all understand the importance of placement and direct experience but we are asking these young people to work for free during a pandemic when we know this will put them and their families at risk. Student gardaí are in receipt of financial support while training which is only right and proper, but why is this not also the case for student nurses? The Minister for Health will say these placements are part of their education and nobody is disputing that. During this pandemic, however, it is time to show fairness and respect to these young people. We want to keep them in their chosen profession and in this country when they graduate. In that context it is important to highlight their plight, support them and stop exploiting these young people who are on the front line.

**Senator Sharon Keogan:** The Government-mandated lockdown restrictions are causing immeasurable harm to the most vulnerable in this country. Sadly there has been a dramatic upsurge in the incidence of domestic violence. At the height of the previous lockdown, Women’s Aid responded to a 43% increase in calls from women who were trapped with abusers at home.

Women's Aid expects that it will be responding to thousands more pleas for help from victims over the course of the current lockdown.

Figures released today by Safe Ireland show that almost 2,000 women and 411 children were in receipt of some support from domestic violence services. Job losses, remote working, self-isolation and other measures related to the lockdown are already having an impact on victims. The reality that abusers are at home all of the time is terrifying. Many women and children will spend the next few weeks in suffocating circumstances with their abusers because of the Government-imposed lockdown. This ugly vista is largely out of the public gaze, beyond the long arm of the law and outside the lens of the media. We do not see the evil of domestic violence depicted graphically on the evening news in the way we see stricken patients in ICU gasping for air but it is every bit as tragic and real.

As a woman and parent, I would like to give particular mention to the plight of women and children suffering as a result of this increase in violence. Women and children who are the collateral damage from this Government's inhumane and ill-conceived rolling lockdown strategy.

*11 o'clock* The toll that domestic violence is taking on the health and well-being of women, children and families must be taken into account in the decision to end lockdown as soon as possible. I implore the Government not to turn a blind eye to the ill effects of lockdown. The Taoiseach, Tánaiste and Minister for Health should have the collective courage and sense to pursue a better strategy to genuinely living with the virus instead of hiding from it indefinitely, all the while ignoring the damage done to the health and wealth of this nation.

**Senator Erin McGreehan:** I welcome the Cathaoirleach's invitation to President-elect Biden. It is great news for Ireland that we have such a steadfast supporter of the Good Friday Agreement in the White House. As other Senators have said, we need all the support that we can get coming up to a critical time in the Brexit negotiations. As Biden is a Border politician from the Cooley Mountains he will know very well how important an all-Ireland economy is and how important the Border community is.

On a lighter note, the west tried to steal something from the Cooley Mountains a long time ago, and it ended in destruction. We must learn from our past and not relive the story of the Táin Bó Cúailnge.

On a serious note, I ask the Leader to invite whichever Minister is responsible, whether it is the Minister for Justice or the Minister for Children, Equality, Disability, Integration and Youth, to come into this House and report on the audit on how the responsibility for domestic, sexual and gender-based violence is segmented across different Government agencies. This is mentioned in the programme for Government. It was said that a report would be issued within nine months of the formation of Government. As Senator Keogan has said, this is very important. I am on the board for Women's Aid in Dundalk and we cannot help every family or every woman who comes knocking on the door. It really is important that we have a dedicated Department that will take over responsibility for dealing with domestic, sexual and gender-based violence.

**Senator Seán Kyne:** I would like to raise the issue of a survey that was carried out that showed, for the first time ever, that a majority of retail purchases by Irish customers were made online. Research by the Central Statistics Office, CSO, from 2019, shows that clothes or sports goods were the most popular online purchases, followed by holiday accommodation and other travel arrangements such as travel tickets and car hire. That is obviously a different world.



While the impact of the pandemic on shopping habits is not fully known, it is safe to say that the type of products and services purchased online this year will have expanded, although differently.

This has pros and cons for businesses but it also has ramifications for town and village centres and even our city centres. Previous research has shown that anything up to 70% of the online spend leaves Ireland. That means a loss of revenue to the State but, more importantly, it means devastating losses to Irish businesses. We should remember that Irish businesses, unlike some of the largest global ones, operate to the highest standards in terms of health and safety, and employee welfare.

The Government, both this one and previous ones, expanded supports and introduced new ones. Supports like the trading online voucher scheme, the restart grant and the Covid-19 online retail scheme have all helped. The latest round of the Covid-19 online retail scheme was announced yesterday by the Minister of State at the Department of Business, Enterprise and Innovation, Deputy English. I was delighted to see a dozen Galway businesses among the recipients. With funding of between €16,000 and €40,000, this funding is helping businesses in Galway, Mayo and throughout the country to expand their online presence, compete and, it is hoped, win business. However, there are many more businesses - less well-known businesses - that need support to overcome this existential threat.

I know the Tánaiste, Deputy Varadkar, and the Minister of State, Deputy English, are acutely aware of the pressure on Irish retailers throughout the country and are working on targeted supports. However, the situation is evolving rapidly, as can be seen by the recent research. For several years we have been working hard to revitalise and regenerate city, town and village centres. A vibrant retail sector is at the centre of these efforts. Walking around any city, town or village centre at the moment, the permanent closure of once thriving businesses is a painful sight, and this has been exacerbated, obviously, by Covid. I call on the Leader for a debate at the earliest opportunity on our town centres with the Ministers responsible for business and planning.

**Senator Mark Wall:** On behalf of the Kildare contingent, I congratulate President-elect Biden and Vice President-elect Harris. Obviously, as others have said, they are very welcome to the short grass county when they come to Ireland, and we look forward to that occasion.

Today, I wish to ask for a debate on a couple of housing issues. The first issue that needs to be addressed urgently is what I have previously referred to in this House as “intercounty HAP”, basically where a person from one county wants to rent in a neighbouring county. This is particularly a problem in the county where I live and reside, County Kildare, given our proximity to counties Carlow, Laois and Offaly. The Minister has said that it is possible to do this, and he has indeed said that on the record, but unfortunately the housing authorities in those particular counties have a different view of the matter, and they are not allowing people from my own county to cross the border and to receive the housing assistance payment, HAP, in those counties.

A recent example would be an area I have dealt with, a lovely area called Ballylinan. It has a postal address of Country Kildare but is in the Laois local authority area. Recently there was a house for rent there, and I knew a large number of desperate families were looking to rent the property. However, with the experience I have had, I had to tell them that they would not be able to avail of this particular property. I ask the Minister once again to address this issue. I

know that he will tell me that it can happen, but as I have said previously, my experience on the ground is that the local authorities are not allowing this to happen.

We also have another issue in County Kildare, whereby we have a number of those entitled to rent through the social rent system coming from Dublin. Because they have higher deposits etc., landlords are taking them on, which is reducing the number of properties available to those who need to rent in County Kildare. Obviously, we are still in a housing crisis, so I ask the Leader to ask the Minister to come before the House.

**Senator Fiona O'Loughlin:** I raise the issue of student nurses in the context of what is happening in Naas General Hospital at the moment. In that hospital, which is my county hospital, 35 nurses and ten healthcare staff are not present due to Covid restrictions, so the existing staff are under huge pressure. Many concerns have been raised about the situation within the hospital itself, for example, within a block of toilets in the hospital where some are labelled "Covid" and others are labelled "non-Covid". The fact that people may be going into a toilet block where there are others passing in and out, using door handles etc. is quite frightening when we consider how contagious we know Covid is. I ask that the Leader would go to the Minister about this issue. I certainly will be raising it on a personal level. It is a very crucial situation there.

In saying that, the issue I want to raise relates to student nurses who have ongoing placements in hospitals. The whole country is very much relying on them, and they are taking exactly the same risks as the qualified nurses. They are not in a position to go and work in care homes, which they would have done before, but obviously because of the danger of cross-infection, that is something that is not allowed, and that is very understandable. I believe, however, that these student nurses, while they are on placements at this time, should be getting paid. It is something we should call for because equality of work and equality of pay for work is hugely important.

**Senator Martin Conway:** Like others, I echo the sentiments in respect of our new President-elect in the United States. RTÉ definitely did excel in its coverage of the event, not just on election day, with its montage and so on, but in the run-up to it, particularly the "States of Mind" podcast with Jackie Fox and Brian O'Donovan. It certainly gave a very light-hearted but yet very informative appraisal in the run-up to the election.

I agree with the sentiments that have been expressed by others here in terms of the equality of pay day that took place yesterday. I also think however, that there is a big issue, and that is equal opportunities to employment for people with disabilities. Unfortunately, approximately 86% of persons with disabilities find it difficult to get employment, which is much worse than the European average. I would appreciate a debate in early course on employment opportunities for people with disabilities because when we move out of this pandemic, and hopefully with a vaccine we will be post-Covid in 2021, I want to see a different approach to employment opportunities and the creation of employment. Although the targets for employing people with disabilities in the Civil Service are commendable and very welcome and, to a large extent, have been achieved, the same does not happen in the private sector for two reasons. First, because people with disabilities do not have the opportunity to take up such employment and, second, employers do not have the necessary supports to put the right environment in place for people with disabilities to work within their structures. The Government needs to look at providing financial support to employers to allow them to give people with disabilities the opportunity to work. When the pitch is level and the structures and supports are in place, people with disabilities are as capable as their able-bodied colleagues of doing the job.

**Senator Paul Gavan:** I commend the comments of Senator Black. I put the support of my party behind her call for a Minister to come to the House on this issue. The indifference of the Government and the previous Government to the apartheid regime that operates in occupied Palestine is, frankly, unforgivable.

I wish to raise the issue of the pension age. As the Leader will know, Sinn Féin was a proud supporter of the Stop 67 campaign. The reason for that support was very simple. We do not believe it is right to tell workers who reach the age of 66 that the State cannot afford for them to retire and draw down a pension and, as such, they must wait another year. It is not good enough to tell construction workers who have worked for 45 years in a physically demanding, backbreaking job that they cannot retire at the age of 66. It is not good enough for retail workers or healthcare workers.

The issue is back in the news because the Minister for Social Protection, Deputy Humphreys, set up a commission on pensions last week and there was real concern about the balance on that commission. Orla O'Connor, the director of the National Women's Council of Ireland, stated:

There is currently no civil society gender perspective [on the new commission]. This means the direct experiences of women will not be reflected on the Commission.

Ethel Buckley of SIPTU stated:

The balance of its membership does not reflect the interests of those directly affected by the proposed increase in the pension age. Nor does it reflect the interests of those workers who rely entirely on the state pension for their retirement income.

Peter Kavanagh, head of communications at Active Retirement Ireland, stated:

We are disappointed at the lack of a voice for women or older people in the composition of the Commission which we believe will undoubtedly skew the conversation and may adversely affect the findings. For those most affected by pension inequality to be absent from the conversation is not the transparent and open process we had hoped for.

There are real concerns that, in effect, the commission will issue a rushed report by June of next year and effectively raise the pension age to 67. I wish to inform the Leader on behalf of my party that we will not allow that to go unchallenged. I am calling for a debate on this issue. There are real economic arguments as to why we do not need to move the pension age to 67 and they need to be aired urgently at this time.

**An Cathaoirleach:** Before I call on Senator Dolan, I wish to explain the order in which Members are being called. I have done so previously. I know Members have noticed Senators coming into the Chamber and being called ahead of other Senators who have indicated. Normally, when Members come in, they go on the rota but, because of Covid-19, we cannot have all the Fianna Fáil or Fine Gael Senators, for example, showing up at the same time because there simply are not enough speaking slots or microphones available for them. I have asked the party Whips to send in a list of speakers in advance of the start of the Order of Business in order that Members know when they will be speaking and that seats will be available for them.

**Senator Aisling Dolan:** As a real advocate for the Mayo Roscommon hospice, I too send

congratulations to President-elect Joe Biden. When he visits the Seanad and the Dáil, he will be representing the west of Ireland. Another person to fight for that region is sadly lacking. It is to be hoped that we will have another representative for the region in the Government and Oireachtas. Who knows, we might even ask President-elect Biden to be an honorary Senator. It is wonderful. It lifted my heart when I heard it. He is an immigrant to the United States, with his family coming from Mayo and Louth. The poem on the Statue of Liberty reads:

Give me your tired, your poor,

Your huddled masses yearning to breathe free.

It speaks about the importance of diversity in the US but also in Ireland. We can even see the value and importance of diversity in Germany with the new vaccine brought forward by Pfizer and BioNTech. The two German scientists are children of Turkish migrants so it shows the value of migrants and immigrants coming to our country and the importance of diversity.

Last week, I spoke about the challenges we had in Ballinasloe. I am delighted to see that Galway County Council has returned the application for the permit to operate the waste transfer station. This is an absolute win for Ballinasloe and for the Ballinasloe says No group. I thank everyone who supported the Ballinasloe says No campaign. The council's decision means the application did not meet the validation criteria set out in the waste facility permit regulations and allows the community in Ballinasloe more time to prepare a campaign, as needed, in the months ahead.

**Senator Vincent P. Martin:** I commend the Cathaoirleach and the Ceann Comhairle on moving so swiftly to invite the Government to consider extending an invitation to President-elect Biden to visit Ireland. They are clearly in tune with the Members of the two Houses and the people of Ireland.

It is with sadness that I convey my sympathy to the people of Palestine, who have lost one of their most prominent politicians, Saeb Erekat. He was their chief negotiator for decades. He was a champion of dialogue and of Palestinian rights. He repeatedly voiced his support for a two-state solution. He was secretary general of the executive committee of the PLO. In my capacity as foreign affairs spokesperson and on behalf of the Green Party grouping, I convey my deepest sympathy to the Palestinian president, the Palestinian people and his family. I have contacted Dr. Jilan Abdalmajid, who is the head of the mission of the state of Palestine in Dublin and is based in very close proximity to Dáil Éireann, to convey to her our deepest sympathies on this very sad occasion for the people of Palestine.

**Senator Ned O'Sullivan:** I do not have a question for the Leader but I commend the Cathaoirleach and the Ceann Comhairle on the speed with which they invited President-elect Biden to visit Ireland. As he is aware, there is an army of genealogists working in Kerry to establish an undoubted connection. We will depend on the Cathaoirleach to make sure that when he does come, he visits the kingdom as well.

I also commend An Taoiseach on his attendance at the commemoration ceremony in the North over the weekend. This was a first for the leader of my party. I know it is not the first overall. I welcome it and see it as a step forward - a small step maybe but all beginnings are small - in the road towards the move towards a shared island, which is starting to capture the imagination of the public and may very well offer a way forward and an alternative to the blind sectarian hatred we witnessed from both sides of the extremes in the North. He is to be con-

gratulated on that.

We have mixed feelings about the future with Covid-19. While one swallow does not make a summer, we should acknowledge that there has been a trend in the right direction of late. There are signs of hope. Naturally, we are all pinning our hopes on the efficacy of the proposed vaccine. People need hope in their lives, particularly coming up to Christmas. In that regard, I have an announcement that will be of major importance to the young people of Ireland. I can state categorically without fear or favour that I have it on the best authority that Santa Claus is coming this Christmas, Covid or no Covid.

**Senator Jerry Buttimer:** He was in Cork last Sunday.

**Senator Ned O'Sullivan:** He has made special arrangements and will be in observance of all the rules and regulations.

**Senator Jerry Buttimer:** His name is Mark Keane.

**Senator Ned O'Sullivan:** For the young people of Ireland you heard it here first: Santa Claus is definitely coming.

*(Interruptions).*

**Senator Gerard P. Craughwell:** How can that be followed? I have two things to raise this morning. One is that we hear constantly that the HSE is looking for people to work in the area of tracing. An entire army of veterans is available who are only too keen to come back to drive people to medical appointments, do tracing work and anything asked of them. Several of the veterans' organisations around the country are already doing things like shopping for older and vulnerable people using their own cars and paying their own costs. What are we offering them to come back and do something? We are offering them pension abatement. If they come back, we will take their pensions from them. We did not do that to consultants, doctors or other senior people who came back into the service. A private soldier on a pension of a few bob a week, however, will have that taken from him or her if he or she comes back to serve the State. That is wrong.

The second thing I will talk about this morning is gender pay and equality. I am tired of this situation arising. I have eight sisters, a wife, a daughter, a daughter-in-law and two granddaughters. I think my two granddaughters will probably reach my age before we see pay equality in this country. We are in the Houses of Parliament and we can solve this problem in the morning. Pay equality is in the public sector, so why the hell is it not law and why do we not make it law? By the way, the way we treat our women in politics is absolutely despicable. If a woman in this House has a baby today and she is needed for a vote tomorrow, she will have to come in. That is just wrong in every sense of the word.

Instead of all the hot air we hear about equality, let us actually do something about it. Let us bring in legislation that will force all organisations to pay equal pay. Senator Bacik spoke yesterday about the issue of equal pay affecting some of the highest paid women in this country. They are still 14% behind the men they work opposite, their peers and equals. It is wrong in every sense of the word and we should take responsibility for it.

**Senator Tim Lombard:** Our business community has been struggling, particularly in the past two weeks, in dealing with this lockdown. Restaurants, pubs and hairdressers are all work-



ing in a very limited capacity, if they are working in all. It has been a tough seven months for the Irish business community. We put major supports in place, such as the wet pub grant, the restart scheme and the restart grant plus scheme. Those supports have all worked to a degree and we must acknowledge that.

The major issue I have been coming across, however, particularly in the past two and half weeks, concerns the banks and how they have engaged with the business sector. I am concerned about the things I am hearing. These aspects include individuals having to go for remortgaging of their premises, and instead of having the 2.4% rate they were getting they are now being quoted up to 6% for these term loans. That will have a huge knock-on effect on the business community in future. People who have gone for overdrafts in the past two weeks have been asked for additional information or have been told that the bank might consider applications if they can apply with all that information. The amount of information being sought is unsustainable. It is not even practical for a short-term loan application. We must have a major debate regarding how the banks are engaging with our business community. If we do not, we will kill off our small to medium-sized businesses and that is becoming the biggest issue for me now.

It is appropriate that we have a debate with the Minister for Finance, Deputy Donohoe, on how he can engage with the banking institutions to ensure we have a level playing pitch. We do not have that now. There was a six months' rebate period in which banks stepped back. That has now ended. The banks are back doing what they did before, and that is being the bully. We need somebody to stand up for the small businesses, because they are not in a place, financially or mentally, to do that. Probably the biggest issue business owners have now is that they are mentally broke. It is important, therefore, that we have a constructive debate with the Ministers on how we can rein in the banks.

**Senator Paddy Burke:** I join with other Members of the House in congratulating President-elect Joe Biden and Vice President-elect Kamala Harris, and I support the decision of the Cathaoirleach and Ceann Comhairle to invite President-elect Biden to come to Ireland and address the Houses of the Oireachtas. I would also like to wish the former Captain of the Guard, John Flaherty, and the former Head Usher, Colm O'Rourke, well. They have given outstanding service to this House over many years. They were always courteous, obliging and helpful in every way they could be. I wish them well in their retirement and I hope they have a long retirement.

I want to ask the Leader about the marine planning and development management Bill and about the area of offshore wind power. The Bill is supposed to be enacted by next March and there are targets the Government and the country have to meet. Will the Government have to buy credits to meet the 2020 targets? The only offshore wind farm we have is on the Arklow Bank, which generates 25 MW. That is a small wind farm in the scale of things. The Government action plan, published in 2019, proposed that there would be 3.5 GW by 2030 and the programme for Government stated there should be no problem in having 5 GW by 2030. The marine planning and development management Bill will have to be enacted before that. I ask the Leader to invite in whichever Minister is responsible for this because it goes across a few Ministries, including the Ministry of Agriculture, Food and the Marine and the Ministry for Housing, Local Government and Heritage. It is important that we would have a debate on that because all the planned offshore wind farms are on the east coast and there is a huge challenge on the west coast, as well as many advantages. Much could be done there.

**Senator Jerry Buttimer:** I commend the Cathaoirleach and the Ceann Comhairle on their



decision to invite President-elect Biden and I congratulate him and Senator Kamala Harris on their election. I join Senator Byrne in congratulating John King of CNN on his wonderful exposé of how to carry out analysis of politics and I commend my past pupil, Brian O'Donovan, of RTÉ.

I primarily rise to support Senator Craughwell on the issue of gender pay equality. It is incumbent on us as Members of the Oireachtas to support the WorkEqual Oireachtas group. The 14.4% pay differential is unacceptable and untenable. There is a duty on all of us to work to eliminate that disparity in pay.

I ask the Leader to bring in the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, to discuss the issue of the Land Development Agency and Cork City Council developing the Cork docklands. I commend the work of the Land Development Agency and I pay tribute to the former Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, on the work he did in establishing and pioneering the Land Development Agency. Today, Cork City Council and the Land Development Agency will partner to develop the docklands of Cork city. There is the potential for 25,000 new living accommodation spaces and 29,000 new work spaces for people and that is incredible. I ask that we have that debate. It is an important debate to have. It is about developing our second city and that is what we should be doing. I commend the Cork footballers on their great victory last Sunday.

**An Cathaoirleach:** There was no need for that. The Senator was going so well and then he had to mention that. It was a bad enough year and then that had to happen.

**Senator Regina Doherty:** I have no skin in the game between Cork or Kerry but it gave great joy in our house and it was something to shout out at on the telly at the weekend. Sport is definitely something to be welcomed.

A number of colleagues asked for debates and I will put in requests immediately. A number of them are tied together and that might be significant with regard to maybe having a day-long debate on the marine planning and development management Bill and our obligations around climate change, including solar farm development and offshore wind development. We might try to arrange that for a particular day now that we have some consistency in our sitting arrangements between now and Christmas, please God.

On Senator Boyhan's suggestion, there is a long-standing invitation to the Taoiseach and the Tánaiste. It was one of the first things I did in July of this year. I will revisit that. An opportune time for the Taoiseach to come before the House would be January. There might be a lot more hope following the announcement by Pfizer yesterday on the development of the new vaccine.

To Senator O'Sullivan, I say I am very pleased to hear for all the children of the country that Santy will be coming.

There were several requests for letters this morning. I will send them today and send the Senators copies.

I concur with the welcome that everyone has given to the lift that not only all Irish people got at the weekend, but which many Americans also felt from the hope given by a new Administration in America. We will probably conclude negotiations around Brexit in the next few weeks. From our perspective, the influence of the result can very much be felt, even in the smallest phrases that are used by significant people in power and the tone that is set, in how things will

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go forward. We have seen four years of an Administration that has allowed things to be said in a manner and substance that has degraded politics and has allowed societies on both sides of the very large pond around which we live, to be entertained where we would never have entertained such discourse before. I really hope that what happened over the weekend will bring about an enormous change in how we deal with each other politically and on a human level, and that the fake news that we have had to entertain in recent years will be dead and gone once 2021 comes.

Order of Business agreed to.

### **Technological Universities Act 2018: Referral to Joint Committee**

**Senator Regina Doherty:** I move:

That the proposal that Seanad Éireann approves the following Order in draft:

Technological Universities Act 2018 (Section 36) (Appointed Day) Order 2020,

copies of which have been laid in draft form before Seanad Éireann on 28 October 2020, be referred to the Joint Committee on Education, Further and Higher Education, Research, Innovation and Science in accordance with Standing Order 71(2)(b), which, not later than 25th November, 2020, shall send a message to the Seanad in the manner prescribed in Standing Order 75, and Standing Order 77(2) shall accordingly apply.”

Question put and agreed to.

### **Appointments to Legal Services Regulatory Authority: Motion**

**Senator Regina Doherty:** I move:

That Seanad Éireann, noting that the Government agreed on 28th October 2020 to propose, for the approval of Seanad Éireann, the appointment or re-appointment, as the case may be, of the persons concerned to be members of the Legal Services Regulatory Authority, and pursuant to sections 9 and 10 of the Legal Services Regulation Act, 2015, approves the appointment of Simon Murphy, with effect from 1st October, 2020, by the Government to be a member of the Legal Services Regulatory Authority in accordance with that Act, and the re-appointment of Don Thornhill, Angela Black, Eileen Barrington and Joan Crawford, with effect from 1st October, 2020, by the Government to be members of the Legal Services Regulatory Authority in accordance with that Act, such appointment or re-appointments being for a period not exceeding four years from the date of appointment or re-appointment, as the case may be, as the Government may determine.”

Question put and agreed to.

*Sitting suspended at 11.32 a.m. and resumed at 1.30 p.m.*

**Gnó an tSeanaid - Business of Seanad**

**An Cathaoirleach:** I have received notice from Senator Victor Boyhan that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Finance to make a statement on his plans to reform the local property tax.

I have also received notice from Senator Joe O'Reilly of the following matter:

The need for the Minister for Housing, Local Government and Heritage to consider an extension of the pheasant shooting season until February 2021.

I have also received notice from Senator Micheál Carrigy of the following matter:

The need for the Minister for Health to outline the timeline of the change in organisation status from section 39 to 38 of St. Christopher's Services, Longford; and if he will make a statement on the matter.

I have also received notice from Senator Fiona O'Loughlin of the following matter:

The need for the Minister for Health to provide medical cards to people with terminal illnesses.

I have also received notice from Senator Lynn Boylan:

The need for the Minister for Agriculture, Food and the Marine to outline the measures to be undertaken to ensure the responsible sale of dogs in the lead-in to Christmas.

I have also received notice from Senator Timmy Dooley of the following matter:

The need for the Minister for Education to provide funding for the construction of a physical education hall as part of the school extension at Gaelscoil Mhíchíl Cíosóg, Ennis, County Clare.

I have also received notice from Senator John McGahon of the following matter:

The need for the Minister for Housing, Local Government and Heritage to allocate urban regeneration funding for the Bridge Street and Linenhall Street areas in Dundalk, County Louth.

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

The need for the Minister for Justice to make a statement on the recent High Court judgment in the Schrems II case and its implication on Ireland's reputation for overseeing the regulation of European citizens' data.

I have also received notice from Senator Garret Ahearn of the following matter:

The need for the Minister for the Environment, Climate and Communications to make a statement on the roll-out of the national smart metering programme.

I have also received notice from Senator Regina Doherty of the following matter:

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The need for the Minister for Social Protection to instruct regional Intreo offices to process outstanding short-time work support applications by Aer Lingus workers.

I have also received notice from Senator Paul Gavan of the following matter:

The need for the Minister for Education to outline the transitional arrangements in place to deal with applications outstanding on the closure of Caranua at the end of this year.

I have also received notice from Senator Fintan Warfield of the following matter:

The need for the Minister for Business, Enterprise and Innovation to examine contractual issues for mobile home owners in holiday parks.

I have also received notice from Senator Martin Conway of the following matter:

The need for the Minister of State with responsibility for special education and inclusion to outline her plans to carry out a review of visiting teacher services for visually impaired students at second level.

I have also received notice from Senator Ivana Bacik of the following matter:

The need for the Minister for Health to provide a timeline on the reopening of community social day care facilities for older persons, and respite care facilities for older persons and their families.

I have also received notice from Senator Robbie Gallagher of the following matter:

The need for the Minister for Health to put a plan in place for consultation between the Department of Health and the National Public Health Emergency Team to ensure the safe reopening of retail establishments in December 2020.

I have also received notice from Senator Mark Wall of the following matter:

The need for the Minister for Transport to provide an update on the progress of the new town distributor road for Athy, County Kildare.

The matters raised by the Senators are suitable for discussion and I have selected Senators Boyhan, Joe O'Reilly, Carrigy, O'Loughlin and Boylan, and they will be taken now. Senator Dooley has withdrawn his matter which I had originally selected.

The other Senators may give notice on another day of the matters they wish to raise.

## **Nithe i dtosach suíonna - Commencement Matters**

### **Property Tax**

**An Cathaoirleach:** I thank the Minister of State for coming to the House and for bearing with us on that procedural issue.

**Senator Victor Boyhan:** I thank you, a Chathaoirligh, for selecting this matter. I welcome the Minister of State, Deputy Fleming, to the House.

This relates to reform of the local property tax. I am calling for an end to the local property tax section 8 exemptions. Some elderly people in their 70s, 80s and 90s living in locations like the one in which I live, Dún Laoghaire, have no income other than the State pension and are paying the tax. They can apply for a deferral which is not always granted. As the Minister of State will know, many people do not like to leave unfinished business behind them. They do not want to leave debts or bills behind them for anyone. It is part of our psyche, which I understand.

The existing exemptions are as follows. Properties purchased in 2013 are exempt until the end of 2021 if used as a sole or main residence. Properties that were self-built from 1 January and 1 May 2013 are exempt until the end of 2021 if used as a sole main residence. Properties that were self-built after 1 May 2013 and before 1 November 2021 are not liable for LPT until 2021 even if sold again in that period. New and previously unused properties purchased from a builder or developer between 1 January 2013 and before 1 November 2021 are exempt until the end of 2021 even if sold again in that period. Residential properties constructed and owned by a builder or developer that remain unsold and have not yet been used as dwellings, known in the business as trading stock, are exempt.

I think it needs to end. There was a logic for it, but no longer. We are in a different time. Last week I cited an example of two professionals living in a house valued at nearly €2 million and they are not paying this tax. This tax has no relationship to people's income. It is associated with the value of the house. It is an unjust and unfair tax. I have always strongly advocated for a local council contribution. It can be called a local council tax or whatever the Government likes, but it needs to be upfront and straight with people. I recognise that local government needs funding and that people should pay for that. I am not here to advocate that councils not be given an income. Local authorities are strapped. In essence what I am saying is that the local property tax needs to be reformed and that the current exemptions are grossly unfair to both other payers of the local property tax, LPT, and to those involved in the local authority.

While I am on my feet, I will stress that I support local authorities and recognise their needs and the difficulties they have in funding their core services. We have to do everything we can to increase their income but the reality is that we need, on another day, a long debate to tease out how we are going to sustain and fund our local authorities so that they can be viable. If we want to empower local communities and address the issues of subsidiarity and of making decisions at a local level, we have to give local authorities adequate funding to do their work and, more importantly, we have to hold them to account. The job of city and county councillors is to hold council executives to account to ensure that they get value for any citizens' money used and that it is used appropriately. Will the Minister of State touch on the issue of section 8? What is the Government's plan to address this anomaly under the programme for Government?

**Minister of State at the Department of Finance (Deputy Sean Fleming):** I thank Senator Boyhan for raising this matter. He has given a very detailed list of properties that are exempt from the tax introduced in 2013 to provide a stable sustainable funding base for local authorities, broadening general taxation measures. It has raised approximately €3.5 billion to date. Approximately €473 million is raised by the tax per annum. This goes to fund the local authorities. The Senator has clearly outlined the need for such a tax to fund local authorities. The taxation of property through a recurring annual tax is less economically distortionary than tax on either income or capital. Income and capital can increase or decrease whereas property

tends to remain fairly steady. It is the norm in international and European jurisdictions to have some level of property tax.

Moving on to what the Senator has said, the 2020 Programme for Government: Our Shared Future includes commitments in respect of local property tax. It provides that legislation will be brought forward for the tax on the basis of fairness and that most homeowners will face no increase. That is a very clear statement. It is also intended to bring new homes, which are currently exempt from the local property tax, into the taxation system and to retain all money collected within the county, which the Senator will be very pleased to hear given that he comes from Dún Laoghaire. This is to be done on the basis of those counties with a lower LPT base having their income adjusted via an annual national equalisation fund, paid from the Exchequer rather than from local property tax paid in other local authority areas.

The Minister for Finance recently announced his intention to advance legislative proposals early in 2021 to implement these commitments. Ideally, legislation to give effect to the LPT measures I have outlined would have been enacted in 2020. However, the protracted nature of the government formation process following the general election in February and the necessary prioritisation and focus on dealing with the impact of the Covid-19 pandemic delayed decision making on the future of the LPT. The Minister was also very conscious of the practicalities and the need to allow Revenue sufficient time. Essentially, because of Covid and a government not being in place, there was not time to do it this year, even though that was what was intended.

The Minister deferred the revaluation due for 1 November 2020 through SI 458 under section 13(3) of the Finance (Local Property Tax) Act 2012. This decision means that taxpayers will not be faced with increases in their LPT bills for 2021 other than what a local authority may choose to apply in its particular area using the local adjustment factor.

As I have said, we are dealing with this issue under the programme for Government. To put a figure on it, the exempt cohort amounts to around 23,000 properties which were in the process of being built or sold during 2013. These were known to exist and are specifically exempt. The Senator has asked that they now be brought into the system. In addition, there is a much bigger category, that of houses that have been built since 2013. They are not exempt because they were never in the net in the first place. We now have exempt properties that were new in 2013 and those that have been built since and were not even included on the register. They are therefore not exempt and also need to be brought in. This change would bring an extra 80,000 houses nationwide into the system. That would result in approximately 100,000 houses being brought into the system overall, and at an average figure of approximately €320 per house, this would bring approximately €32 million into the local property tax fund nationwide, or an additional 7%. That will happen during the coming year.

**Senator Victor Boyhan:** There are 6,000 properties in the Dún Laoghaire-Rathdown County Council area that are outside the net. At an average local property tax of €675 in the area - it is lower than the real average but we can use it as the figure - this equates to €4 million gone that the local authority could do with.

I will read an extract from a letter in *The Irish Times* the other day from a pensioner. It states:

I believe in paying my fair share but this is unjust. I urge the Government to modify this local property tax in a fair and just manner, and to have regard to the very limited and low



income of many older people in our State.

I will leave the Minister of State with that.

There is a need for some exemptions but not these exemptions. We must look again, particularly at older people who are in houses. They are described many times as “empty nesters”, which I find very offensive language. These people live in their homes and it is where they have communities. They want to stay there and they should not be penalised for that. I ask the Minister of State to bear that in mind when the local property tax is reconsidered or reviewed.

**Deputy Sean Fleming:** I understand the gist of the argument and accept what the Senator said. He highlighted regarding Dún Laoghaire the large amounts of money that may be due to a local authority when the changes are made next year. They will flow into 2022. As I said, the figure nationwide will be approximately €32 million.

The programme for Government includes the provision for fairness and most homeowners will face no increase. Although there will be a change in the tax, it is proposed there should not be an increase. The Senator has pointed out the difficulty that the tax is based on property rather than income. There is a strong case that there should be some appreciation of a person's income if he or she is in a high value property but it is not part of the legislation enacted in 2013. There is no doubt that when we see the legislation early next year, there will be quite a debate on that element.

We will have specific legislation rather than including it in the Finance Bill that will come before this House shortly. It has previously been ruled that local property tax measures do not come within the definition of a money Bill provision as contained in Article 22 of the Constitution. Stand-alone legislation will come before the Houses of the Oireachtas on this early next year. I thank the Senator for raising the topic.

### **Covid-19 Restrictions**

**Senator Joe O'Reilly:** I thank the Cathaoirleach for selecting this important matter for rural Ireland. I welcome the Minister of State, Deputy Malcolm Noonan, to the House. We attended a similar virtual event recently and although the circumstances were difficult on the evening in question, we got through it.

The Covid-19 virus and the various regulations contained in the plan for living with Covid-19 have created truly exceptional and unprecedented circumstances for all us, prompting Government interventions in many aspects of Irish society in order to mitigate the negative impact of the virus. I wish to speak about one such instance today. The recent decision to move to level 5 of the plan for living with Covid-19 has had the effect of prohibiting the shooting of game birds even if the participant is hunting alone and within 5 km of home. Sunday, 1 November marked the beginning of the game shooting season, the biggest day in the calendar for many rural people. However, the shooting sports community stayed at home and played its part in supporting the national effort to combat the deadly threat to our communities from Covid-19. Country Sports Ireland, a leading representative body for shooting sports, is now calling for an extension of the season for pheasant shooting until February 2021 to compensate for time lost during November 2020 and I support that call.

Every year approximately 2,000 gun clubs and organised game shoots comprising around 50,000 members spend millions of euro rearing, releasing and caring for game birds, the great majority of which are pheasants. They also control pest and predator species for farmers and other land managers, provide supplementary feeding for wildlife, plant woodlands and cover crops as well as sympathetically manage habitats such as upland areas or wetlands. All of this extremely important conservation work is done at no cost to the State. The health benefits of outdoor recreation such as shooting sports are well documented and it is imperative that we do everything we can to enable citizens to participate in such activities during what are challenging times for everyone in rural communities.

The recent move to level 5 resulted in the prohibition of the shooting of pheasants until at least 2 December 2020. It is possible that there could be further restrictions on shooting before the end of the season on 31 January 2021. Therefore, a significant proportion of the shooting season for pheasants will be lost and this unexpected and unprecedented occurrence may lead to an overabundance of adult pheasants post-season. This may have an adverse effect on the welfare of pheasants and other species in terms of the availability of food sources in spring 2021. The number of pheasants released would in any other year be perfectly sustainable but the unforeseen circumstances caused by Covid-19 and in particular, the provisions under level 5 of the living with Covid-19 plan, have created an exceptional situation which must be addressed.

Under the Wildlife Act 1976, the Minister for Housing, Local Government and Heritage is empowered to grant licences which permit the hunting of pen-reared pheasants during the month of February. This is principally because pheasants are not an indigenous species and are not a conservation concern. Their numbers are boosted each year by release programmes and in any case, I am advised that they breed much later in the year, in April and May. All of the clubs and organised game shoots that release pheasants during 2020 should be granted a licence to shoot until the end of February 2021 for environmental balancing purposes. I ask the Minister of State to indicate that the Minister will favourably consider licensing the hunting of pen-reared pheasants until the end of February 2021 under the provisions of the Wildlife Act 1976, provided we are not under level 5 restrictions at that time. This extension already has a standing in law and would be a cost-effective and direct approach to resolving a potentially significant conservation issue. I look forward to the Minister of State's response.

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan):** I thank Senator O'Reilly for raising this matter. I recall the virtual platform we shared with representatives from our sister city of Formigine in Italy. It was a very enjoyable experience.

The matter raised by the Senator must be considered in the context of Ireland's approach to dealing with the coronavirus pandemic and in particular, the level 5 restrictions currently in place. The Government has spelled out specific areas where certain activities may continue during the level 5 phase but the general approach is that people should stay at home as much as possible except in exceptional circumstances. We can say at this stage that the strategy under level 5 restrictions is beginning to have the desired effect with a reduction in the number of Covid-19 cases in the past week. This is a really good downward trajectory in addition to the stabilisation of ICU admissions. We are, of course, deeply indebted to our front-line workers and mindful of the families who have lost loved ones due to Covid-19. The current restrictions have impacted on all of us in one way or another. The restrictions have necessarily impacted on a range of sporting activities and this includes a number of outdoor activities such as hunting, whether it be shooting pheasant, duck, deer or other species. While my Department has a role

in the conservation of protected species, the Department does not have a function in granting exemptions from compliance with public health regulations made in the context of Covid-19. Such exemptions are made on public health grounds.

The hunting season for pheasants is regulated by legislation known as the open seasons order, a statutory instrument made under the Wildlife Acts. Under this order, the hunting of pheasants extends from 1 November 2020 to 31 January 2021. There is no requirement for a licence from my Department to hunt pheasant except in the case of pen reared pheasants. Of course, all hunters do need a current firearms certificate issued by An Garda Síochána for any hunting activity. I am aware that An Garda Síochána recently issued a statement indicating that pheasant shooting is not permissible under level 5 restrictions. The National Parks and Wildlife Service of my Department has also issued a statement indicating that licences issued by the NPWS do not in any way confer exemptions in respect of compliance with public health guidelines.

I am conscious that most individuals who hunt pheasant do so for recreational purposes. That point was well outlined by Senator O'Reilly. It would be my hope as, indeed, it would be the hope of most of us, that the success of the current level 5 restrictions in reducing the level of Covid-19 cases will continue and allow the Government to ease restrictions next month. This may well see a return to pheasant shooting but, clearly, this will depend on the success achieved and the advice available to Government later during this current phase.

While I have no current plans to extend the hunting season for pheasant to the end of February 2021, I have listened carefully to the Senator. Like others, I await the outcome of the current level 5 restrictions in that context and I will keep the matter of the pheasant hunting season under review.

**Senator Joe O'Reilly:** I thank the Minister of State for his response. I join with him in acknowledging the success and sacrifice made by people to achieve success over the coronavirus, which is admirable. Among that cohort of people engaged in achieving that success are the people who do the shooting in question and the country sports that I have set out.

Originally I made the point that if level 5 were to pertain at the time, then it is a very different context. I welcome the fact that the Minister of State will keep the situation under review. I appeal to him to look at the fact that we will have an overabundance of pheasants so subsequently there will be balance issues, bird welfare issues and habitat issues. If we do not have an intervention in February then I ask him to consider the facts that the breeding season is much later and around 50,000 citizens have had their activities curtailed but acquiesced very patriotically. I appeal to the Minister of State to keep the matter under review and I hope that he will be able to grant an extension at the time.

**Deputy Malcolm Noonan:** I take on board the points made by the Senator. I agree with him that many people have, throughout this year, had a really terrible experience and had life experiences robbed from them. Family events and family occasions have all been denied to people. Our memories of this year will be very painful ones collectively for the nation and globally and it is important to acknowledge that. We are still unsure of the trajectory of this pandemic. We could certainly ease restrictions in December and end up in a very challenging situation again. The announcement of a possible vaccine may not really have an impact until towards the end of next year. So it is really important to keep a very open mind as to where we are going with this.

While the Government is moving from the current level 5 restrictions, hopefully in December, we must keep an open view and be mindful that these are public health guidelines primarily that have served us well. It is important that we continue to follow those guidelines and within that I shall monitor the situation.

## Care Services

**Senator Micheál Carrigy:** I welcome the Minister of State to the Chamber. On the Order of Business of 29 July, I spoke about the 1,700 independent not-for-profit section 39 organisations that operate in Ireland, and in particular, St. Christopher's Services, which operates in my own area of Longford, and St. Hilda's Services of Athlone. St. Christopher's Services provides day services for 141 adults, full-time residential care for 39 adults, respite care for 50 adults, and day-to-day respite for 15 children.

The biggest challenge facing an organisation such as St. Christopher's Services, which has a staff of 239 full- and part-time members, is retaining staff. In 2019 and 2020, St. Christopher's Services lost 10% of its permanent workforce. Staff are due to receive €1.3 million in cumulative back pay dating back to 2010. The difference in the pay scales of where staff should be, and where they currently are, is a figure of €1.275 million. Many of the staff are being paid under 2013 Department of Health consolidation pay scale rates, rather than the 2019 rates, which means that there is a high level of competition for very skilled workers. St. Christopher's Services is losing many of its staff to other HSE services, section 38 organisations and private providers. This is largely due to the massive discrepancies in pay for section 39 staff. They recruit and train staff, who are then tempted to go and work for section 38 organisations or the HSE, where conditions of service and pay are much better. They want to continue to work within the sector, and, in many cases, within the organisation they already are in, but obviously for financial reasons, they have to move, and we cannot blame them for this. If these organisations cannot retain existing staff or attract new staff, the organisations will not last into the future.

When I spoke in the Seanad I received a high volume of correspondence from staff on the issue. I will now quote some of the comments that were made to me: "changes in staff affecting the users"; "workloads on staff increasing, especially during Covid"; "staff are at breaking point"; "we are deemed to be front-line staff, yet we are treated as second class citizens"; "I am on half the pay of my HSE counterpart; it is simply not good enough." It is not good enough.

The independent not-for-profit group, while partly funded by the Government, is accountable to the State, and while standards of accountability, compliance and regular restructures have increased substantially over the past decade, the necessary additional funding to assist this work has not been put in place. These services do not focus on making profits like the private sector, but rather on improving and sustaining our communities and society in general, by building a relationship with users, their families and friends. These workers took pay cuts when we bailed out the banks earlier in this decade, and have been waiting ever since to have their wages restored to parity with their work colleagues in section 38 organisations or the HSE. There is a belief among these organisations that the State does not value their contribution as much as it did in years gone by.

We need to appreciate and cherish our voluntary sector. This means treating those involved with fairness and respect to ensure services are secure for the families and communities that

use them. Section 39 organisations provide a range of social care services and other supports nationwide and receive an element of State funding to do so. These are non-profit organisations that provide residential respite and day services to vulnerable people, many of whom are wholly reliant on these services. Among the voluntary organisations are hospices, mental health providers, nursing homes, home care providers, small community-based groups and social care services. The voluntary sector provides some two thirds of all disability services and 80% of residential services. I would like to take this opportunity to commend the many volunteers and board members of these not-for-profit organisations, who provide such a fantastic service, along with the staff, in keeping the services going, particularly in these difficult times.

We must take steps, not only to improve the conditions of those who work so hard on our behalf, but on behalf of those who are dear to each one of us. These organisations make valuable contribution across Irish society and have an integral role in the health and social care sector, where the State relies on these organisations to deliver core health and social care services through various contractual agreements. It must put in place the necessary steps to ensure full pay restoration to section 39 workers because that is what they deserve. We are all agreed that we want higher standards in the sector, and there are more people living longer with more complex needs.

I am deeply concerned about the provision of funding, not just for the workers, but for the infrastructure of the services, especially in the area of disabilities and mental health. While the process of pay restoration has commenced, many organisations are in perilous financial situations and are operating at a financial deficit. The Special Committee on Covid-19 Response heard that there were no developments sent to approximately 250 of the other State organisations with regard to funding. The initial 50 organisations were funded. Section 38 guarantees the future of the service indefinitely and provides much-needed reassurance around the correct funding for the service in the years to come.

This issue has been debated in both Houses previously. Various Ministers have been raising this issue since as far back as 2013 or 2014. As Members are aware, the HSE has assured the Department of Health that it is committing to working intensively with such organisations and will support them as appropriate. However, I wish to stress that the time for talking, publishing reports and giving recommendations is done. Action is needed.

**An Leas-Chathaoirleach:** I welcome the Minister of State, Deputy Rabbitte, to the House and congratulate her on her recent appointment.

**Minister of State at the Department of Health (Deputy Anne Rabbitte):** I thank the Leas-Chathaoirleach for his kind words and Senator Carrigy for raising this matter. At the outset, I wish to acknowledge the important services provided by St. Christopher's Services in Longford and the commitment of its staff to people with disabilities and their families. St. Christopher's is a service with which I am very familiar. Several Oireachtas Members have highlighted the important work of the service and what it means to the people of Longford and the surrounding area. It has a long and well-established track record of working with people with intellectual disabilities in the county. Residential services are provided by St. Christopher's to more than 35 service users by way of supported living, independent living and health and social care. As the Senator rightly outlined, day services are provided to more than 140 service users. It also delivers respite services through various models to approximately 50 adults and 14 children.



St. Christopher's Services is a non-statutory organisation funded by the HSE under section 39 of the Health Act 2004. In 2019, it received more than €9.8 million in funding from the HSE. The HSE expects the final funded position in 2020 to exceed that figure. As the Senator will be aware, the HSE is not the sole source of funding for the organisation. I understand that it also receives funding from the Department of Education in respect of St. Christopher's Special School, well as through other channels including fundraising and support from the parents and friends of the organisation. Funding is provided by the HSE for the provision of services in accordance with the terms of the service arrangement agreed yearly with the organisation and is underpinned by section 39 of the Health Act 2004. Organisations funded under that section of the Act receive grant assistance from the HSE to provide services similar or ancillary to services the HSE may provide. This is different from section 38 organisations, which enter into an agreement with the HSE to provide health or personal social services on behalf of the HSE. As of now, there is no established procedure or means by which an organisation can cease to be a service provider funded under section 39 of the Health Act 2004 and become a service provider under section 38 of the Act. Furthermore, section 39 services extend beyond those that provide services for health and social care. As such, changes in the status of such organisations may have broader implications for the State.

Service level agreements are a governance matter for the HSE and the relevant section 39 agency. The Department makes no decision on these matters. In the event of a dispute between the HSE and a section 39 agency, the parties are expected to resolve those differences through mechanisms set out in the service level agreements. I am told that St. Christopher's Services was one of the 50 pilot organisations party to the Workplace Relations Commission, WRC, agreement reached in October 2018 with regard to pay restoration for section 39 organisations. I understand that the WRC pay restoration process for the organisation is completed. Issues surrounding staff pay with regard to section 39 organisations such as St. Christopher's are a matter for those organisations to resolve internally.

**Senator Micheál Carrigy:** I thank the Minister of State and wish her well in her role. I apologise for not congratulating her earlier. In her concluding remarks, the Minister of State stated that these issues have been resolved but the reality on the ground is that the issues of staff and increments have not been resolved. A significant amount of money is outstanding. I gave the figure earlier. It is over €1 million to which these staff members are entitled. They took these cuts during the downturn in the economy and they are entitled to the return of their increments. An organisation like St. Christopher's Services that is reliant on a lot of local fundraising to run many of its services is not in a position to pay these increments to staff. It is incumbent on the State to pay them their increments and bring up their pay scales so that the organisation is able to maintain its staff levels. The reality is that if St. Christopher's Services is unable to do that and folds, the HSE will have to provide those services and the staff will be paid at a higher level. I am not happy with the answer. It is incumbent on the Department and the HSE to make sure that these pay scales are brought up.

**Deputy Anne Rabbitte:** The Senator made his point very clearly and eloquently on behalf of St. Christopher's Services and many more organisations across the country. There was a pilot involving 50 of those organisations in 2018 and 2019. It is working its way through the WRC, as I clearly explained. This has not concluded in its entirety. In his speech, the Senator mentioned approximately 250 organisations that find themselves within that remit, of which 110 are from the disability service delivery sector in section 38 and section 39 organisations. It is a very emotive subject for staff who have taken pay cuts and have not received their incre-



ments and for providers who can find it very hard to recruit and retain staff while other operators such as the HSE can easily operate. It is in the programme for Government and will be addressed over our term.

## **Medical Cards**

**Senator Fiona O'Loughlin:** When anyone is faced with a difficult health diagnosis, particularly if it is terminal, it is simply life shattering for that person and his or her family and close friends. Apart from the emotional impact and the stress about diagnosis, treatment and the financial impact, there is the significant concern about whether a person can afford to pay for treatment or get a medical card and if he or she was eligible, how long it would take get that medical card. All of us in politics know how complex and difficult it is to get a medical card. There are many difficulties and complexities involved. Dealing with paperwork and bureaucracy while terminally ill is the last thing a person needs. These people need to be able to get on with their lives along with their loved ones for however long they have left.

Currently, only those with a 12-month prognosis qualify for an end-of-life medical card. However, it is understandably very difficult to get consultants to provide a definitive timeframe such as this and those who fall outside the 12-month parameter find it very difficult to obtain a card. Even those who do qualify are means tested - I would call it a mean test as opposed to a means test - and must renew it every six months. People facing a life-ending illness should not have to worry about a financial burden imposed by their medical expenses. Added to that is the length of time it takes to get a card. All applications need to be screened initially for serious or terminal illnesses and fast-tracked. We have a problem when we have 1.5 million people on medical cards - more people than ever before - but those who really need them do not have them. We have all heard of John Wall, the Clare man who is terminally ill with stage 4 prostate cancer, who has been an incredible advocate for people in this situation. His medical card was revoked twice after reviews by the HSE. It was reinstated, with an apology. Fair play to him. He continues to campaign to get better access to medical cards for those with a terminal illness. In a letter dated 15 August 2019, the Ombudsman stated that he had "considerable concerns" about "inconsistencies" and "misleading information" given to Mr. Wall. This is incredibly worrying. I speak as someone who has gone through this situation with a family member. The final report of the clinical advisory group is due soon and I certainly hope it will contain good and positive news for people like John, who should be spending their days with their families and not campaigning for fair treatment. I welcome the news of a meeting last Friday between John and the Minister for Health, Deputy Stephen Donnelly. I hope that positive progress has been made and that we will be informed of that in the coming days.

**Deputy Anne Rabbitte:** I thank Senator O'Loughlin for raising this matter. She has quite rightly referred to John Wall in her speech. It is some 12 months since we were in the audio-visual room in Leinster House when Mr. Wall made a presentation to Members. Brian Lynch from Gort, in my constituency, was also there on the day. At that point the situation with self-employed people was part of one of the issues. When we talk of means testing we also must look at those people who are self-employed, which was part of the campaign. It is an important issue that has been the centre of much commentary and debate recently, namely, the ability of terminally ill patients to have access to a medical card.

At the outset, it is important to provide clarity for our patients and to reassure them that the

process provides for a person who has a terminal illness to be eligible for a medical card, and that it is possible through a number of ways.

Where the HSE is informed that a patient is receiving end-of-life treatment, which is when the patient unfortunately has a prognosis of less than 12 months, a medical card is awarded to such a patient. These patients are not required to undergo a financial needs assessment, nor are they ever reassessed. There are currently almost 1,800 medical cards granted under end-of-life criteria.

Terminally ill patients who do not meet the end-of-life criteria may also qualify for a medical card under the general assessment process, or they may initially be granted a medical card on an emergency basis for up to six months. I understand that not all persons with a terminal diagnosis will necessarily meet the end-of-life criteria when initially applying for a medical card, due to the staging or severity of their illness. I also appreciate and understand that this is a source of upset and concern to those patients. This is why the programme for Government provided a commitment to extend access to medical cards to persons who are terminally ill. A key part of the process to deliver on this commitment was the establishment of the HSE clinical advisory group in December 2019 to review the issue. The work of that group has concluded and on behalf of the Minister, Deputy Stephen Donnelly, I would like to publicly thank the clinical advisory group for the work it undertook to examine and review the many complexities that arise from this issue.

The report of the clinical advisory group was submitted to the Department in September and it was carefully considered. The report highlighted the practical and legal challenges with extending eligibility for medical cards to terminally ill patients within the framework of the current process. Nonetheless, this Government is committed delivering on this issue and therefore I am pleased to confirm that a detailed memo on the findings of the report and next steps was considered by Government this morning. The Minister is eager to move ahead on this matter and has requested that an ambitious work programme be immediately undertaken by officials that will ensure delivery on the programme for Government commitment. The Minister, Deputy Stephen Donnelly, has confirmed that the report of the clinical advisory group will be published imminently.

Finally, I wish to reassure patients that the Government is committed to ensuring that terminally ill patients have access to services they require, especially when their health needs are greatest.

**Senator Fiona O'Loughlin:** I thank the Minister of State, Deputy Rabbitte, for being here to take this matter. I also thank her for clarifying exactly where we are with regard to this. Of course, I acknowledge that this was in the programme for Government. I have fought for this and have been very struck by those going through this, no more than during the presentation in the audiovisual room, which the Minister of State mentioned, and it is something that we absolutely need to do. It is welcome and the Minister of State confirmed that a detailed memo on the findings of the reports and next steps were considered by the Government this morning. Those next steps are hugely important. I accept and appreciate the fact that the Minister has requested that an ambitious work programme be undertaken and that the report will be published imminently. However, I would like if the Minister of State could put some type of timescale around that. When would we expect to see the report of the group? What are the next steps and when would we take them? I appreciate the Minister of State's reassurance that the Government is committed to ensuring that terminally ill patients will have access to these services but I have to

draw the Minister of State back to what the Ombudsman said last year in terms of misinformation that can be given out that is misleading and that contains inconsistencies. It is so important that we get all of that right.

**Deputy Anne Rabbitte:** The Senator is right that it is all about the communication and the messaging. As an elected representative, no different to Members of this House, I pick up the telephone and deal with constituents who get mixed messaging all of the time. It is all about the messaging and that is what I would say clearly to those in the Department or the HSE who are listening in. We need to be clear in our communication. We are dealing with very vulnerable people who will have received shocking news. That is to be dealt with empathetically but it must be the correct information and not misinformation. Whether one is a PAYE worker, self-employed or not working at all, one needs to know exactly what category one falls into. Most importantly, if one is hit with that unbelievable diagnosis, be it an end-of-life diagnosis or a terminal illness, we need to know to what that constituent and patient is entitled and give it clearly to them. We must not put them around in rings trying to figure it out, adding to their frustrations and adding to the complete tension and anxiety they are experiencing.

I am clear that the Senator's request is for me to give her a timeline. The Minister, Deputy Stephen Donnelly, was at Cabinet earlier today and I have not spoken to him since but I am sure that as soon as he gets a moment, he will let everybody know. Most importantly, he will be talking clearly to John Wall as well, to bring him an update. John Wall has campaigned through his own illness to fight for others.

### **Dog Breeding Industry**

**Senator Lynn Boylan:** Cuirim fáilte roimh an Aire Stáit, Senator Hackett. Today, Dogs Trust launched its Sold a Pup campaign, calling for the stringent enforcement of the law on the sale, supply and advertising of pets. It seems that every year as we approach Christmas, it has to fall to charities and welfare organisations to once again remind people to reconsider giving a dog as a Christmas present. While Christmas is the time that there is a stronger focus on the online sale of pets, that is not to say that the problem does not exist for the rest of the year. The illegal sale of dogs online continues all year around.

On 1 February 2020, the much-anticipated legislation came into force with the sale or supply of pets regulations. This legislation promised to improve transparency and traceability of sellers and breeders. It was hoped that these regulations would give puppy farmers nowhere to hide and that there would be greater transparency about licensed dog breeding establishments to assist those looking to purchase a dog. However, it seems that while the legislation is in place, there is little to no enforcement of it. Instead, the burden is placed on the buyer to try to buy responsibly. The sale of dogs is a highly profitable business and puppy farms and unscrupulous sellers go to enormous lengths to mislead the public. Moreover, the Covid-19 lockdown has made it much easier for them to conceal the origin of the dogs.

Research by Dogs Trust found that 68% of people were unable to spot an illegal advertisement and 72% were unaware of the legal requirements brought into force on 1 February. These regulations set out very clearly the requirements for the online sale of dogs.

The advert must include the registration number of the seller-supplier, the age of the animal and that it is no less than eight weeks old. It must also include the unique microchip of the dog

and if the dog has come from a dog breeding establishment. The registration number as issued by the local authority must also be included.

These requirements are being flouted daily. On one sample day, there were 62 adverts on one online platform and only one of those adverts was in compliance. Dog welfare charities and activists are doing the job of the Department by monitoring the online sites for breaches. They have found sellers with multiple phone numbers and profiles across multiple platforms and jurisdictions. One piece of research found that from 4,776 seller profiles online, only 55 were listed as traders. One phone number alone was linked to 15 separate adverts during a three-month period. The misuse of microchip numbers and false breeding licence numbers is also taking place regularly.

Does the Minister of State recognise the importance of this legislation in the fight against deplorable practices in the over-breeding of dogs in puppy farms? We know traceability is key and the lack of enforcement of the regulations ensures that non-compliance puppy farmers have a ready-made accessible channel to sell to unsuspecting customers.

What efforts have been made by the Department to raise awareness of the new rules that came into effect? How many sellers have registered with the Department since their introduction? Has the Department engaged with the online platforms to ensure compliance? What resources has the Department dedicated to the enforcement of the rules? Could the Minister of State outline if any infringement procedures have taken place since their introduction?

**Minister of State at the Department of Agriculture, Food and the Marine (Senator Pippa Hackett):** The Minister, Deputy McConalogue, apologises for not being here in person to take this question. The safety and welfare of pet animals was one of the concerns behind the introduction by the Department of Agriculture, Food and the Marine of regulations on the sale and supply of pet animals last year, and which came into effect in February. These regulations were welcomed by the ISPCA and other welfare organisations, and put into law certain requirements for sellers and suppliers of pet animals, including minimum ages for sale of certain mammals, record-keeping, registration with the Department, and provision of certain information about the pet in advertisements.

Under the regulations, anyone who sells or supplies six or more pet animals in a calendar year must register with the Department, unless subject to the requirement to register with their local authority under the Dog Breeding Establishments Act 2010. Anyone advertising a pet animal for sale or supply must not, without reasonable excuse, publish or display, or cause to be published, the advertisement if it does not include certain information. This includes the microchip number in the case of an advertisement for a dog.

While there is further work to be done on effective enforcement of the regulations, the requirement to include certain information about a pet animal in an advertisement is a significant measure that will assist potential pet owners in deciding the appropriate seller with which to engage. Potential pet owners should carefully do comprehensive research before acquiring a pet. The promotion of pet ownership is a programme for Government commitment, and this should extend to how a pet is acquired in the first place.

The Irish Pet Advertising Advisory Group, IPAAG, which includes a number of welfare organisations and a representative of the Department, has published practical, comprehensive advice on its website for anyone thinking of acquiring a pet, including what to check for in

advertisements for pet animals. I wish to acknowledge the IPAAG's contribution to promoting the responsible advertising of pet animals. The sale and purchase of a pet is a commercial transaction between a seller and a buyer.

The owner or person in charge of any animal is responsible for its health and welfare. Any evidence of animal cruelty or neglect of an animal's welfare should be brought to the attention of the Department. All such reports are followed up on and the information is treated in confidence. The Government is committed to advancing animal welfare. In December 2019 the Department provided record funding awards of €2,906,000 to 106 animal welfare organisations in recognition of their good work. The Minister expects to announce a further series of *ex gratia* payments to these organisations in the coming weeks.

**Senator Lynn Boylan:** I thank the Minister of State. We all agree the regulations in place are welcome, but the problem is the lack of enforcement. Perhaps the Department could follow up in writing regarding whether there have been any infringements since the regulations were put in place and what resources have been provided by the Department to ensure compliance. It is important that anybody who is considering purchasing a pet, as opposed to adopting or rescuing one, does his or her homework. Research carried out by Dogs Trust is very worrying. It found that 83% of people are unaware that there can be hundreds of breeding bitches in dog breeding establishments, that each bitch can have six litters and that there is only a requirement for one staff member for every 25 breeding females.

It is critical to have a database and that the advertisements are verified. The information must be verifiable. We know false information is being put up daily with regard to the microchips and the dog breeding establishment licences. I ask the Minister to answer the questions I have asked in writing. Would she give a commitment that the Minister will consider the establishment of a national, centrally controlled database where all that information can be collated? It would make it far easier to verify whether one's dog is coming from a dog breeding establishment, whether it is a third-party seller and that the microchip is verifiable and not from an animal that has already died or been sold elsewhere.

**Senator Pippa Hackett:** Ultimately, responsibility lies not only with the people selling the pets to provide the information required, as was indicated by the Senator, but also on the publishers of the advertisements. They are required to ensure that people display the information. Unfortunately, they do not have access to the source of the information, so it is difficult for them to verify that. The enforcement of the regulations is particularly difficult with regard to the issues highlighted by the Senator in terms of false microchip numbers, fake details and so forth, but it is something I will request the Department to undertake with due vigour. Again, there is a dedicated helpline to report any incidents and if anyone suspects somebody is selling pets illegitimately, he or she should call the number or email animal welfare at [agriculture.gov.ie](mailto:agriculture.gov.ie).

From a personal perspective, I urge anybody thinking of getting a pet cat, dog, rabbit or whatever this year to consider rehoming first from the many reputable animal welfare organisations across the country. I and my family have found this to be very fulfilling and it is something I am confident my children will continue to do throughout their lives.

*Sitting suspended at 2.33 p.m. and resumed at 3 p.m.*



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

**An Cathaoirleach:** I understand that the Leader wishes to make a proposal to the House.

**Senator Regina Doherty:** Notwithstanding anything in the order for the Seanad of this day, I propose that No. 3 shall adjourn at 4.15 p.m. and resume and conclude next week, and No. 4 shall be taken at 5.30 p.m. and adjourn after 100 minutes.

**An Cathaoirleach:** Is that agreed? Agreed.

## **Living with Covid-19 Restrictions: Statements**

**An Cathaoirleach:** I thank the Minister for Health for coming to the House and invite him to make his opening statement.

**Minister for Health (Deputy Stephen Donnelly):** This is a great honour. This is my first time speaking in Seanad Éireann.

**Senator Martin Conway:** The real Seanad.

**Deputy Stephen Donnelly:** The real Seanad. I am absolutely thrilled to be here and thank the Cathaoirleach for inviting me today.

For colleagues in the Seanad, I apologise ahead of time for having to leave at some point to go over to the convention centre. Obviously there are various things going on there but I wanted to make sure that I came in here, gave the opening statement and stayed as long as I could but at some point I must go, which I am sure colleagues understand.

As Senators will be aware, last month the Government took the very difficult decision of moving the country to level 5 of the strategy for dealing with the virus - Resilience and Recovery 2020-2021. The decision to move to level 5 was driven by a concern that the spread of the virus in Ireland would, if unchecked, grow beyond the ability of the public health system to manage, which would inevitably lead to very serious and very negative consequences for hospitals and the many individuals at risk of serious illness or death from Covid-19.

It is understandable that some people are tired - I am sure everybody is tired - and frustrated by the restrictions, which we have all been living with now since March of this year to a greater or lesser extent. Obviously, as we are all aware, we are in the middle of a once-in-a-century pandemic. I think we all hope that it is a once-in-a-century pandemic. The World Health Organization reports that confirmed cases of Covid-19 have now passed 50 million cases worldwide with 1.25 million deaths. By any measure, that is a very significant and tragic global event.

Many of our European neighbours are suffering really quite brutal resurgences of the virus right now. France, Spain, Italy, Belgium and the Netherlands, to name but a few, are experiencing real difficulties, including with hospital capacity. Germany's response to the pandemic has been widely praised, and quite rightly widely praised, but even Germany now has more severe Covid-19 patients than at any point since the pandemic began. It had nearly 3,000 people being treated for the virus in intensive care facilities in the last two days, which exceeds its previous



peak in April.

In Ireland, we have now detected over 65,000 cases of Covid-19. We have, tragically, seen over 1,900 of our fellow citizens die from the disease. Many others have suffered extremely debilitating bouts of the illness requiring hospitalisation and, for some, assistance with breathing via ventilation. I would like to express my deepest sympathies to the families, friends, loved ones and colleagues of all those who have died in Ireland so far this year from Covid-19. I know my colleagues in the Seanad will join me in wishing them the best and extending our sympathies to them.

It is important to remember that while there have, undoubtedly, been some positive developments regarding improved outcomes for Covid-19 patients in intensive care, and some drugs have been shown to be somewhat effective in certain circumstances, we do not have a cure for Covid-19 at this point. There is a major global effort to develop a vaccine for the virus, as we all know. Ireland is part of the process that will be procuring supplies for the EU. The EU Commission is continuing negotiations with major pharmaceutical companies that are working to develop a vaccine. There are advanced trials ongoing at present for several of these vaccines. Pending that development, we are continuing to work actively to suppress the virus to the greatest extent possible.

At this moment in time, that leaves us with what are termed “non-pharmaceutical interventions”. We are talking about social distancing, cough and sneezing etiquette, wearing face coverings, avoiding crowded situations, and not attending or, indeed, not leaving the home when symptoms appear. Covid-19, as we know, spreads when individuals and groups come into close contact with one another enabling the virus to move from one person to another. So for now, the public health advice is essentially for each of us to act and behave as if we are a close contact to protect those around us from infection. For now, we must all act like a close contact to protect those around us from infection.

The HSE has worked intensively over the past number of months to put in place a comprehensive, reliable and responsive testing and tracing operation. We have on-island capacity to test up to 126,000 people per week, which can be increased to 140,000 per week using the surge capacity that is in place with a German lab which is partnering with the HSE. I want to recognise the work the HSE has done on this. Contact tracing has not been perfect the whole time, and we all know that. We would always love for testing and swabbing times to be quicker, but our testing rate and capacity is one of the highest in the world. The HSE initially met NPHET’s requirement to get to 100,000 tests per week. I then met with the HSE and asked if it would look at going higher. My sense was that if there was a big surge in the disease, we would want to go higher. It has now increased capacity from 100,000, which was already very favourable by international standards, to 140,000. It has in place sufficient contact tracing to contact trace 1,500 new cases a day, and that capacity is increasing every week. On the basis that we are now looking at lower levels, namely, several hundred cases per day, thanks to the efforts of everyone in the country around levels 3, 4 and 5, I am now engaging with the HSE on moving from volume to breadth and depth in respect of contact tracing. This will enable us to get in as quickly as possible and do what is referred to as forward contract tracing, which seeks to determine who any of us might have given the virus to; and backward contact tracing, which essentially entails going back to find the sources of the infection. That is going to be one of the big focuses going forward.

The Covid plan sets out our approach to managing and living with Covid in a range of areas.

The plan sets out five levels of response, each with a number of measures designed to help us all lower the overall Covid transmission. The aim is to allow society, individuals, communities and businesses to be able to operate as normally as possible, while suppressing the virus by targeting it according to the ways the public health teams and the scientists tell us it spreads.

At level 5, which obviously we are at now, there is a range of measures designed to minimise interactions between individuals in many situations to limit the transmission of the virus. Among the most significant is the decision to close non-essential retail outlets, and workers are asked to work from home where they can. Restaurants, cafés, bars and pubs are restricted to take away or delivery service only. Most difficult of all for many is that people are asked to stay at home, save for the exceptions provided for in the regulations, and to exercise within 5 km of their homes.

While there are many things we cannot do at the moment, many essential retail outlets and other businesses are open, for example, manufacturing and construction. There is also an opportunity to use support bubbles. In trying to learn as we go with Covid, I, as Minister for Health, was very conscious that people living on their own were suffering hugely in terms of isolation. We have put in place the support bubbles, which allow people living on their own or a single parent with kids to essentially link in with one other household, and that then becomes the extended household, which is really important.

Covid only emerged in the human population late last year. In that time, we have developed the testing protocols, developed a greater - though it is fair to say not a complete - understanding of its transmission profile, gained insight into the particular populations that it poses the greatest risk to, and embarked on an enormous worldwide effort to generate vaccines and drug therapies to counter the virus.

The majority of people have acknowledged the need to adapt to these new behaviours. We all slip up from time to time, but it is very reasonable to conclude that people have been resilient, and have demonstrated really quite remarkable fortitude and solidarity in the face of what has been a very tough year, and that is what we are seeing right now. Through levels 3, 4 and 5, we are seeing the virus being pushed back in every single county in this country. That is a manifestation of a nation stepping up, working together, following the public health advice and essentially working to keep each other safe. I think people deserve great credit for that. There is no health service in the world that has infinite capacity to meet the demand of uncontrolled spread of Covid. We witnessed the scenes earlier in the year of very advanced healthcare systems in Italy, Spain and New York in which hospital networks came under very severe pressure. Unfortunately, several European countries are again experiencing very concerning growth in the number of people being admitted to hospital and critical care in recent weeks. There are alarming reports from across Europe describing how many countries are running out of intensive care beds, as well as doctors and nurses to treat patients. Those are exactly the kinds of situations we moved to avoid when we decided to move to level 5 some weeks ago.

It is worth reminding ourselves that our efforts have been successful. It provides us with reassurance that we can reduce the number of cases - at great cost, it must be said - and limit the impact of the virus. We reduced the numbers earlier this year and flattened the curve. The people of the midlands reduced the numbers there during the local lockdown and the country as a whole is reducing the numbers and flattening the curve again. The 14-day incidence has fallen from more than 300 per 100,000 in the two weeks to October 25 to slightly more than 150 per 100,000 today. The most recent data show that case numbers are continuing to fall and that

our seven-day incidence is now 63 per 100,000, which is again reassuring and good to see. In Leitrim and Wexford the seven-day incidence rate is now less than 30 per 100,000. The number of confirmed Covid-19 cases in hospital is 291 and trending downwards.

That is not to say that the job is complete. It absolutely is not. We must keep going for the next three weeks. However, the reduction in numbers demonstrates what can be achieved when a nation works together. Ultimately, our success over the next few weeks will be determined by the extent to which each of us adheres to the letter and spirit of the measures outlined in level 5. We are asking again that individuals examine their daily contacts and make a decision to limit those contacts in line with level 5 guidance. I wish to take this opportunity to commend the efforts of everyone doing their bit in an effort to tackle the virus.

I thank the House for inviting me here today to outline our rationale for introducing the level 5 measures. To finish on a note of thanks politically across the board, I spoke some time ago to Mike Ryan of the World Health Organization, WHO. He stated that Ireland stood out as a country where there was political solidarity in dealing with Covid-19. That is not to say there is not debate and challenge as there must be, and robust challenge absolutely is required, but I wish to acknowledge that there has been a wide range of support across the political spectrum. That has not just been support for Government policy. Individual Deputies, Senators and councillors are leading by example in their own communities and constituencies. They are doing a great job. I extend a personal thanks to the Members of the Seanad for everything each of them is doing in leading in their own communities and areas as we suppress this virus.

**An Cathaoirleach:** I call Senator Conway.

**Senator Martin Conway:** I think Senator Clifford-Lee should be first.

**An Cathaoirleach:** I am going by the rota agreed at the Committee on Procedure and Privileges. If Senator Conway wishes to give way, that is fine. Is Senator Clifford-Lee sharing time?

**Senator Lorraine Clifford-Lee:** I am sharing time with Senator Malcolm Byrne. I thank the Minister for taking the time to come into the House and explain the rationale behind level 5. There has been a wide acceptance of the level 5 recommendations and good public buy-in. Many people have been upset by the measures. Business owners have been very upset because the very hard work they have put into their businesses has evaporated overnight. However, the supports the Government has put in place have been very good. I particularly commend the Government on introducing social bubbles because it addressed what was a really big issue in the first lockdown. It is a very welcome step.

I wish to raise the issue of expectant mothers and their partners during the coming months until we come out of this pandemic, whether we are in level 5, level 4, level 3 or another level. It needs to be addressed. I am inundated on a daily basis by expectant mothers who are going through extreme anxiety facing an unknown process alone. They need the vital support and advocacy of a partner with them at appointments, in the labour process and during post-birth visits. I would appreciate if the Minister could work with the HSE and come up with a solution because it affects a whole cohort of women and will stay with them for the rest of their lives and will be a very significant issue down the line if it is not tackled now.

I also wish to raise the impact of level 5 restrictions on young people. I had a Zoom meeting last night with a number of colleagues and members of Ógra Fianna Fáil around the country. They raised some very important issues about driving tests that I will raise with the Taoiseach.

Under level 5, driving tests are not happening at the moment except for essential workers. There is now a 30-week wait for a driving test. Young people in rural Ireland are finding it very difficult because they cannot leave their homes without the ability to sit and pass their driving test, so we need to look at that. Rural isolation is a significant issue in the best of times but particularly during the current restrictions.

The issue relating to the leaving certificate needs to be resolved. We have very anxious fifth and sixth-year students who are undergoing a lot of continuous assessment, more than normal, in the expectation that the plug might be pulled on the exams down the line yet still they are expected to study and prepare for a traditional leaving certificate. This is very stressful and is impacting on their mental health.

On-campus activities need to be looked at. Perhaps social bubbles for college societies and clubs could be looked once we move out of level 5. Could clubs and societies meet the 1 m distancing rule with masks? It would be a massive help to young people if they could meet up with their chess club or football club and so on. It would help enormously with their college experience and mental health.

We also need to look at the online learning system, which is not working for a lot of people. Many students have told me that they are worried that their learning has been impacted by this and they might fail exams and have to repeat years, which is a very significant issue.

Could the Minister address providing supports for vulnerable people living in temporary accommodation and in direct provision? This is a particularly important issue because of the living situation. We are all being asked to stay at home but some people, particularly people in these situations, do not have adequate housing.

We also need to look at providing extra support and resources to the Traveller and Roma communities, who already face massive health inequalities and have poor health outcomes. I have written to the Minister about this issue. I know Pavee Point Traveller and Roma Centre has asked to meet him to discuss the impact of the Covid-19 restrictions on these communities and I would very much like the Minister to meet with it because these communities face massive health inequalities as it is. They are doing a super job to contain the virus within their communities but they need extra help. I would appreciate it if the Minister could address those points.

**Senator Malcolm Byrne:** We are all facing the challenges of living with Covid but it is really important that we give people hope. We are going to overcome this. As the Minister of State has said, there is good news about the vaccine. We must develop a strategy that builds on the community resilience we have had to date and looks at communities coming out of this. This is about our artistic, sporting and community groups coming together. This impacts on all of us but as Senator Clifford-Lee noted, it particularly affects young people and I will focus on this aspect.

The Minister is probably aware of an excellent piece of work by the then Department of Children and Youth Affairs and SpunOut around young people's experiences during this period. Much of the language used in it is quite concerning. Young people are anxious, isolated and worried. That is particularly the case because many of the avenues that were open to those aged from 17 to 20 years old are now closed. Gyms are closed, many sporting activities are restricted and access to arts, drama and music activities is also restricted. The last thing someone aged 18

or 19 years old wants to do on a Friday night is to sit at home with their mam and dad watching television. They want to be out.

We are all lucky here because we can remember that time. It was the time of our learning experiences, the summer of our leaving certificates and when we went to college, and the joy of all that. It was when we went to nightclubs and, yes, when we got the shift, when we got into a relationship and when we learned about ourselves. Those things all make people smile, but they were important rites of passage. A whole generation of young people are now in danger of losing all that. We must focus on that aspect, specifically, as we come out of this situation. We can never make it up to those young people, but we must ensure they have support. I am aware that additional supports have been made available on the mental health side of things at second and third level.

I will deal with some specific issues. There is still concern regarding the leaving certificate. The Minister for Education, Deputy Foley, is correct in stating that students will be sitting the traditional leaving certificate in 2021. The problem, however, is that many teachers are working on the basis of plan B, and they are assessing more and more. I noticed today that there was talk in Wales about a return to predictive grading in 2021. That is obviously causing concern. I encourage engagement with the Irish Second-Level Students Union and that students be kept informed about what is happening.

Student nurses are the other specific group in this area. Their position has come up regularly, and it falls between the remit of the Minister for Health and that of the Minister for Further and Higher Education, Research, Innovation and Science, Deputy Harris. They have been at the forefront of this fight during this period without compensation. It has been promised that that would happen and the Minister, Deputy Harris, promised that he would address this issue. The other concern I have regarding this matter concerns the experience that many of these young student nurses have had and the trauma that it will cause them. Given that experience, it is absolutely essential that they are given support to ensure they remain in nursing.

I know I have spoken about this a great deal. I have great faith in our young people. They have shown great resilience and they are helping us to this situation. Young people in arts, sports, technology and science are doing wonderful things, but they are losing all their rights of passage. We must ensure that they are at the centre of our strategy for living with Covid-19.

**Senator Sharon Keogan:** I have been in this House for eight months and this is the first opportunity I have had to talk to the Minister regarding Covid-19. I welcome him here to listen to our submissions regarding the Government's response to Covid-19 and the level 5 restrictions.

I express my heartfelt condolences to the families of those who have died of Covid-19 and as a result of Covid-19. I appreciate that it is always hard to lose a loved one or a relative regardless of the cause or circumstances. The suffering of those bereaved during this pandemic has, however, been amplified by the Government's policy, which has prevented them from attending funeral and removal services completely, or drastically curtailed the number of people allowed to attend those ceremonies. It is incredibly cruel to limit drastically, or to deny altogether, the right of people to celebrate and mourn the lives of their loved ones. I refer to preventing people comforting one another in their time of grief, loss and sadness by law and the threat of criminal sanction.

Did we have a pandemic preparedness plan prior to 2020? Were level 5 lockdowns, which



shut down society, healthcare and the economy and imprisoned people in their homes, part of any pre-existing pandemic preparedness plan? Can the Minister cite public health policy, prior to this year, stating that during a pandemic every other aspect of public health should be ignored and subjugated to the sole aim of dealing with the pandemic?

Will the Minister confirm the total number of deaths where Covid-19 was the sole or primary cause of death? Can the Minister confirm the number of cases reported as Covid-19-related deaths? I refer to some 1,948 now. How many of these deaths were suffered because of a life-threatening co-morbidity? Can the Minister provide the House with data pertaining to the average age at death of those who have died of Covid-19, as opposed to the average age at death of those who have died with Covid-19? How do these figures compare with the average life expectancy in Ireland? Can the Minister provide a quantitative analysis of how many lives have been saved as a result of lockdown restrictions being imposed in an indiscriminate fashion on the general population? Can the Minister provide data justifying this level 5 lockdown-style approach and proving that a strategy of focused protection for those who are susceptible to the virus would not have been more effective and caused less collateral damage? Can the Minister provide a quantitative and qualitative analysis of the impact of lockdown restrictions on society, the economy and the health of the nation?

Has NPHET analysed the effect of the restrictions versus the effect of Covid-19? The number of deaths is important but so are the life years lost. Where is that analysis? The public deserves to see it. The restrictions will have implications. When will NPHET open up and be transparent about the expected effects of the restrictions and show the public what it expects them to be? This includes the direct health effects, the missed appointments, including mental health appointments, and the economic and related effects. I mention the quality of messaging and the leaks that are emanating from NPHET, the Government and the media. We must do better on that. No one seems to be thinking about what effect this is having on the mental health of the population. Why not? Messaging must be reviewed and leaks must be eliminated to protect the mental health of our people and ensure the survival of our economy. Why do we need daily number announcements and press conferences? The daily drip feed only builds anxiety and an unhealthy behaviour pattern among a large number of the population.

What is the living with Covid-19 plan? The current one is not working. It has caused anxiety, uncertainty and a significant economic impact. The Government needs to pick a series of measures and just stick with them for the long run, rather than the cycle of opening up and locking down. It is too much. People and the economy need certainty and the constant changing of levels only increases anxiety. Will the restrictions being applied get rid of the virus faster or end the pandemic faster? It strikes me that the only realistic endgame to this is the vaccine solution.

Speaking of the lauded press conference and coverage of the imminent vaccine by our friends in Pfizer, can we pin our hat on that? Let us examine the data on this panacea. Out of the 43,000 trial participants, I understand that only 94 people were used in the independent evaluation of it. Can the Minister obtain data from Pfizer demonstrating that this vaccine will significantly reduce hospitalisations, ICU admissions and deaths caused by Covid-19? Additionally, can the Minister obtain data from Pfizer confirming the efficacy of the vaccine in the immunocompromised, the elderly and the other at-risk groups? Can the Minister clarify the number of cases of Covid-19 that are announced each evening and if these include asymptomatic cases? Furthermore, can the Minister provide a breakdown of how many of these cases are infectious at the time of testing?

The Central Statistics Office, CSO, figures show that in the first nine months of the pandemic, there were 876 more deaths than in 2019. The data also show us the neglect of the HSE in dealing with our people in residential care settings. This problem within care homes has not gone away. What lessons have we learned from the first lockdown? To make the same mistake going forward is unforgivable. The restrictions of these lockdowns will not have any impact on the delivery of a vaccine, yet there is a message to the public that the better we behave, the quicker it will all be over. The Government, NPHET and the HSE need to tell the Irish people the truth on what they really mean by living with Covid-19.

**Senator Martin Conway:** I thank the Minister for his words, which are much appreciated. It is a busy day and we welcome his first trip to the real Seanad. I also welcome our former colleague and good friend, the Minister of State, Deputy Feighan, who will ably represent him.

It is important to start, as I like to do, on a positive note. I am a great proponent of positive politics. The Seanad espouses positive politics more than our colleagues in the other House. Yesterday's news that Pfizer has made progress on the vaccine is very, very welcome. I have spoken to some pharmaceutical companies recently and they were excited at the prospect of a vaccine. It is not only Pfizer. The work being done in Cambridge is also very welcome. The signs are good. The best scientists and medical experts and researchers in the world are working on this. It will be groundbreaking, will save lives and it cannot come soon enough.

We are dealing with a pandemic, the like of which has not been seen in 100 years, which requires an unprecedented Government and community response. International comparisons, especially in Europe, show that we are at the top of how we have dealt with the pandemic. We have contained the numbers of positive cases and limited the numbers of people who have lost lives. It is always appropriate that we acknowledge those people and offer our sympathies and condolences to their families.

Sadly, the figures speak for themselves when we compare the delivery of our pandemic response with the six counties in the North. As a Government and as a community we can be very happy with the response. It is not something one can be proud of because even one person who contracts the virus or one person dying with it is one too many. We have not got everything right, that is for sure, but we have got more things right than many other countries. We took it seriously compared with other countries. I spoke recently spoke to a friend who lives in Brussels and it seemed the lackadaisical approach to face masks, to the practising of social distancing and to the virus generally there was in stark contrast to the seriousness with which it has been taken here.

I wish to speak about the community response. Yes, there frustration and fatigue and, yes, it is a challenge and keeping focus is not easy but the figures in the past week show that when we reassert ourselves we can deliver spectacular results. The drop in new cases to under 300 yesterday with 1,200 daily two weeks ago speaks for itself. I agree with others that when we move into 2021 and we wait for the roll out of a vaccine, we will have to keep the living with Covid plan under review. Where it needs to be tweaked, we should not be afraid to do so, but when it is right and the plan is correct we should not be afraid to defend it. However, when it is right, and what is proposed and being done within the plan is correct, we should not be afraid to defend it either. Regardless of whether we like it, in this country, as in every other country, there are Covid deniers, and those people must be confronted.

The strategy we are using now has proven to be effective and to work. While one can argue

about certain elements that might appear to be unfair, and possibly are unfair, one cannot turn the ship around mid-stream. We are three weeks into a six-week campaign at level 5 and I believe we must stay focused and not make any alterations. At the end of the six weeks, we should conduct a calm, reflective and mature review of the elements of level 5 that we can tweak in the future. Perhaps the Minister would give us his analysis of the vaccine and how well the country is prepared to take advantage of it when it is available. People would be interested in that. Again, we are talking about being positive and giving people hope. That would very much give people hope.

There are people who are suffering more than others as a result of the country being at level 5. Our hearts go out to the people who are unemployed and living on the pandemic unemployment payment. That is why we all must do what is required of us to ensure those people get back to work as soon as possible. Sadly, where getting back to work is not possible when we move out of level 5 because businesses have gone out of business, we must ensure that opportunities are provided through education, redeployment and re-employment. As regards the elderly, the narrative on cocooning that took place last April and May has changed, which is welcome. However, the winter months create their own dynamic, and it is important that supports can be put in place to give practical assistance to them. In the case of people with disabilities, who are mobility impaired at the best of times, whatever supports can be provided to make life a little easier should be provided. I remind citizens that some people have difficulty with social distancing, particularly blind and visually impaired people, and people should bear with them and show understanding. Due to their judgment of space they can sometimes get it wrong. It is not intentional so I call for a little patience and understanding.

I would like to have a discussion some day in the House with the Minister of State, Deputy Feighan, about his role in dealing with addiction, particularly addiction to drugs. He has hit the ground running and people in the NGO sector are extremely impressed by the manner in which he has taken on the portfolio. Perhaps we will have him in the House in the not too distant future for a debate on that issue.

**Acting Chairman (Senator Pauline O'Reilly):** I take this opportunity to welcome the Minister of State, Deputy Feighan, to the House.

**Senator Annie Hoey:** I have a timer with me so, hopefully, I will not take too long. I welcome the Minister of State. We all appreciate the reality of the situation. We have been doing this for what feels like forever. People almost do not know another way. We are just living with Covid and in and out of things. I commend the efforts of everybody doing their bit to tackle this virus. I particularly wish to thank my sisters, one of whom is working long shifts to ensure we have sanitation items while the other is a healthcare worker caring for vulnerable people. I am sure she will be doing that after this virus is long gone. I am taking a moment to thank my sisters because I love and care for them, but there are other people who are keeping our society, well-being and economy going. I thank them and appreciate all the work. There are also people in the Seanad who are keeping everything ticking over.

I recognise that no Minister for Health or Government in living memory has ever had to deal with an issue of public health on this scale, and no Opposition has ever had to question or raise issues on something of this level. We are all learning and trying our best. That said, we need to make sure we are taking the learning of the past on board, because the stakes are simply too high. It is not hyperbole to say that lives are indeed on the line.

We want to see, as does the public, that the learnings of the past eight months have been taken on board for the planning of the exit from level 5. There needs to be a slow, step-down approach and a moving through the levels. There needs to be proper messaging around public health guidelines, social distancing, mask wearing, hand washing, and clear and concise communication from Government on the restrictions at each point of the scale.

We are also coming into a particular time of year in Ireland. Whether one is a Christian or not, it is a special time of celebration here. We need to be very aware of the added complications that will come from that.

Will the Minister of State, Deputy Feighan, outline why the current position of the Government is to go to level 3 and not level 4 if there are plans to slowly work our way down through the levels, as were the initial the levels for working up and down?

Another issue, which I have raised with the Minister for Health a number of times, is that of student nurses. On the Order of Business this morning, I was a little bit surprised today to hear Members from the Government side, from Fianna Fáil and Fine Gael, calling for recognition and pay for student nurses. I have asked the Minister for Health at the health committee, I have asked him in writing and I have asked him in this Chamber to recognise the contribution of student nurses, who are working up and down this country to keep our hospitals open. Now, as a result of Covid, they are in a position whereby they cannot do paid work elsewhere in a healthcare setting, due to the fear of cross contamination. The Minister has refused a number of times to commit to changing this. Perhaps by having Members from the Government side and other Senators speaking up for nurses in the Seanad, I hope that this is a contribution towards a change in Government policy and perhaps we will see student nurses being paid. I have raised previously the gendered issue of student nurses. We have trainees in other areas such as apprenticeships who get paid. The vast majority of student nurses are women, so I see it also as being a gender issue. The idea that student nurses are in an educational setting and, therefore, are not workers is not going to wash with me, it is not going to wash with the INMO, and it is certainly not going to wash with the student nurses. It is shot back at us whenever we raise the issue of student nurses' pay. There are whisperings that we do not pay any other student worker during their studies so why should we pay student nurses. To that I say that all workers, regardless of student status, should be paid for the work they do. I will not go off on an educational tangent as I am wont to do, but we must be aware that if a person knows that he or she must take on an unpaid placement throughout their studies, and if he or she does not have the financial support to do so, who are we locking out of this field of study and who will not be able to undertake that field of study? What is being done about student nurses? What is the Minister of State going to do about student nurses' pay? What will the Minister of State say to those student nurses who right now are on Covid wards and putting their lives at risk to help us battle through this health crisis?

I echo the comments made about maternity care and support. I spoke in the Seanad about this recently. Not too long ago in Ireland we had a very prolific campaign around care and compassion in maternity care. There is no time when we need care and compassion in maternity care more than during this pandemic. I spoke previously about a friend who very recently had a baby. Due to the fact that her partner was not able to visit her she could not get out of the bed to go to the bathroom. Between her partner not being there and the nurses simply being rushed off their feet she had to lie in the bed, soiled. That is not how we should treat people and it has very serious long-term trauma implications. My friend is a shell of a person. This was a deeply traumatic experience for her and her partner was not there to help her. This trauma is not just

happening to new parents, it is also happening to people who might have just found out that they may not be new parents, which is very tragic and upsetting. We have talked about this a number of times in both Houses. I plead once again in this House that we need to deal with this issue and I ask the Minister what will happen in this regard.

I now turn to other diagnostic areas that have suffered due to Covid-19. I met with representatives from the Irish Cancer Society recently and got a comprehensive oversight of where they are at the moment. In my conversation with them, they estimated there are currently 600 people with an undiagnosed cancer due to issues around diagnostics and the slowing down of services. That is 600 people right now who are potentially living with cancer. We are all aware that early intervention in such matters is crucial to try to ensure a positive outcome. I am only reflecting on one diagnostic area but many areas have been affected by the Covid-19 crisis. I would welcome some comment from the Minister of State on this backlog and how it will be dealt with.

I also want to take a moment to talk about CervicalCheck and smear tests. In the past few days the requirement for a doctor's note or a doctor's referral to get a smear test has been waived. If people feel they are due one, whether it is for the first time or not, they can make that appointment. There was a very low uptake of CervicalCheck smear tests over the past few months. These are life-saving tests and while we are making enormous efforts in other life-saving areas, I encourage anyone who is eligible to go for a smear test, to make that appointment and to get that done.

We are coming into the Christmas period. We need to be slow and steady and we need clear leadership and guidance from the Government to get us through the lessons from this most recent lockdown. The first time we go through something, it is a learning experience. If we repeat the exact same things the second time without learning from them, perhaps they will become mistakes. We need to learn from exiting this lockdown to ensure we do not find ourselves in another one after Christmas. I wish the Minister of State and all in the Department of Health the very best. All of us here are with them and are working with them in our communities to try to ensure as safe an experience as possible in getting people through Christmas during Covid and out the other side.

**Senator Paul Gavan:** It is nice to see the Minister of State back. How is he doing? I will start by contextualising the conversation we are having today because it is important to do so. Sinn Féin has supported the move to level 5 lockdown. We have done so because we believe it is always best to follow scientific advice wherever possible. As the Minister said earlier, we very much welcome that the numbers are coming down. It shows that level 5 is working and like him, I hope for further sustained progress for the rest of this month. We believe level 5 has the support of the vast majority of the people in this State. It is important that everybody in this Chamber, regardless of political affiliation, unites against the anti-science, anti-mask conspiratorial nonsense that is doing the rounds across social media and occasionally outside the front gates of Leinster House. It is important to combat that. It is always surprising to me that there are still people who are gullible enough to believe some of the nonsense that is out there and it is incumbent on all of us to always challenge it. We have to stick with science and progress as opposed to superstition, and worse, poisonous right-wing nonsense.

The news of a possible vaccine is a potential game changer. The Minister was rightly cautious about it in his speech but I am hoping that when he gets a chance to respond, which will probably be when we continue this debate at the beginning of next week, he might be able to outline his plans for that. I have no doubt the Department has been planning for a vaccine and



I hope to hear what those plans entail for ensuring the people who need it most are the ones to get it first. We would like to hear details of those plans, though we accept that the vaccine is not quite there yet. We are all hoping that there will be some further good news in that regard.

I wanted to give that context before I went on to make some genuinely critical points about some of the issues we faced with Covid-19. I am genuinely puzzled by this first matter and my party has brought it up several times. If I go beyond 5 km I am subject to a fine. I get that and for what it is worth I support that particular policy. However, if there is a case of Covid-19 in the workplace, there is absolutely no requirement on the employer to report that case to the Health and Safety Authority, HSA. Given what we have been through in nursing homes and meat factories, not once but on a few occasions, it makes absolutely no sense to me or to anyone in this Chamber that there is no requirement on employers to report cases of Covid-19 to the HSA. It makes no sense but worse than that, it is a huge derogation of responsibility to essential workers in those areas. I would like the Government to act on this. I cannot understand it. If we are putting the health of people first - I believe in terms of the broad policy that we are - surely to God that needs to extend to protecting workers in essential industries. There is no excuse for that. The fact that it used to be the law up to 2016 makes it all the more inexcusable. I ask the Minister of State, Deputy Feighan, to ask the Minister if he comes back next week, to respond to that point please as I think it is a very important one. I know it is one the Irish Congress of Trade Unions and a number of trade unions have raised on a regular basis and they are just not getting answers on it.

The second point I wish to raise concerns testing and tracing. There were some very impressive numbers in the Minister's speech. I hope they are the case but, to be honest, I am not entirely convinced. We have not had an adequate explanation of the appalling means by which people were hired to test and trace positions. Why were the positions outsourced to an agency? Why are we giving millions in additional profits to a private agency to hire these people? Why were they hired on zero-hour contracts? Why is it that when I speak to my trade union colleagues in University Hospital Limerick, I discover that the most recent batch of support staff that was hired was hired through an agency? Why are we outsourcing work? Surely to God we have an extensive HR department in the HSE that should be dealing with this? It just makes no sense to me. I worry about the ideology that is at work within the Department that thinks, first and foremost, about how it can outsource this project. That is a fundamental change of mindset that we need to see within the Department. We need to get away from outsourcing and move to insourcing in terms of how we build longer-term capacity.

Another example of that is the fact that we have 200 fewer permanent nursing staff in the system now than we did a year ago. How on earth can that be the case? In the middle of a Covid crisis, how can it be that we have fewer permanent staff? It goes back to the ideology of hiring people on temporary contracts, if we have to hire them, even though we know there is a significant need for long-term staffing for the healthcare services.

That in turn speaks to issues that have been rightly raised, such as that of pay for student nurses. We were told it was going to be dealt with and here we are months later and it is not dealt with. It is not sufficient to just push this off and say we will deal with it. The Government has been in place for long enough to have dealt with it. We want a satisfactory answer to that because I suspect there is no one in this room who would try to defend not paying student nurses. It is just a question of ensuring that it is done.

I agree with colleagues who have raised the issue of pregnant women not being able to

have their partners with them at a crucial time. I would have thought that common sense and a degree of flexibility should have been able to sort that issue by now but, unfortunately, to date it has not.

ICU beds is another issue of real concern. In 2019 the HSE reported that there were 255 critical care beds in the system. The average stay in ICU for most patients is two to three days, but the average stay for somebody with Covid-19 is ten to 14 days, which is much longer. We have to have somewhere to put extra ICU beds and very often they end up in operating theatres, which are in turn closed down to accommodate temporary ICU so procedures are cancelled. As the Minister of State is aware, it takes six ICU staff to look after one bed, so one has to get them from somewhere else, such as coronary care or theatre nurses.

It is on the record that Sinn Féin has called every year for more ICU beds and more acute beds but this advice was, unfortunately, ignored by Fine Gael for the past decade, when it instead cut ICU beds. It is startling to recognise that we now have fewer ICU beds than we did in 2009. How did that happen? When is someone in government going to hold their hands up and say they got this badly wrong?

The final point I wish to make as, unfortunately, I am out of time, is that there needs to be a national conversation about the failing for-profit model of nursing home care, one carefully constructed on the back of millions in euro of subsidies to private sector entrepreneurs. This model has been badly exposed. It has been based on appalling rates of pay, poverty terms and conditions and an aggressive anti-union stance by employers. Incidentally, that is why we never hear from workers in these homes. We only hear from managers and owners. We never see a spokesperson from a union in a nursing home because they are not allowed. There is something fundamentally wrong with that for-profit model and we need to have a proper conversation about it.

**Acting Chairman (Senator Pauline O'Reilly):** I call Senator Higgins, who has eight minutes. I remind Senators that I will be adjourning the debate at 4.15 p.m.

**Senator Alice-Mary Higgins:** I welcome the Minister of State, Deputy Feighan, to the House. Like most of those who have spoken today, I supported the move to level 5. I believe it was necessary and that it is a pity that we did not do it a couple of weeks earlier. We have  
*4 o'clock* seen what a reluctance to act can lead to. The model of Belgium, which the Tánaiste, Deputy Varadkar, had been promoting, is now a strong cautionary example to everybody across Europe. It shows what happens when we fail to take scientific warnings sufficiently seriously. It is also an example of what happens when we do not invest in having adequate medical support in place.

I support the level 5 lockdown and, like others, agree that we need to be very strong in challenging anti-science and anti-mask messages. As I have said before, the State has powers to deal with those engaging in harassment, making threats or causing others to have reasonable apprehension for their safety. We need to be able to use these powers where we see people attempting to do their, often essential, work endangered by anti-mask protests that seek to create a climate of danger for those essential workers.

I am, however, concerned about how this new lockdown is to be used. The previous lockdown, during which the public did extraordinary work to flatten the curve almost to a point at which zero-Covid was in sight, was wasted when we moved rapidly away from restrictions

when sufficient work had clearly not been done in scaling up ICU capacity and health service recruitment. It is vital that the Minister of State indicates what comes next. I do not support the overall idea of living with Covid by way of an ongoing cycle of lockdowns. We need to show a clear strategy for moving past lessening the curve and on to flattening the curve. We need to know what it will look like when we get back down to double figures again. Will there be, for example, a massive improvement in testing, tracing and investigating the causes of cases? In Ireland, we have really only been checking with whom those who have contracted the virus have been in contact rather than investigating where it was contracted. We have not been working to track down the causes of asymptomatic spread.

Part of the cause of this is the very inadequate system of recruitment. The use of agency staff has been mentioned, as has the fact that these are insecure contracts. The HSE has a HR department. We need to recruit and train the staff who are going to work in tracing. They need to know that their contracts are secure. We also need to make sure that those doing other essential work, such as diagnostic workers, speech therapists and others, who have ended up in the testing and tracing system have contracts that allow them to carry out their own essential work. Medical and health issues, both Covid-related and otherwise, have to be prioritised.

Another priority about which people will tell one is that of relationships. One issue at the intersection of health and relationships is the situation of those undergoing scans through maternity services who may, for example, be facing the prospect of a miscarriage. That is right at the intersection of the two areas I consider most important, that is, health and relationships. Those issues may need to take priority over other issues I have previously raised and challenged people on. An example of such an issue is the fact that certain betting sports are continuing even through a level 5 lockdown while partners are still not allowed to accompany pregnant women for scans.

I will return to another employment issue. This is the crucial question because it will be the test. What is being done not only to scale up recruitment, but to ensure retention? We know there is a crisis of morale in the health service. We know that many who answered the call and came back to Ireland faced such difficulties in having their applications for recruitment processed and in getting to a point at which they felt securely employed within the Irish health system that they are now considering returning to the health services of other countries. That will be a major loss. The student nurses have been mentioned but how are we signalling to them that we value them and we want them, when they graduate, to continue to be part of our health service? We do that by valuing them now.

Will the Minister of State inform us of what is happening with training and specialisation required for ICU staff? It takes six months to give somebody the skills to work in ICUs, so how many people have been trained in the past six months? How can we ensure we do not end up in a position like Belgium, which is experiencing a crisis with health workers who are themselves Covid positive having to work?

Retention, recruitment and the valuing of staff are crucial but I also point to a wider issue around social support to combat isolation. This is something in which Ireland has fallen short and it is a hallmark of places, including parts of Australia and New Zealand, where they have managed successfully to get to or close to zero Covid. One of the key facilities is that they support isolation by people and they make it a positive. We do not want a punitive model of isolation but rather a positive support model of isolation both for those who are diagnosed and for those who are at risk, for example, vulnerable people in direct provision or in housing hubs.

I am talking about those who are basically in situations where they do not have adequate and secure housing. Senator Clifford-Lee mentioned those people in inadequate housing on halting sites as well. There is a range of people who need carefully thought through, culturally appropriate and sensitive isolation facilities, and we should not have a situation, such as I have heard, where someone has been given a diagnosis on a Friday and been told to check in on the Monday if there is a place where they can isolate. That is not good enough. We need very clear support so people can isolate properly, and that is support for those who are at risk and vulnerable as well as those who receive a diagnosis.

The question of quarantine is something that other countries have managed much better than Ireland. Frankly, in Ireland the “mind yourself as you go through the airport” model has been very inadequate. We know in other countries, for example, people have been checked on multiple times after coming into a country to ensure they have quarantined. In other countries there are quarantine hotels, for example, that are specifically set up to allow for a period of quarantine subject to testing. As the testing science is improving, that does allow for that.

My last question is very important and it concerns international solidarity on vaccines. We know Europe is purchasing a vaccine but will we support the COVAX project? Will we support other projects to ensure that, globally, health workers and those who are most vulnerable can access a vaccine when it becomes available?

**Senator Timmy Dooley:** I propose to share time with Senator O’Loughlin. I welcome the Minister of State to the House. As one of the people who has been most vociferous in calling for a debate on living with Covid-19, I am pleased the Minister of State is with us today. Many of the points have already been addressed.

We must keep the people with us for a protracted period. Even with the emergence of a vaccine, it is clear that Covid-19 will be around for a considerable time. I appeal to the Minister of State to look at a couple of areas. For example, on foreign travel and the aviation sector, we need to get a plan in place to allow essential workers to travel between different countries. We have to begin a process of getting people back travelling again. That requires testing and tracing and all the other activities that go on at the airport. There is a need to accept that foreign travel is an important component of living with Covid-19.

We also need to look at some of the rural activities. We have to be clear that a cattle mart is an integral part of farming and the production of food. While I accept the necessity for social distancing and people staying the required distance apart, cattle buyers must be allowed back into cattle marts. The marts can facilitate this in a safe and effective way. Some of the rural pursuits also need to be considered, including hunting with a dog and hare coursing. Regardless of whether the latter is a sport with which one agrees, it is legal in this State but is forbidden in the current climate. These are activities that take place outside. Hunting for pheasants is another activity on which people have their own views. I am not a huntsman but I know many who are and for them, it is their only outlet and their only pursuit at this time of year. They have dogs trained for this particular pursuit and sadly, they are not able to do it even though there is no real threat or risk of catching Covid-19 in that environment.

I appeal to the Minister to consider the necessity of keeping the Irish people with us as we progress through the next phase and get to Christmas and beyond. It is really important that whatever the status of Covid-19 at that time, we allow people to come home for Christmas. There are many elderly people who may not get another chance to see their loved ones, includ-

ing their sons, daughters and grandchildren. This is really important. I appeal to the Minister to take those points on board. Sadly, we do not have enough time to address all of my concerns.

**Senator Fiona O'Loughlin:** I welcome the Minister of State to the Chamber. While the news on the incidence of Covid-19 among the Irish population is good, now is certainly not the time to let down our guard. We must be as consistent and vigilant as possible. Today also brings good news regarding the Covid-19 vaccine being developed by Pfizer.

While we are in this difficult situation and our hard-working public health officials are grappling with the many issues facing us, there is an onus on Members in this House to consider how to enable people to live healthy and positive lives while living with Covid-19 and its related restrictions. I was not one of those who advocated moving to level 5 because I was very conscious of the effect on businesses. I also felt that some of the extra restrictions put in place, including the closing of cattle marts and the prohibition of many outdoor pursuits, were a step too far. Golf, for example, is a non-contact sport that is very safe. It is played by many older people and also by many of those in the hospitality sector who have no business at this point in time. We must reconsider that particular ruling.

Young people have found the Covid-19 pandemic very difficult, particularly those who have started college or who are living at home. Many would like to see gyms reopening because they do not have the opportunity to engage in team sports. Given that there is no significant evidence of clusters emanating from gyms, it is time to re-evaluate their status. We must also consider alternative health services like reflexology which are used by people with difficult health conditions.

None of us knows what Christmas will look like this year. We know that Santa will come but we must let our loved ones come home to see their elderly parents. Many have not been home for more than a year. It is important that a decision on travel is made soon.

**Senator Emer Currie:** I welcome the Minister of State. I wish to speak about nursing homes, particularly those that were directly affected by Covid-19 during the first wave. Normally, the director of nursing in a home can do an assessment test for viral infections and does not have to go through a GP. However, that is not the case when it comes to Covid-19. I might ring my GP and get a test very quickly but nursing homes have to wait until a GP visits. They do not necessarily come every day. I ask the Minister of State if that process can be changed so that directors of nursing, who have years of experience under their belt, can decide if someone needs a test and can act immediately.

**Acting Chairman (Senator Pauline O'Reilly):** In accordance with the order of today I must adjourn the debate. The Senator may resume her statement next week.

*Sitting suspended at 4.15 p.m. and resumed at 5.30 p.m.*

## **Seanad Electoral (University Members) (Amendment) Bill 2020: Second Stage**

**An Cathaoirleach:** I welcome the Minister of State to the House. He is almost an honorary Member at this stage, he is in here so often. I invite Senator Byrne to open the debate.



**Senator Malcolm Byrne:** I move: “That the Bill be now read a Second Time.”

I thank the Minister of State for coming to the House again. As the Cathaoirleach has said, we are becoming friends in the context of debates on electoral reform. I am very happy to present this legislation to the House on Second Stage. To set it in context, one of the greatest achievements in society since the foundation of the State has been the significant and dramatic growth in the number of people who have gone on to further and higher education. We have moved from a situation where college was for a small elite to a point where we now have mass participation. Given the rapid changes we are experiencing, we are all going to need to upskill and reskill, and our higher education institutions and training centres are more than up for the challenge.

At the time of the composition of the Seanad in the 1930s, only about one in 50 young people went on to university. Today, more than three in five of the relevant age cohort go on to study in a higher education institution in this State. When the number who study outside the State and those who engage in further education and training are taken into account, we have moved to a situation where further or third level education, while not quite universal, is seen as being within reach of everybody. While more can and should be done to improve access to education, successive governments deserve credit for investing in education. That investment afforded me an opportunity to go on to college, and it afforded many others that opportunity as well. Ireland is now rightly recognised as a global centre for talent, innovation and creativity.

At the time of the 1979 referendum on the Seanad universities panel, participation rates had grown to about 20% of the age cohort. The older universities had been joined by the regional technical colleges, which would evolve to become institutes of technology, the National Institute for Higher Education, NIHE, in Limerick, which had been established in 1972 and went on to become the University of Limerick, UL, and the National Institute for Higher Education in Dublin, which went on to become Dublin City University, DCU, and which was established in 1980. The plan behind the 1979 referendum seems primarily to have been to ensure that the university seats could continue if it was the case that the National University of Ireland, NUI, was to dissolve. Interestingly, there is very limited legal or academic literature on the changes to the Constitution as a result of this referendum. Clearly, given that it took place in 1979, there has been no urgency on the part of the Oireachtas to address the results of that vote of the people.

A few specific changes have been made to give effect to the referendum result, the most recent of which was a 2013 Bill introduced by Fianna Fáil Senators. The leader of the Fianna Fáil group in the Seanad at the time was Deputy Darragh O’Brien, and I am assured that the now Minister for Housing, Local Government and Heritage will deliver on the desire for reform that he and his colleagues espoused at the time. The principles underpinning this Bill are the same as those that underpinned the Bill initiated seven years ago.

I am very conscious of the bigger question of Seanad reform, the composition of this House and how it operates. I look forward to that debate and to contributing to that process of change. I know some believe that the Seanad should be elected on a universal franchise rather than through specific panels. I do not believe that the Seanad should be a mirror image of the Dáil. I believe that an effective second Chamber should operate in a different manner and that the Seanad is at its most effective when it provides alternative perspectives and different expertise from those of the Lower House.

This Bill can be seen as a first step on the road to Seanad reform, but it needs to be taken on its own merits. In the first instance, and most importantly, it is giving effect to a vote of the people. It also addresses the anomaly whereby graduates of certain institutions are granted the right to vote on the basis that they have obtained a degree or higher education qualification and not because of the institution that they attended. To put it in perspective, of the 32,993 graduates from publicly funded higher education institutions in this State who obtained a primary honours degree in 2018, 3,023 were from Trinity College Dublin, 11,741 were from the NUI institutions - UCD, UCC, NUIG and Maynooth University, while 18,229 were from other institutions. Even if the graduates from the NUI and Trinity are combined, they are still a lesser number than those from all of the other publicly funded institutions in the State. This Bill proposes to broaden the right to vote to include graduates of the University of Limerick, Dublin City University, the Technological University, TU, Dublin, the new Munster technological university, the institutes of technology, some of which will also become technological universities in the near future, and other colleges. It provides that, in future, an institution that makes awards that are recognised as part of the framework of qualifications managed by Quality and Qualifications Ireland, QQI, can, with ministerial approval, ensure that its graduates will have a vote in Seanad elections.

The Bill currently provides for institutions in the State, but I believe that a mechanism could be found in the future that could also provide for graduates from the North, from Queen's University Belfast or Ulster University, to have a vote, and I believe that this is an issue that should be discussed as part of the work of the shared island unit in the Department of An Taoiseach. The proposal in this Bill is that we will abolish the two current three-seat university constituencies and create a single six-seat constituency. The Bill does not make specific provision for the management of the electoral register for the universities panel. It has been acknowledged by the NUI and Trinity that there are challenges with the existing registers and this issue needs to be addressed.

The Minister of State will be very much aware, as most of us will, that there are similar challenges with the register of electors generally that we use for all of our elections and referendums. I welcome the fact that the Government is regarding the establishment of an electoral commission as a high priority, and I know of the Minister of State's personal commitment to ensure that this happens. My understanding is that the heads of that Bill will soon be brought to Cabinet and we should see proposed legislation on this area in the first half of 2021. One of the key immediate tasks for this new commission will be the overhaul of the general register of electors and the Seanad register, and these need to be brought into the digital age. In the short term I would envisage that when granting the vote for the universities panel, graduates of other institutions would be required to opt in to register to vote. I believe that it would be quite cumbersome and costly to ask institutions to carry out a formal process where they try to register all possible graduate voters.

I have been fortunate to have had discussions with the Minister of State as well as the Minister, Deputy Darragh O'Brien, and departmental officials, and I am grateful that there is a commitment from Government to look at the broader question of Seanad reform and that proposals will be brought from the Department next year. It would be good to see developments in this area. I am satisfied, however, that by this explicit commitment that has been given to me by Government, regardless of how far we have progressed with overall Seanad reform, during 2021 the seventh amendment to the Constitution will finally be enacted and we will have voting rights on the universities panel extended to graduates of other institutions.

The Minister of State recently took part in an excellent debate in this House on a Bill that was brought forward by Senators Ruane and Higgins that touched on the issue of political funding and campaigning. I have to say that, since my election to the House, it was probably the debate I enjoyed most because it was quite free-ranging and people were quite honest, as the number of Senators who were here at the time will recall. The debate strayed into other areas that are really important: political literacy, the regulation of online political advertising, micro targeting and misinformation.

Given the importance of this legislation on an electoral commission to the underpinning our democracy and to avoid any possibility that this area of work gets delayed or bogged down at the Oireachtas Joint Committee on Housing, Local Government and Heritage, which is also going to be dealing with some incredibly important issues, I would urge that a separate Oireachtas committee to address the electoral commission and the issues with which it must deal would be established. One of these matters very clearly has to be around the Seanad register.

I put forward this Seanad Electoral (University Members) (Amendment) Bill in a spirit of partnership. I welcome contributions as to how it can be improved. I appreciate that the Government wishes to consider the broader question of Seanad reform, but I do welcome assurances that the next Seanad election will see the extension of the graduate franchise and, finally, in 2021, after what will be 42 years, we will enact the seventh amendment to the Constitution.

**Senator Shane Cassells:** I thank Senator Byrne for bringing forward this Bill, for his work in that respect, and indeed his commitment to the ideals that he has set out. In recent days we have listened to our friends across the pond in the United States and how their Government is not listening to the will of the people by facilitating and authorising the President-elect's transition team to commence its work. We laugh and scoff at their antics. The debate tonight shows that we have little to be scoffing at, given that there have been 16 governments in this State since the passing of the seventh amendment in 1979. Sixteen administrations have failed to implement the will of the people as expressed in a referendum that was passed with a 92% "Yes" vote and where more than half a million people voted in the affirmative, and yet 41 years later we have had no movement.

It might not be or have been the most important thing on the agenda of this Government or that of any of the 15 previous governments, but it goes to the very heart of democracy in this country if the express will of the people is going unimplemented for 41 years. Furthermore, it makes a mockery of the much-discussed issue of Seanad reform. One wonders if we will ever reach such utopia if a simple Bill like this cannot be implemented. It is, of course, inherently unfair that only graduates of Trinity and the NUI can receive a vote in Seanad elections and that those from DCU, UL and institutes of technology do not, 18,229 of whom graduated last year, as Senator Byrne has outlined. I know that the programme for Government does commit to electoral reform and that there will be electoral commission forthcoming. I am not too sure, though, if this is within its remit.

I do welcome the electoral reform commission, however, something that I think is very positive. I hope that when it is implemented, we will eventually see the cleaning up of our electoral registers for Dáil elections. Again, many have tut-tutted at the claims of fraudulent practices in the US. They do not have to look that far to see the potential for fraudulent practices. The potential to abuse our system as it stands is huge, such as polling cards being issued to tenants or homeowners who have long moved on from their last registered address. Our practices are rife for abuse because of the outdated methods we have, and the need to embrace modern tech-

nology when it comes to elections in this country is pressing.

I said it during the last term, I said it recently on the Order of Business and I am saying it now directly to the Minister of State. I hope he will look seriously at the concept of online voting using secure portals. We can do it for the payment of taxation in this country. To raise the taxes to fund this country, the Revenue Commissioners use such portals. We can do it with voting as well, whether by using the PPS number to access a secure online voting portal or whatever.

The Bill before us is not complicated and rights a wrong by giving our graduates their entitlement to vote in the Upper House elections. Of course, if we had true reform, there would be a phrase that should not be issued within these hallowed walls then everyone in this country would have a vote in the Seanad elections. In 2018 I was a member of the Seanad reform implementation group, chaired expertly by Senator McDowell. Despite the efforts of the former Minister, Mr. Ross, to thwart his election as chairman, I am proud he was chairman. He chaired it expertly and brought together many different strands. He produced a magnificent body of work by Christmas 2018. Shamefully, it took the then Minister a further year to come into the Houses to debate something on which cross-party discussion had taken place in the compilation of that report. There was no effort whatsoever to embrace reform.

During those sessions I argued strongly for the election of Seanad Members by full popular vote of all the citizens on the same day as the Dáil general election. Not surprisingly, not too many people supported my proposition at the implementation group, but Senator McDowell gave me a very fair hearing and we had some very good exchanges. Theresa Reidy came in to brief us on issues such as that and allowing citizens who are abroad to vote, as did Joe O'Toole. Before anyone thinks it is totally mad, Senator McDowell informed me that we actually had an election of the Seanad by full popular vote in 1925 across a single 15-seat constituency made up of the entire State.

As I said, I lost that particular debate at the reform committee, but I look forward to revisiting it as part of the wider debate. For now, I am happy to have my name on the Bill and to second the proposal by Senator Byrne. It is very worthwhile legislation which shows our commitment to wanting to advance proper reform of this House and its membership by empowering our citizens. I also look forward to engaging with the Minister of State on electoral reform.

**An Cathaoirleach:** I will slightly amend the order of speakers. Senator Norris and the Independent grouping have been kind enough to allow Senator Bacik to speak now because I believe she has an important birthday celebration to attend. Her mother, Irena, is having a birthday party and I do not want to delay her further. I wish the Senator's mother a happy birthday.

**Senator Ivana Bacik:** I am very grateful to you, a Chathaoirligh, and to my colleagues. I hasten to add that the party will mostly take place on Zoom and entirely in keeping with regulations.

I welcome the Minister of State. I commend Senators Byrne, Cassells and their colleagues on proposing this Bill and highlighting Seanad reform so early in the term of this new Seanad. Reform is clearly long overdue as the Senators have said. Many of us who have been in this House for some time will feel a strong sense of *déjà vu* because we have debated Seanad reform on several occasions. Unfortunately, successive governments over many decades have dragged their heels on it.

It is disappointing that the programme for Government does not specifically mention Seanad reform, although I very much welcome the electoral commission proposal, which is also Labour Party policy. I think the Green Party was the only one of the three coalition parties to mention Seanad reform and to commit to implementing the Manning report. The Manning report gives us an important blueprint for reform. In 2015, the Labour Party group, of which I was then leader, made a submission to the Manning process. I urge colleagues to read that submission, which made some very practical suggestions and recommendations for reform that would not require constitutional amendment and yet would introduce universal suffrage, which is clearly the gold standard.

Of course, it would also have implemented the seventh amendment and extended the franchise on the university panels to graduates of all the institutions. I do support that, as does the Labour Party, but the difficulty for me is that the reform is one that needs to be done as part of a package of reforms because, otherwise, we are going to see such a skewing of the electorate. We would have six Senators elected by 800,000 university graduates with just this Bill. Without the other much needed reforms, one would not have any reform to the electoral process for the other 43 Senators. It is clear that the 11 are contained in the Constitution and that cannot be changed.

Our proposal in 2015 was that there would be universal suffrage and that those who were graduates of any third level institution would have the option of voting for the university panel instead of one of the other panels, so that one would not be doubly enfranchised as a university graduate, but the franchise would be extended to all third level graduates for one panel. It is a simple and straightforward way of dealing with necessary Seanad reform.

Clearly, there are other big issues with the Bill in terms of logistical challenges, operational challenges and the cost of running for an election where one potentially has 800,000 electors, but those should not stand in the way of reform. I very much support the momentum towards reform. I hope we will see the great work that was done in the Manning reform process and with Senator McDowell's group, the Seanad reform implementation group, on which I was proud to represent the Labour Party. I hope we will be able to build on that in the lifetime of this Government and this Seanad, and we will be able to bring forward the package of reforms that is so badly needed, that can be done within the Constitution and that can bring about universal suffrage, including also the expansion of the university panel to graduates of all third level institutions.

**Senator David Norris:** I welcome the Minister of State, Deputy Malcolm Noonan. I was a little taken aback when, as I understood it, Senator Cassells attempted to draw a comparison between the university seats and President Donald Trump. I have heard everything now. My God almighty.

I have been campaigning for Seanad reform for more than 40 years and the parties did bugger all about it.

**Senator Shane Cassells:** Which I said.

**Senator David Norris:** I know the Senator did, but the parties are the ones who are responsible for it. I have been campaigning for it. Among the points I made all the time is that the University of Limerick and Dublin City University, DCU, should be included. Of course they should. I have some reservations about this business of diplomas, which I noted is not defined



in the definitions section. We do not know what a diploma is or where it comes from. If one looks at the definition of a university, as I understand it, and I taught in a university for many years, it is something that takes in a universal spectrum of ideas - engineering, the arts, medicine and other such areas - not more valuable but quite distinct from a technological university. I say this despite the fact that my cousin, Professor David FitzPatrick, is head of the technological universities body, so I expect I will get a kind of Christmas card from him for saying that.

I have campaigned on this issue for many years. I ask Senator Byrne why he would take on the only democratic element in this House. We are the only democratic element. I have a constituency of 65,000 voters. NUI has 115,000. Those are constituencies. Let us compare that with the Taoiseach nominating 11 Members without even the farce of an election. There is power, and that of course is what it is all about. It is all about the vested party interests. I regard this as nothing more than a gerrymander. It may seem to be rather an unusual word to use, but it is a gerrymander intended to advantage the political parties and keep the independent voices out. For that reason, I hope it will fail.

The Bill takes one element out of the Bill that my late friend and colleague, the former Senator, Feargal Quinn, introduced in this House. That was put together by a group of lawyers that Feargal paid for, who had damn all understanding of the university constituencies, and for that reason it was a complete nonsense.

I say it is a gerrymander because it would keep out new, young blood. I think that is what this House needs. You are a very young Cathaoirleach.

**An Cathaoirleach:** I am not as young as Senator Norris thinks. He is young at heart. That is what is more important.

**Senator David Norris:** I am a young 76. I think that is a point worth making. I do not know whether it is true, but I was told that neither Fine Gael nor Fianna Fáil is supporting this Bill. We will wait to see. That would be interesting in and of itself.

I have campaigned over many years for reform of the Seanad and I would like real reform, that is, reform of the entire institution. I think that is unlikely for the reasons I have stated, but there we are. In any case, we did manage to save this House. It is a very good thing for this country that we did. With that, I will sit down and leave the debate to my colleagues.

**Senator Aisling Dolan:** I welcome the Minister of State, Deputy Noonan, who has responsibility for heritage and electoral reform. I support the Seanad Electoral (University Members) (Amendment) Bill 2020 that has been brought forward by my colleagues, Senators Malcolm Byrne, Pat Casey and Shane Cassells. We are very fortunate to have experts such as the Senators who have spoken ahead of us, nominated through the Seanad university panels. Everybody here in the Seanad brings different perspectives and value. We all add to the informed debate in this Chamber.

Currently, only graduates from NUI colleges – NUI Galway, UCD and UCC - and TCD can vote for university panel Senators. Students with qualifications from the new technological universities, such as the proposed Connacht Ulster alliance, cannot vote for these positions. They would also give a regional perspective. Currently, we have two universities from Dublin. I am not exactly sure how much regional perspective there is, although I know many people from across the country also attend those universities.

As has been indicated by Senator Cassells, it is more than 40 years, 1979, since people voted in favour of a referendum to extend voting rights to all graduates. On that occasion, 92% of people voted “Yes” to the seventh amendment to the Constitution, allowing the State to determine by law which institutions of higher education would be entitled to elect Members of the Seanad.

In 2014, the then Taoiseach, Enda Kenny, appointed a working group to examine and make recommendations on reforms to the Seanad electoral system, its powers and functions. As Senator Bacik mentioned, the group was chaired by then Senator Maurice Manning. The working group on Seanad reform included former Leaders of the Seanad, former Ministers and academics. In 2016 a campaign called Graduate Equality was launched by Marian O'Donnell of the University of Limerick, UL, students' union, Lysette Golden of the Dublin Institute of Technology, DIT, students' union, and Domhnaill Harkin of DCU students' union. These students came together to ask why their vote did not count, why their degree was worth less than others and why the Government was undermining the value of their degree. The current inequality among third level graduates is unfounded and unfair.

In the current system the turnout is low. It is roughly 30%. That could be linked to the challenges with the electoral registers, as mentioned by Senator Byrne. We need to increase our impact and visibility on the work that we do in the Seanad. We need to show our country the value that we bring to developing policies and legislation. That impacts on every single man, woman and child in this State.

Graduates want their voices heard. They want to see the reform that was promised after the Seanad was saved from abolition. This Bill paves the way for the reform of the Seanad. We need to make it more accessible and inclusive for all.

It is noted that the Minister will decide which institutes or students are eligible. We are looking at graduates in particular with NFQ level 6, diploma level, which means we are opening it up to institutes of technology and universities. I also call for the inclusion and the focus on further education to reflect our aims in this Government, in particular given that we have established a new Department of Further and Higher Education, Research, Innovation and Science, and we are looking at putting those on an equal footing.

I would also like to ensure that funding from the Department allows for the administration of these panels. We have heard about the challenges with the electoral registers. I am happy to hear from Senator Byrne about his focus on bringing this into the digital age. I would encourage that as well. As far as I am aware, the current system is postal and many ballots are returned unfilled. It is understandable that it is difficult to keep the register up to date as people change address. That is understandable. Currently, the university franchise is 177,000 voters. With this Bill, we will be increasing it to 800,000 citizens. I want to see Seanad reform. This is just the very first step. With this Bill, we are fulfilling the amendment to open up voting to all third level institutes. I thank my colleagues for bringing the Bill forward. It is really important that we do this as soon as possible. With the Minister of State's remit over electoral reform, I know this will be a priority for him as well.

**Senator Vincent P. Martin:** The year 1979 is such a long time ago. Some of us were not born and others will remember the visit of Pope John Paul II to Ireland. We had the horrific loss of life in Warrenpoint and Mullaghmore. On a less serious point, Monaghan won their first Ulster title in 41 years in 1979, and the Boomtown Rats were raging No. 1 in the charts with “I

Don't Like Mondays".

We really stand indicted today that we do not like reform. Where have we been since? Senator Norris is correct that we stand indicted as a democratic body - Upper and Lower Houses. We did not reflect the will of the people who voted for change in 1979. It is quite astonishing that a challenge was not brought seeking declaratory reliefs and other reliefs from the court, insisting that we were brought up to scratch.

I will be supporting tonight's Bill. I commend Senators Byrne, Cassells and Casey. Let us not get carried away with ourselves, however. It is reforming the most democratic working aspect of the House, but in doing so, it implements the will of the people. There is always room for improvement and it is achievable. To make the working of the Seanad more accessible to people is irresistible as we try to fulfil the potential of this House. This House has such potential but it is largely unfulfilled. This will be a signal, not a silver bullet solution, of the great work that can be done and to extend the franchise.

I have a lot of respect for and I listened carefully to the elected Members from those two big constituencies. We already had addresses from Senators Bacik and Norris, and I am sure Senator McDowell will speak. Senator McDowell was one of the former Attorneys General at the time who saved this House. I am convinced that, with a few days to go, the intervention of ex-Attorneys General at the time was pivotal.

This House has a huge potential, and I know I am talking to the converted. The potential to give a franchise to graduates in the North of the island of Ireland could bring people together. I am not sure what exactly Senator Norris meant by referring to gerrymandering. This is not a gerrymandering, and Senator Norris, of anyone, has no fears from this opening up of the flood-gates. He will probably get an even bigger vote and he is a veteran of a national election to be President of Ireland. I know it will cost more money but we are talking about democracy. It will be a huge constituency. After the wait from 1979, I will not turn down any opportunity that comes my way. If two buses come after waiting on a bus for several months, I will encourage both. This is the first bus that has come in this direction in so long, and I do not think it was fair to say it is a gerrymandering approach. Maybe Senator Norris said that tongue in cheek. I look forward to the reply as the movers close the debate in response to that, because it is not gerrymandering. I associate that with the past and with a different world when Northern Ireland was a very cold place for the nationalist community. There was gerrymandering in constituencies. This is a celebration of democracy. It opens it out for so many more people. There is a great chance for reform coming now. We should grasp this moment and progress all opportunities. I stand reserved in judgment about how far we will get because if one looks at the abysmal track record, it would not encourage one that there will be a massive breakthrough any day soon. I am more hopeful than anything else. There is litigation in the High Court, which would focus people's minds on this issue. Senator Byrne is aware of that.

I would like to welcome the Minister of State, Deputy Noonan, to the House. Perhaps I should have done so at the outset. He is a party colleague and it is wonderful that he is here.

I encourage Members not to feel threatened by this Bill. I know one could say something better is coming but can we afford to wait when this will do a bit of good in an area that is probably the proudest aspect of the Seanad with the huge constituency it has? It opens the franchise out to so many more people. It will win much more accessibility into the workings of this democratic system, it will demystify it and people will be able to feel a sense of ownership of

this Upper House.

I commend and thank the proposers of this Bill. It will get the support of the Green Party.

**Senator Fintan Warfield:** Sinn Féin will be supporting the Bill. I have to ask, however, why we are here on the Private Members' business time of a Government party not debating the Seanad Bill that was produced by the Seanad reform implementation group? That was a group that involved a cross-party selection of representatives that worked painstakingly for months and that delivered a good Bill at the end of that process. That Bill would legislate to radically reform elections to the Seanad and it includes this very proposal of a single six-seat university and higher education constituency. It would also legislate in order that 43 seats would be elected across the five vocational panels and of that number, 28 seats would be elected by the people of Ireland, Irish citizens from the North and the South who would choose and register to vote on their vocational panel of interest. A regrettable departure from the Manning report and the Seanad Bill from the Seanad reform implementation group is that the Bill before us does not include 15 seats that would be elected by Deputies, outgoing Senators, city councillors and county councillors. Under the Seanad Bill from the Seanad reform implementation group, the 11 nominees of the Taoiseach would remain for now and continue to be nominated by the Taoiseach as it would require constitutional change to alter that but when doing so, as proposed by the Seanad reform implementation group in an amendment passed by me and Sinn Féin, the Taoiseach would factor in and take into account the gender balance and the diversity of representation following a Seanad election.

The Bill to achieve all of this is ready and we should be here discussing the Seanad Bill as proposed by the all-party Seanad reform implementation group. It was set up by the Taoiseach and it met weekly in the Department of the Taoiseach. I and my Sinn Féin colleagues engaged with it in good faith. It is one of the things I am most proud to have been involved with in my term in the Oireachtas. Sinn Féin called for the group to be extended to examine constitutional issues such as the abolition of Taoiseach's nominees, the calling for Seanad elections, as Senator Cassells has mentioned, on the same day as elections to the Dáil, the abolition of a requirement for postal votes, the provision of equal gender representation and the representation of marginalised groups.

We will support the Bill today. It is regrettable on a number of fronts that it divides those who want reform. It perhaps pitches the Trinity Senators against those who are in favour of reform and the Trinity Senators are in favour of reform. It will potentially be a distraction from the Seanad Bill itself, should the Government decide to run with this Bill and use this to show it is reforming the Seanad. That would be a distraction from the Bill. I call on the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, to bring forward the Seanad reform Bill, as proposed by the Seanad reform implementation group. The report group recommended that the Taoiseach bring forward the Bill in the Dáil. I dug out the letter from the chairperson of the group, Senator McDowell, to the then Taoiseach, which accompanied the report on its delivery to the Department of the Taoiseach. The chairperson stated he believed "the Bill should be introduced to Dáil Éireann rather than into the Seanad and that reform of the Seanad is not a matter best left to the initiative of the unreformed Seanad but is a matter on which the will of the people, as expressed through the Dáil, should be ascertained and implemented".

I want to make two final points concerning the Bill.

**An Cathaoirleach:** I ask Senator Warfield to speak to this Bill. The other Bill is related,

but it is not the Bill before the House.

**Senator Fintan Warfield:** My next two points refer exactly to this Bill, and, in fairness, they were touched on by Senator Byrne. If Irish citizens in the North are entitled to vote across five vocational panels, then surely Irish citizens should be allowed to choose their university or higher education constituency. Mention was made of Queen's University, and I am thinking of St. Mary's University College, Ulster University, the Open University and Stranmillis University College. As I read it, that would require an amendment to section 7 to remove "in the State".

I would also like to see an amendment to allow anyone who has achieved a level 5 qualification a right to choose to elect Senators from the university and higher education constituency. We will be supporting this Bill, but the Minister, Deputy Darragh O'Brien, and the Government must bring forward the Seanad Bill.

**Senator Alice-Mary Higgins:** I support the extension of the university franchise and I have done so for a long time. In that context, of course, I cannot but support the Bill and its proposals. I specifically commend several choices which were made. I support seeking a wide single six-seater university panel. That is important. Another decision which I support, and which was something I and Senator Warfield pressed for within the Seanad reform implementation group, is the idea that it should be inclusive of those with diploma-level qualifications.

I support giving the vote to as wide a pool of graduates as possible. It is the fulfilment of the spirit of the 1979 referendum. We also had a referendum in 2013, however. Members of the public, most of whom did not have a vote for this House, then chose to retain this House. I believe that choice was made on the basis of the promise that the Seanad would be reformed and that people would have a say in it. I am very keen, therefore, that we have legislation that will reflect that mandate from 1979, and it is a disgrace that it has been that long. The Tánaiste has been around longer than this mandate. This has been a very long time coming, but we also have a mandate from 2013. It is a disgrace that the last Seanad, the 25th Seanad, which only existed by the grace of ordinary voting members of the public of every kind who voted and chose to say that they believed reform is possible, did not deliver that reform. The reason it did not deliver was a lack of good faith from the Government, unfortunately.

**Senator Michael McDowell:** Hear, hear.

**Senator Alice-Mary Higgins:** That is why I have a couple of notes of caution and expansion regarding how we need to be more ambitious about this and similar legislation. Along with 11 other Senators, I introduced a Seanad reform Bill on my first day in the Seanad in 2016. I did that because I was passionate about it. I know Senators Byrne and Cassells, who also served on the Seanad reform implementation group with me, are also passionate about this matter. We brought forward that Bill in 2016 on the first day the last Seanad sat. We were implored to set that legislation aside and to engage in a cross-party process which would involve all parties, all of which would put forward representatives. That is why I have a question regarding an explicit commitment. There was an explicit commitment in the last programme for Government, which committed to implementing the Manning report. We engaged in that process and we set aside our legislation. We worked for many months, and we hear the sincerity expressed by Senators Cassells and Warfield when they speak about it. There was major and genuine engagement and co-operation to produce that Seanad reform Bill. It did not contain everything we all wanted, but it was agreed cross-party. It was agreed as the starting point and as legislation which everyone stood over that had emerged from a cross-party committee. It was requested by and sent to



the then Taoiseach. It was then ignored.

As I think was mentioned by Senator Cassells, after it was ignored it took a year for the relevant Minister to engage. The legislation was also dismissed by the then Tánaiste, who really rolled back on the very basic principle of the Manning report. The part on which he rolled back and on which he expressed questions concerned whether we want to take any power away from councillors and if we really want to have the public vote happen. That was the part which was questioned and that is why I am concerned. While I believe in the absolute sincerity of the Senators proposing this legislation regarding the university franchise, I know for a fact that there are those in government now and who were in government previously who actively opposed the extension of the franchise to the wider public.

I am interested in steps forward, but those steps forward cannot be into a cul-de-sac. This cannot be something that gets framed as Seanad reform, following which we are then told there was Seanad reform, and the issue then gets parked for another 30 or 40 years. I am supporting this Bill on Second Stage and I am genuinely delighted that there are Members across the House who are passionate about this issue. I will, however, be seeking to widen the ambition of this legislation and to amend it on Committee Stage to ensure arrows and pointers are built into this legislation to ensure the widening of the franchise. I refer to the other 43 seats and how they might be approached. It will be crucial for me that the other aspects of that agreed cross-party Bill are either included or are set on a hard timeline, because there must be steps forward.

When we talk about first steps, we need to be not just walking but running at this stage. I was concerned about what will happen when the proposed electoral commission comes to be, something so many of us supported and I was among the many who called for it. I do not want it, however, to decide that it will lead with only university panels. I want the electoral commission and it is a good idea that there would be a separate committee to look at it. It will need to look, though, at all those other issues which were mandated in that agreed Seanad reform legislation. That is vital.

I do not want us to miss the biggest train moving through this area, the electoral commission, because we are taking small steps. This concerns raising our collective ambition and delivering on reform. It is unfortunate also that one of the smallest measures, the measure which the Government has the most control over, regarding the 11 senators, cannot be changed without a referendum. Our committee, however, recommended that the Taoiseach's 11 nominees be used to insert a diversity of voices into the Seanad. We actually had a step backwards, however.

The last few Governments had nominated five independent Members representing a cross-section of society. Those Members did not necessarily come only from NGOs, but also from business, the arts and the area of children rights. I do not want to disparage any Member who was nominated. There had been a precedent, however, that five of those 11 senators would come from different perspectives in society, but that was reduced to one Senator in this Seanad and that is regrettable. I am delighted that the one selection is Senator Eileen Flynn, who is making an excellent contribution to this House. It is a loss, however, that there is only one such Member and not five. If six Members are affected by this, then that will represent 10% of the House and that will not be enough. We need universal suffrage. I want all graduates to be able to vote, but I also want all citizens to be able to vote. Our proposals were clear. They do not cut across or conflict with the Dáil. It is a very different purpose. It is not a geographical but a thematic House. It is, in the end, constitutionally in terms of money, legislation and so forth, subject to the other House. There is no danger of replication or overlap of powers in that regard.

The work put in by Dr. Maurice Manning and others and the resulting legislation was entirely constitutionally compatible. It was expertly drafted. It was agreed, it exists, it is on a shelf in the Taoiseach's office, and it is widely available.

I echo what Senator Warfield said. Let us have the Minister, Deputy Darragh O'Brien, bring forward that legislation. I am sure Senators Byrne and Cassells, if they saw momentum coming around that agreed collective legislation that addresses those issues they are addressing, would support that.

**An Cathaoirleach:** I am not cutting off the Senator. The issue is the Bill before us. The Senator is ranging into Seanad reform but she is also talking about a Bill that is not before us.

**Senator Alice-Mary Higgins:** It is in the context of this Bill.

**An Cathaoirleach:** I understand that.

**Senator Alice-Mary Higgins:** I thank Senators for bringing forward their Bill. I will support it today on Second Stage. I hope to engage actively on it between now and Committee Stage, but I also hope that between now and Committee Stage we see the Government stepping forward, delivering the agreed Bill on Seanad reform and bringing it to us.

**Senator Seán Kyne:** I welcome this Bill. I also welcome the Minister of State and thank the three Fianna Fáil Senators for proposing the legislation. I will be supporting the Bill, first, on the basis of equality among third level graduates. I would have received correspondence in the past from graduates of Galway-Mayo Institute of Technology, GMIT, or DCU who would be very affronted that they do not have a vote in a Seanad election. On that basis, this Bill regularises that. It changes that system and that is to be commended.

On the basis of equality within society, this increases the proportion of the electorate who have a vote in a Seanad election, and that certainly is welcome. It results in more democracy, but of course not full democracy. As has been pointed out, it does make the election process for six seats more democratic but it does nothing for the remaining seats, including the seat occupied by me at the moment. I would equally have received a view even today from an individual who would be absolutely affronted that now that we are proposing to change or reform something that has been in place since 1937 and is of its time, we are still not doing anything about those who are not third level graduates, who will not have a vote, and who will not be able to participate in the process.

I am a graduate and as, up to this, a former councillor and former Deputy and, at the next Seanad election, an outgoing Senator, I will have five panel votes. With a vote on the NUI panel, I will have six votes, and maybe there are some people in the House who will have seven votes if they are also a Trinity graduate. This is assuming this Bill does not come into play, not that I can predict when the next election will be, of course, or how fast this process might take place, or what the end result will be. Those are the anomalies that people see, however. In the referendum on the Seanad in 2013, I know of some individuals who were voting to retain the Seanad because they had a vote as an NUIG graduate and they wanted to protect that vote that others did not have. They felt it was something of added value or something that made them different, separate and stand out, which is unusual.

On the Taoiseach's nominations, and I know it is straying into other areas, but again I believe it is important that, whoever the Taoiseach, he or she can ensure that there is a Govern-

ment majority in this House. I know others would disagree, that that should not be the case, but I believe it is important because if a Government cannot get its legislation through, then that creates problems. That is not to say that this House is an obstructing House, but that is being honest, and that, I think, was the reason that the measure was put in place at the time. It is important that a Government is able to push through legislation as if it could not, the democratically elected element in the other House would be superseded or at least impacted by this Chamber.

The role of councillors is also important. This is a positive element as councillors through this have a link to the Oireachtas. They have a link with Deputies in their constituencies but they also have a link directly to this Chamber because they elect Senators. It is an important link. There is the question of population. If every graduate uses each vote, the figure is 800,000, which would put the six seats on a level similar to a European election. I hope it would not be as costly as a European election but it raises the question. The current system of Senators running for the Dáil or former Deputies running for the Seanad - I put my hand up for that - is often criticised but politics is a precarious life. Having experience in either House and contesting election for the other is beneficial. I do not see an issue with it.

This Bill is the right step but it is not perfect. It makes the process for graduates more democratic and every graduate would have a vote. There are people who have not been lucky enough to gain entry to university, either in the past because of finances or their position in life, or who may start a college course and drop out. There are people who did not achieve the required points total or for whom college was not the right fit. They are still disenfranchised and it is a matter that the Seanad reform debate took in before. In my time as Government Chief Whip, although we went through much legislation, the matter was not brought forward. This is an important measure but it should be part of a wider package of reform.

**Senator Michael McDowell:** I welcome the Minister of State and thank Senator Cassells for his very generous encomium, which is not entirely deserved. I reiterate my thanks to him, along with Senators Warfield and Higgins, for their enthusiastic and totally committed support of the Seanad implementation group process.

If we are talking about between 800,000 and 1 million people as part of this electorate for six seats in the Seanad, we should bear in mind, as Senator Byrne has said, that this is an increasing proportion of the population all the time. This also means 70% of the elected seats and seven eighths of the seats in the complete Seanad would be elected by 1,200 people. The entire purpose of the Manning process was to end that totally anomalous position.

I fully accept the proposition that we cannot discriminate now - and there is no reason to discriminate - between the various universities and institutions of higher education, including technical universities and the like, and the university I represent, which is the National University of Ireland. From that perspective the principle of this Bill is something I wholly support. The Cathaoirleach has ruled that the other Bill, which has been published and is available to be moved in the House, is not under consideration today. This is very much like Banquo's ghost as we are dealing with a proposal that would enfranchise between 800,000 and 1 million citizens over time but which at the same time would leave between 2 million and 3 million citizens disenfranchised with no direct say in the composition of this House. We must bear that in mind.

Various people claim to have saved this Chamber but the late Feargal Quinn, above all others, did so. I want to pay tribute to his memory. I remember standing on Shop Street in Galway

and in various other places, Athlone and the like, with him and people flocked to him wondering why he was on their street. He handed out leaflets to people who had no vote in Seanad elections saying please save the Seanad. It was his triumph, above all, that this House was saved. His posthumous last article pointed out a few things which, I think, sometimes should bear repetition here today.

The present programme for Government does not mention the reform of Seanad Éireann even though the Green Party, in fairness to it, attempted to insert it into its programme for Government. The second thing is that we have to go back to the attempt to abolish this House to remember that those of us who were opposed to the abolition of the House said it should be reformed. As an effort to trample down their idealism leading members of Fine Gael, including the then Taoiseach, Enda Kenny, said there would be no reform and if one voted to keep the Seanad one would be voting for an unreformed Seanad in order to scupper that argument. It was only after Enda Kenny got his wallop that he finally, about a year later, began to talk about reforming the Seanad and establishing the Manning report, to which Senator Higgins referred. The Manning report was established and came forward with workable proposals within the Constitution for the reform of this body and the way it was elected. Its report was given to the Government but nothing happened. It was ignored.

Seanad reform legislation was proposed by Senator Higgins, me and others as soon as we could in 2016. In the 2016 election, let us remember, it was necessary to recruit Independents to support that Government one of whom was our former colleague, Katherine Zappone. She insisted that the implementation of the Manning report would be included in the programme for Government in 2016. She was given that commitment and it was scandalously reneged on by cynical people. Nothing happened under the then Taoiseach, Enda Kenny. When he was succeeded by the present Tánaiste, Deputy Varadkar, what actually happened was that after a lot of humming and hawing, and a lot of procrastination, the Seanad reform implementation group, which I was privileged to chair, was established. It had terms of reference that envisaged that the Manning report would be implemented. It was decided upon by that Cabinet in its entirety. We worked from June to December 2018. I should say for some people's guidance here today, in case they have forgotten it because they probably never heard it, that at our first meeting some Members who were totally opposed to the idea of reform proposed that we should visit New Zealand, a country that had abolished its Senate and proposed, at the same time, that we should extend our timeframe to accommodate such foreign travel. I just want to remember those things.

When we presented the report nothing happened. Senator Warfield has referred kindly to my covering letter to the then Taoiseach saying that this Chamber is not the place to propose reform and that such a proposal must come from the Dáil if it is to have any chance. I eventually sought a meeting with the present Tánaiste, then Taoiseach. I just want Members to know what happened at it. I came to his office and said, "What is happening to our report because you have made some very cool offhand remarks about it in Dáil Éireann?" What did he say? He said he had no interest in implementing my report, our report. None whatever. He said that if some private Members of Dáil Éireann wish to move that report then that was their business but there would be a free vote on it and he assured me it would not command majority support. So the Members of this House, including Senator Cassells and others, had slaved to produce this report. We had, at the taxpayers' expense, an expert draftsman draw up the legislation that was there. We, and this must be emphasised, had provided that the reform could be implemented in stages, that it was not all going to be big bang. I had assured Members of this House that they

were not turkeys voting for an early Christmas, that they would have at least one more election - most of them - under the old regime. That was not good enough for them. The cynicism was absolutely there. When the 2020 general election took place, all mention of Seanad reform evaporated from the political discourse. Now that is really shameful. The people involved - two successive taoisigh, Enda Kenny and the present Tánaiste - bear the personal blame for that. In fairness to the present Taoiseach, Deputy Micheál Martin, he did encourage Senator Cassells to participate in the hope that there would be Seanad reform, but unfortunately it has evaporated completely in the meantime.

I just want to say this: the implementation group's report, which is more elaborate than Senator Byrne's Bill, was designed to give effect to the will of the people. I am 100% behind the idea that no third level institution, be it a university or an institute of higher education, should be left out of the process or discriminated against. I do not see, however, why the farmer's wife, or the farmer, for that matter, or the bricklayer, or the construction worker, or the taxi driver, or all of those people who are citizens of an equal Republic stand with no votes in our present system.

Whereas I commend the Senators on giving life to and resurrecting the prospect of equity as between universities as envisaged by the 1979 referendum, which, by the way, was not envisaged to widen the franchise but merely to facilitate the dismemberment of the NUI, which was then in contemplation, and I will support this Bill, because it is the principle of the Bill that we are debating now, this is not enough. It is simply not enough. It is utterly inadequate.

I want to make one final point about democracy. If there are between 800,000 and 1 million voters for six seats in this House, then the quota for election will be one seventh of that, which is well over 100,000 votes. To become a university or higher education Senator will require five to ten times the level of No. 1 votes required to get into Dáil Éireann.

I want to make one point and it is not being glorious at all. I asked a researcher in my Independent group to quantify how many Deputies got fewer first preference votes than I did in this Chamber, and it was in excess of 102 got fewer, and Senator Mullen, in fact, got even more votes. I am making the point that if we are going down the road of saying that it takes 100,000 people to put in one university Senator and people in Dáil Éireann, representing some constituencies in Dublin, and some of whom have very high office, have 3,000 or 4,000 votes, that is not democratic.

The time has come to consider every citizen in this country as having an entitlement to participate in the Upper House in their democracy. The time has come to dismantle elitism. I welcome this Bill in so far as it is a small step in that process. The fundamental issue is that this House needs to be radically reformed. All the promises have been made, and have been shamefully traduced by cynical people who asked Members of this House, and of Dáil Éireann when Senator Cassells was a Deputy, to participate in a process which they cynically threw into the bin before congratulating themselves on having delayed the process for another couple of years. That is shameful. While I will be positive about the Senators' Bill tonight, I have to say it leaves a bitter taste in my mouth to acknowledge that forces which have no commitment to reform of this House constantly succeed by pretending to be concerned with the issue, while doing nothing about it.

**An Cathaoirleach:** The House is due to adjourn at 7.15 p.m. Would the Minister of State like to contribute now?



**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan):** Yes, if that is okay. I have an important vote in the other House.

**Senator Michael McDowell:** The Minister of State will not be missed.

**An Cathaoirleach:** The Minister of State has up to 15 minutes. We will get other people in, but I want to make sure the Minister of State participates in the debate.

**Deputy Malcolm Noonan:** I am pleased to have an opportunity to take part in this Second Stage debate. It has been a very informed and wide-ranging debate so far. I thank Senators Byrne, Casey and Cassells for introducing the Bill, which enables us to debate and consider the relevant issues around extending the franchise of the universities panel of Seanad Éireann to all citizens of Ireland who are over the age of 18 and hold an appropriate third level qualification from an Irish institution of higher education.

Before I get into the body of my response, it is important to say that we have a robust, if somewhat imperfect, democracy. This House contributes greatly to that, largely due to the people who are elected here. We must defend and stand up for our democratic structures and those who choose political life as a vocation. It is also important to note that the diversity of both Houses, and councils around the country, is not reflective of the diversity of wider society. It took a Taoiseach's nomination to put forward Senator Eileen Flynn, who has already made an immense contribution to this House. We need more of that diversity within our democracy at every level - at local level and in both Houses.

The proposal is set against a background of Seanad reform and it is important that this Bill is considered in that wider context. I welcome the rich contributions of all Members who have spoken this evening. As Senators will be aware, Seanad reform has been on the agenda for many years. Despite numerous reports over the years, we have not succeeded in achieving all-party agreement on substantive reform of the Seanad. There have been many reports on Seanad reform, dating as far back as 1943 and most recently in 2018, but none of these programmes has led to radical reform.

Since the defeat of the 2013 referendum to abolish the Seanad, two key reports have been published. These reports included recommendations for the extension of the university franchise at Seanad elections to graduates of other institutions of higher education in the State. The first of these reports was published in 2015 by the working group on Seanad reform, under the chairmanship of Dr. Maurice Manning, a former Senator, who has been mentioned here this evening. The main electoral reform recommendations of that report were that the majority of Seanad seats should be elected by popular vote in a one person, one vote system; that this principle should be extended to include Irish citizens in Northern Ireland and those living overseas who hold a valid Irish passport; that provision should be made for online registration for voters and the downloading of ballot papers; and that there should be a greater role for the Seanad in the scrutiny, amendment and initiation of legislation.

The second report was published in December 2018 by the Seanad reform implementation group, which was established under the chairmanship of Senator Michael McDowell, who did an incredible job, and had cross-party membership. This group's main term of reference was to consider how to implement the recommendations of the Manning report, and whether any variations to those recommendations were needed. In addition to this report, the group published an accompanying Bill to implement its proposals. One of the features of the implementation

group's report was the lack of consensus among the group. The report set out different statements of positions from members of the group who had dissenting views. These ranged from re-examining the constitutional provisions with regard to the Seanad, with the aim of achieving more meaningful reform, to having an electorate composed only of residents in the State. The group's report highlighted the difficulty in achieving consensus, where there is a variety of views on complex and multifaceted issues.

While Programme for Government: Our Shared Future does not make an explicit commitment on Seanad reform, as has been highlighted, it is recognised across all parties that there is a need for substantive change. The issue of the university franchise, which has been outstanding since the seventh amendment to the Constitution in 1979, is among those we must address as part of Seanad reform. On this basis, the Government is not opposing this positive Bill. I am happy to work with the Senators on progressing the intent of this specific legislation next year. I have spoken to the Minister, Deputy Darragh O'Brien, on this issue with a view to bringing forward proposals to the Cabinet in due course on Seanad reform following agreement with the coalition partners by 2021. The issue of the university franchise will be explicitly dealt with within that. I know that the Senators will play an active role in ensuring the intent of this legislation is kept alive in next year's measures. On this basis, I hope this Bill can be adjourned on Second Stage and this work can be allowed to proceed following the completion of our electoral commission plans. The Senators can, of course, move forward with the Bill in the future if they believe that sufficient progress is not being made within a specific timeframe.

The Government's immediate goals with regard to a general electoral reform Bill are set out as a substantive reform agenda in Programme for Government: Our Shared Future. I am prioritising these electoral reform commitments and my Department is finalising the general scheme of an electoral reform Bill to give effect to these commitments. The Bill will provide for the establishment of an independent statutory electoral commission; provide for the modernisation of the electoral registration process; introduce new regulatory provisions to ensure transparency in online, paid political advertising; and facilitate the holding of electoral events during Covid-19-type restrictions. These significant reform measures are the result of the culmination of many years of work, and I am determined to deliver them as a matter of priority.

The plans to establish an electoral commission are at an advanced state within my Department. In accordance with the commitment in the current programme for Government, it is intended that an electoral commission will be in place by the end of next year. My Department is working to meet this commitment and is confident that it can be met.

On the modernisation of the electoral register, I know that the register is a matter close to the hearts of Members. It has been mentioned here this evening. This area has been in need of reform for some time. The modernisation of our electoral registration structures is well advanced. Through the electoral reform Bill, my Department proposes to create the legislative framework for the introduction of rolling, or continuously updated, registration; the simplification of forms and the registration process, including an online option; a single national electoral register database; and a move to a system of verification using PPS numbers.

With regard to the regulation of online political advertising, the electoral reform Bill will provide for the compulsory labelling of online, paid-for political advertisements commissioned for, and during, electoral periods. It will provide for the clear display of specified information, or a link to that information, in a transparent and conspicuous manner. In doing so, it will apply similar but enhanced requirements for online political advertising during electoral periods to

those that apply to traditional poster-type advertising.

The last reform issue that will be included in the electoral reform Bill is the provision for legislative amendments to electoral law to facilitate the holding of polls during times of Covid-19-type restrictions. Measures include holding a poll over more than one day to facilitate social distancing at polling stations and providing appropriate arrangements for special voters. We are mindful that a significant election took place in recent days in the United States during a Covid-19 event.

Having outlined my priorities for electoral reform, I would like to return again to the Bill that is before us, which deals with the university franchise at Seanad elections. While it is a short, four-section Bill, and on the face of it might seem straightforward, it is a complex proposal and a number of questions arise. Apart from how this proposal will fit into any overall reform of the Seanad, many issues need to be considered in detail. Section 6(1)(c) of the Bill appears to give the Minister the power to address many of these issues by way of making regulations. However, this may not be the most appropriate way to proceed, and it may be more appropriate to address these issues in the Bill itself. While I do not propose to outline every detail that would need to be addressed, I will point to a number of issues in the Bill that require more analysis and consideration. For example, there appears to be no clear definition in the Bill of what is meant by “institutions of higher education in the State”, which is the term used in Article 18.4.2° of the Constitution. This would have to be defined. Detailed consideration would have to be given to what third level qualifications should be recognised as confirming a right to vote. Should it be a degree and a diploma from an institution, as set out in the Bill? If that is the case, then should a holder of a certificate from an institution also be granted a right to vote or should only the holders of a degree be permitted to register? A related question arises about what type of appeal process should be in place for determining whether a qualification is adequate. Would there be a difficulty with third level courses undertaken in Irish institutions of higher education by Irish citizens but where the awarding authority is not Irish? These are not straightforward questions. They are complex and need to be teased out further.

At present, there are two university constituencies of three seats each, both of which have their own register of electors. With a widening of the franchise and the proposal in the Bill that there should be a single higher education constituency, should each institution hold its own register or should there be one centralised register? How would the logistics of managing the electoral register work in practice? At the very least, consultation with these institutions of higher education would be necessary.

I have also some questions about a returning officer for the proposed new higher education constituency. There is no provision in the Bill for a returning officer. Who should fulfil that role? Should there be a single returning officer for the entire constituency, and who should that person be? The Constitution provides that Seanad elections must be conducted by postal ballot. Extending the franchise as is proposed would lead to a significant increase in the number of postal ballots. This would certainly present logistical challenges, although not insurmountable, and careful planning and adequate resources would be required. I note that no costings accompany the Bill, and there is no doubt but that there would be an additional cost to the Exchequer to implement these proposals. An assessment of these costs must be carried out. The point about what price we put on our democracy was well made. That is important.

In conclusion, these questions and issues are not exhaustive. I raise them not to find fault with the Bill but to demonstrate the range and complexity of the matters that would need to be

addressed in detail before the Bill could be advanced further. That is both from a legal point of view and from the point of view of practical implementation and operability. These are issues that must be considered and addressed in the coming months as part of Seanad reform measures, subject to Cabinet agreement in 2021. I welcome the debate that has taken place. It has been very useful and I give a commitment that we will work collaboratively to advance the reforms that we all agree are absolutely necessary.

**An Cathaoirleach:** By order of the House, we must conclude by 7.15 p.m. Four Senators who have indicated they wish to speak have been here for some time and I am anxious to include them. Senator Ward has been here for a long time. Are you willing to share time with your colleague, Senator Conway, and, similarly, will Senator Chambers share time with Senator Craughwell?

**Senator Rónán Mullen:** On a point of order, I have been following the debate for some time from my office and as one of the six Senators affected by this proposal, I wish to indicate my interest in speaking.

**An Cathaoirleach:** I understand that. I explained in the House earlier today that we asked Members, through the Whips, to indicate when they were going to speak so I could put them on the list. They do not necessarily have to be here. We are not finishing the debate as it is adjourning, but I am making sure to include the Members who have been here since the start. Next is Senator Ward and he can share time with Senator Conway, with four minutes each. Then it will be Senator Craughwell and Senator Chambers. I will let you contribute on another day, Senator Mullen.

**Senator Lisa Chambers:** I have four minutes and I am happy to share time with Senator Mullen, with two minutes each.

**An Cathaoirleach:** Is that agreed? Agreed. I call Senator Ward.

**Senator Barry Ward:** I welcome this Bill and I commend Senators Byrne, Cassells and Casey on bringing it forward. The Minister of State has said he will support it, and I welcome that. I welcome him to the House. He has a very interesting portfolio and I am looking forward to much of the work he outlined in his speech this evening.

It is not true to say that everybody welcomes the Bill. We heard speeches from other Senators who have not welcomed it, but I believe it is a progressive initiative.

It is true that it does not achieve everything we would want in terms of Seanad reform, but it makes progress. In listening to this debate, I recall 17 September 2003, which was the first time I came to this House. I was here to make a presentation to a committee that was chaired by the then Senator Mary O'Rourke on Seanad reform, so I am not a newcomer to this debate. The submission I made on that date addressed the panel of university Senators and on that occasion I suggested that it should be widened beyond the institutions in the State, which I recognise would require a further constitutional amendment, to include Irish graduates of any university anywhere in the world or of any institute of higher education. I believe it is doable, but I acknowledge that it is beyond the remit of the current constitutional framework.

When I look back on my comments on that date, it is interesting to consider how much my views have changed in some respects and have not changed in others. On that date I lamented

the fact the Seanad had largely taken second place in the Houses and was largely irrelevant in terms of public discourse. The issues that have been identified by other Members are clear in terms of its lack of general public and universal franchise in that regard. I remember that I was followed on that day by my late friend and colleague, Noel Whelan, who contributed to the committee as well. He was a great commentator and a great supporter of Seanad reform. I note how much my views have changed. For example, on that occasion I suggested that the vote should be removed from councillors. Having spent 11 years as a councillor, I now recognise the great importance of that franchise, and obviously I was elected on foot of that.

**Senator Rónán Mullen:** Was the Senator far from Damascus?

**Senator Barry Ward:** I do not believe that is a fair comment from Senator Mullen because I have always supported this House and have always been a strong supporter of Seanad reform. I listened to what Senator McDowell said about his first preference vote. I am not being vain-glorious in saying that of the 47 panel Senators and the six university Senators elected earlier this year I got the lowest first preference vote of any. I was also the most transfer friendly candidate in the election, so there was a little bit of this and a little bit of that.

**Senator Rónán Mullen:** Good goods come in small parcels.

**Senator Barry Ward:** I am in no way a small parcel. However, Senator McDowell is somewhat comparing apples with oranges when talking about the different votes because the electorates and the size of the electorates on each panel are very different. There is a danger of suggesting that this House should be elected in the same way as the Dáil is elected. I doubt that anybody is suggesting that, but we do not want a mirror of the other House. One of the great strengths of this House is that it is a reforming Chamber. It looks at things from a different perspective. The six university Senators in the House are, perhaps, the strongest advocates of that, and have been for many years and certainly since I have been following politics. They are Members who come with an alternative perspective that is tremendously important.

In conclusion, it is astonishing that we have waited as long as we have. The referendum that was passed in 1979 was during the Fourteenth Seanad. This is the Twenty-sixth Seanad and it has been 41 years since then. While acknowledging that it does not do everything we would like to do in Seanad reform, it behoves us to make the changes that were voted for by the people in 1979, whatever that motivation was. I acknowledge what Senator McDowell said, but the reality is that we have been given the power to make these changes, and we should do so. The provisions that are artfully put together in this Bill, in terms of not trying to define or corral them, give the Minister the power to make those regulations to expand the franchise to everybody.

I finally note that there is power in the Bill to include not just degree graduates and graduates of universities but anybody who attains a certain level in terms of a qualification, which also includes green certificate recipients, who are farmers, and other people. I take the point Senator McDowell made that we need to widen the franchise to the greatest extent possible to include people. That would benefit them and this House.

**Senator Martin Conway:** I thank Senator Ward for sharing time. I was listening to the debate in my office. In the first instance, I welcome the Minister of State, Deputy Noonan, to the House. I do not know him very well, but I have followed and always admired his career. I look forward to working with him on an interesting portfolio.



My first time to attend this House was in the mid-1990s when Maurice Manning, who was my then lecturer in UCD, brought us to the House. I am not sure if Senators Byrne or Higgins were there at that time, when we all soldiered together in UCD. The big discussion then was Seanad reform. No Seanad reform has taken place since that day back in 1995.

This Bill is welcome. The important distinction in the Bill is that it is giving weight to the decision of the people in the 1970s. The people actually voted for this. This was a specific question that was put to the people and these Houses have not accommodated that decision, so it is somewhat different in that sense. The Bill very much reflects the decision of the people at the time.

I always believed that we should look at the positives that the House, in its current and previous structures, has. I look at people like the former Senator Sean Barrett and the immense contribution that he made between 2011 and 2016 during my first term in the House. I also agree 100% with Senator McDowell about the late Feargal Quinn. I think he had more Private Member's Bills in this House than anybody, certainly in my time. They are two people I served with who stood out, and many current colleagues have impressed me enormously. This House does make a difference. I look at the work you have done, a Chathaoirligh, through the Seanad Public Consultation Committee, groundbreaking work where we shone a light on areas in this country that needed a light to be shone on them. The structure that is there at the moment does need to be changed. We do need to extend the franchise. About that there is no argument.

On the role of the county councillor, we should bear in mind that the county councillors who vote for many of us, including me, get their mandate from the people because they are directly elected by the people. I have described them as the professional electorate in the sense that we walk into each and every one of their homes and engage with them, bearing in mind that they have been elected themselves. They bring a vast array of experience and myriad knowledge that is quite remarkable. They give feedback to you, a Chathaoirligh, me and our other colleagues in terms of the work we do every day, and there are the ideas, the suggestions and the wealth of experience and opinions. Sometimes there are daft ideas, but a lot of the time they are very much on the money, seeing around bends and curves before other people do because they are on the ground where they receive their mandate. Many of them have been on the councils for decades. They know this country. They know every fibre, every move of this country and every move within their communities.

**Senator Rónán Mullen:** The Senator cannot believe everything they say when they promise him the vote.

**Senator Martin Conway:** That is for sure. Reform is needed, of that there is no doubt, but we should not dismiss the positives that influence the discourse and thinking of this House.

**Senator Gerard P. Craughwell:** I thank the Minister of State for coming to the House and I understand he is under pressure. There have been 13 review reports and three Bills - four, if we include this one - and another Bill is coming in the next few days, and nothing has happened.

**An Cathaoirleach:** The Senator is sharing time.

**Senator Gerard P. Craughwell:** That is fine. I compliment the two Senators on bringing forward the Bill and admire their honesty. I particularly admire the honesty of Senators Casells and Kyne who opened up the real issues that annoy the people of this country.

One such issue is the 11 Senators nominated by the Taoiseach, where we could bring in people from diverse backgrounds but do not. Rather, we bring in our own political party representatives. Despite what has been said during the debate, the Chamber is a replication of the Dáil, which is totally wrong. There are vocational panels. Every piece of legislation coming through the House should be viewed through the prism of the vocational panel that we stand on.

We do not need a Government majority in the House. We did not have the pleasure of that in the previous Seanad-----

**Senator Martin Conway:** That is true.

**Senator Gerard P. Craughwell:** -----and legislation was ruthlessly scrutinised and it did not bring down a Government when it failed. That is the sort of Seanad that I want to be a party to. I want to be here to look at legislation from the labour perspective, which is the panel I am on, and comment on it based on how I think it will impact on labour. My colleague, Senator Martin, spoke about two buses passing and that one has to get on the third one when it passes. There is no point in being on the bus if it is going in the wrong direction or landing at the wrong terminus. That is of no value whatsoever. We need a Seanad which is based on the Manning report or as close as we can possibly get to it.

We have had a lot of talk about the role of councillors. We have not served them well in this House. I first raised the issue of their pay and PRSI in 2015. We have done sweet damn all for them during that period of time. Let us not try to fudge the issue of county councillors.

A universal franchise is needed for a section of this House. I support the increase in university participation. However I will not, on principle, support the Bill. I regret that, and I know Senator Byrne is a decent and honourable man, but I see the Bill as tokenism. We cannot cherry-pick reform. We either reform the House and, if we cannot reform it, we should have another referendum and let the people decide what they want to do. We have let them down sorely since 2013.

In 2013, I was a citizen and watched people like Senator McDowell and the late Fergal Quinn at work. On the day the former Senator, John Crown, left the House he said he would never return because we did not reform it. Katherine Zappone was another Independent Senator. Really and truly, if we want reform let us come here with a proper Bill that allows us to reform.

Other people want to speak so I will end my contribution. I hope I will soon get a chance to address these issues. The Minister of State has a huge job ahead of him. I want to support him and be at his and everybody else's back. I want the reform that the people of Ireland want, not tokenism. I apologise for saying that because I know Senator Byrne put a lot of work into the Bill.

**Senator Lisa Chambers:** I commend Senators Byrne, Cassells and Casey on bringing the Bill forward. If nothing else it has facilitated debate and conversation around this topic. I am happy that we are discussing reform rather than abolition of the Seanad. That was the last big debate. I was utterly opposed to abolition because we offer an important check and balance on the work of Dáil Éireann. We also do our own work in terms of policy development, legislation and the scrutiny of legislation coming from Dáil Éireann.

I have served in Dáil Éireann and I do not think I have seen a Deputy get to his or her feet

to criticise and denigrate their own House. We should not do too much of that. There are many positives about this House. We do things better, in some regards. There is far less parochialism, from what I have seen. The university Senators, in particular, are less burdened by constituency work and have more time to engage with legislation, scrutiny and policy development. There are many fine things about the House.

Reform of the vocational panels is needed because they were born in the 1930s, which was a different Ireland. There is a very positive link to many stakeholders across all of those panels. One of the very positive things about the vocational panels is that one must qualify in order to stand for election. That is why there is such diversity in terms of our experiences and qualifications across the House. There are lawyers, teachers, farmers, horticulturists, educators and academics. Many in the House have skills. Every single person that has contested the elections for the House has some qualification or experience behind him or her to support that candidacy. That is a positive.

Let us be positive about the House and the things that we do well and, sometimes, better than Dáil Éireann. Let us have a little less of the criticism. I fully accept this is a small element of the reform that is needed and much more is needed. I concur with Senator McDowell's very finely put argument that we need to expand the franchise. Every citizen should have a stronger link to the Seanad. I do not agree that there is no link, because I agree with Senator Conway that there is a direct link through county councillors whom people elect. We are all, of course, open to taking phone calls and emails from any citizen of the country. I welcome the debate because we are moving in the right direction of reform rather than abolition.

**Senator Rónán Mullen:** There is no question that if one is going to engage in the piecemeal reform that this Bill involves, that is, reform of the university franchise, then a six-seater constituency is the way to go. One anomaly that it would get rid of is those who are graduates of Trinity College and NUI have two votes in the Seanad Éireann election. It is obvious that if we are going to give a vote to graduates then every graduate should be able to take part. It would seem to me to be a completely unfeasible and a very costly election. That is why we must consider broader change. The fact that this is such a minimalist change proposed, it is really down to the fact that we have stopped thinking about the necessity for constitutional plus legislative change here. I find no fault with former Senator Maurice Manning or with Senator McDowell with the implementation group. They operated within the remit they were given. If change is worth doing then it is worth doing right. I believe that what needs to happen is to have a national lists system for the election of Senators with every citizen having a vote. It would also get away from the excessive localism that can sometimes accompany the choice to be made in the Dáil election. An open system, such as they have in countries like Belgium and Austria, could really serve our democracy well.

Is something going to happen? Senator McDowell closed his speech with a reference to the cynicism underlying so many calls for reform from people who do not have any interest in the Seanad being reformed. It seems to me that the only way forward is to say that we are going to have a change and to set a date, that we will have a referendum in two or three years' time, and then put it back to the political process to come up with and to force us to a decision about what such change would look like. If one was to ask any sensible betting person about whether change is likely in the foreseeable future, let us just say that I do not think he or she would be putting money down.

Debate adjourned.

**An Cathaoirleach:** When is it proposed to sit again?

**Senator Lisa Chambers:** At 10.30 a.m. tomorrow in the Dáil Chamber.

The Seanad adjourned at 7.17 p.m. until 10.30 a.m. on Wednesday, 11 November 2020.